

Notice is hereby given that an Ordinary Meeting of Southland District Council will be held on:

Date: Wednesday, 6 September 2017
Time: 1pm
Meeting Room: Council Chambers
Venue: 15 Forth Street
Invercargill

Council Agenda

OPEN

MEMBERSHIP

Mayor	Mayor Gary Tong
Deputy Mayor	Paul Duffy
Councillors	Stuart Baird
	Brian Dillon
	John Douglas
	Bruce Ford
	Darren Frazer
	George Harpur
	Julie Keast
	Ebel Kremer
	Gavin Macpherson
	Neil Paterson
	Nick Perham

IN ATTENDANCE

Chief Executive	Steve Ruru
Committee Advisor	Fiona Dunlop

Contact Telephone: 0800 732 732
Postal Address: PO Box 903, Invercargill 9840
Email: emailsdc@southlanddc.govt.nz
Website: www.southlanddc.govt.nz

Full agendas are available on Council's Website
www.southlanddc.govt.nz

TABLE OF CONTENTS

ITEM	PAGE
PROCEDURAL	
1 Apologies	7
2 Leave of absence	7
3 Conflict of Interest	7
4 Public Forum	7
5 Extraordinary/Urgent Items	7
6 Confirmation of Council Minutes	7
REPORTS - POLICY AND STRATEGY	
7.1 Proposed Water Supply Bylaw 2017	9
7.2 Proposed Stormwater Drainage Bylaw 2017 - Report	65
7.3 Proposed Wastewater Drainage Bylaw 2017	107
REPORTS - OPERATIONAL MATTERS	
8.1 Projects from 2016/2017 to be carried forward into the 2017/2018 Financial Year	151
8.2 Delegation to the Te Anau Community Board to hear and decide on submissions and objections to the proposal to remove trees from the Henry Street Reserve	161
8.3 Lumsden Railway Precinct Upgrade	163
8.4 Offer to Gift the Former Ohai Bowling Buildings to Council	183
8.5 1362 Blackmount Redcliff Road Pipeline Renewal	187
8.6 Management Report	195
REPORTS - GOVERNANCE	
9.1 Electoral System for the 2019 Local Triennial Election	217
9.2 Recommended Changes to Terms of Reference - Ohai Railway Fund Subcommittee	221
9.3 Milford Community Trust Appointment	231
9.4 Minutes of the Community and Policy Committee Meeting dated 21 June 2017	251

9.5	Minutes of the Finance and Audit Committee Meeting dated 3 May 2017	253
9.6	Minutes of the Regulatory and Consents Committee Meeting dated 29 June 2017	255
9.7	Minutes of the Otautau Community Board Meeting dated 15 June 2017	257
9.8	Minutes of the Riverton/Aparima Community Board Meeting dated 19 June 2017	259
9.9	Minutes of the Winton Community Board Meeting dated 6 June 2017	261
9.10	Minutes of the Balfour Community Development Area Subcommittee Meeting dated 19 April 2017	263
9.11	Minutes of the Colac Bay Community Development Area Subcommittee Meeting dated 30 May 2017	265
9.12	Minutes of the Dipton Community Development Area Subcommittee Meeting dated 10 May 2017	267
9.13	Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017	269
9.14	Minutes of the Manapouri Community Development Area Subcommittee Meeting dated 25 March 2017	271
9.15	Minutes of the Mossburn Community Development Area Subcommittee Meeting dated 22 May 2017	273
9.16	Minutes of the Nightcaps Community Development Area Subcommittee Meeting dated 18 May 2017	275
9.17	Minutes of the Ohai Community Development Area Subcommittee Meeting dated 18 May 2017	277
9.18	Minutes of the Orepuki Community Development Area Subcommittee Meeting dated 30 May 2017	279
9.19	Minutes of the Riversdale Community Development Area Subcommittee Meeting dated 19 April 2017	281
9.20	Minutes of the Thornbury Community Development Area Subcommittee Meeting dated 11 May 2017	283
9.21	Minutes of the Riverton Harbour Subcommittee Meeting dated 20 March 2017	285

PUBLIC EXCLUDED

Procedural motion to exclude the public	287
C10.1 Milford Sound Tourism Annual Report	287
C10.2 Rating Sale - 17 Hulme Street, Otautau	287
C10.3 Rating Sale - 3 Queen Street, Otautau	287
C10.4 Golden Bay Wharf Ownership	288
C10.5 Lease - Riverton Depot, 112-114 Havelock Street, Riverton	288

C10.6 Public Excluded Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017	288
C10.7 Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017	288

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting, -

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

6 Confirmation of Council Minutes

6.1 Meeting minutes of Council, 19 July 2017

Proposed Water Supply Bylaw 2017

Record No: R/17/8/18467
Author: Rebecca McElrea, Policy and Planning Consultant
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek Council approval of a new Draft Water Supply Bylaw 2017 for public notification.

Executive Summary

- 2 The water supply to the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the LGA enables territorial authorities to make specific bylaws for its district to regulate water supply and to manage, regulate against, or protect from the misuse of infrastructure associated with water supply.
- 3 Under section 159 of the LGA the Water Supply Bylaw 2008 is due for review by 2018.
- 4 The proposed Water Supply Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.
- 5 Changes to the Water Supply Bylaw 2008 are minor and outlined in the report below.

Recommendation

That the Council:

- a) **Receives the report titled “Proposed Water Supply Bylaw 2017” dated 30 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines that a bylaw is the most appropriate way of addressing the issues around regulation of the supply of water.**
- e) **Determines that the Proposed Water Supply Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local Government Act 2002.**
- f) **Determines that the Proposed Water Supply Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to Section 155(2)(b) of the Local Government Act 2002.**
- g) **Considers the Proposed Water Supply Bylaw 2017 and the Statement of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.**

Content

Background

- 6 The water supply to the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the LGA enables territorial authorities to make specific bylaws for its district to regulate water supply and to manage, regulate against, or protect from the misuse of infrastructure associated with water supply. Under section 158 of the LGA the bylaw is due for review.
- 7 The water supply management contributes to the practical delivery of the Council’s vision and mission contained in its 2015-2025 Long Term Plan.
- 8 Water Supply Bylaw 2017 (Appendix 1) will assist in:
 - Protecting public health by providing a reliable water supply,
 - Providing water for firefighting,
 - Protecting the ability of Council to meet obligations under the Resource Management Act 1991,
 - Protect the investment in the existing and any future infrastructure, treatment plant and reticulation.

- 9 It is proposed that the Southland District Council Water Supply Bylaw 2008 be amended. This bylaw deals with rules for connecting to water supplies, limits on the supply of water and charges for connection or supply.
- 10 The amended bylaw is based on the Water Supply Bylaw 2008 and suggests minor amendments as follows:

Notable changes to the Water Supply Bylaw 2008

- Section 1 - Definitions

Added the following definitions:

- Approved Contractors
- Water Main

Amended the following definitions:

- 'Publicly Notified' definition to 'Public Notice' definition based on the Resource Management Act definition.
- Rural Supply Area – Referenced Lumsden-Balfour water supply area as having some firefighting capability.

- Clause 3.1.3 – Approved Contractors

Added 'Approved Contractors' section to ensure quality of workmanship.

- Clause 3.1.5.3 – Reporting of any damage to services

Added in the following sentence to provide clarity around who will undertake repairs:

'All repairs to the damaged service shall be undertaken by an Approved Contractor.'

- Clause 4.3.1 – Rights of Access

Provided legal reference to the Local Government Act in regards to rights of entry for access for inspection.

- ***'Where the Point of Supply is on private property, the Customer shall allow the Council, or its Authorised Officers, access to and about the Point of Supply under the rights of entry provision of the Local Government Act under section 171 to 174.'***

- Clause 4.14 – Disconnection at the Customers Request

Changed timeframe that the customer shall give notice to Council of the requirement for disconnection to 10 days for urban supplies and 20 days for rural supplies. This is to capture the different timeframes regarding rural supplies vs urban supplies.

- Clause 5.1.1 – List of Breaches

Added in the following breach to provide mechanism for Council to take action if needed against under-reporting of tankered water volumes ('stealing of water' from Council supply):

'Failure to accurately report volume of tankered water extracted from the Council supply.'

Factors to Consider

Legal and Statutory Requirements

- 11 The Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem. There is potential for misuse and mismanagement of the Southland District water supply. To ensure that the Southland District water supply can be effectively managed and restricted, a bylaw is deemed necessary.
- 12 The Council is required to determine whether the proposed Bylaw is the most appropriate form of Bylaw before it makes them.
- 13 *Compliance with the New Zealand Bill of Rights Act 1990*

The New Zealand Bill of Rights Act 1990 confers certain civil and political rights to people in New Zealand. It is considered that the proposed controls in the Bylaws referred to in this report do not unnecessarily interfere with any rights conferred by this Act and give rise to no implications under the Act.

In a number of respects the controls proposed reflect the existing provisions of the Local Government Act 2002 (the Act). Section 146 of the Act allows Council's special bylaw-making powers for the purposes of regulation of:

- Waste management
- Trade wastes
- Solid wastes

It also enables Councils to manage, regulate against or protect from damage, misuse or loss, or for preventing the use of land, structures and infrastructure associated with water races, water supply, wastewater, drainage, sanitation and land drainage.

The 2002 Act itself has already been reviewed by the Attorney-General for any inconsistency with the Bill of Rights.

14 *Special Consultative Procedure*

The initiation and completion of the special consultative procedure in accordance with the requirements of Sections 83 and 86 of the Local Government Act 2002 will be necessary before the Council can make the Bylaws.

Copies of Sections 83 and 86 are attached together with a statement of proposal for the Bylaw.

Community Views

- 15 If the form of the Bylaw is approved then the proposed Bylaw will be publicly notified in the Southland Times on Saturday, 9 September 2017. Information concerning the proposed Bylaw will be available from all Council offices and libraries within the District. A report will also be submitted to meetings of all Council Community Boards and Community Development Area Committees.
- 16 All members of the public and any interested groups, organisations and agencies will have an opportunity to make submissions on the proposed Bylaw. There will be a submission period of one month.
- 17 All of the Water and Waste Bylaws being reviewed at this time are to be subject to this one month period of consultation. Submissions will close on 9 October 2017.
- 18 These and the final bylaw will be referred to the Council meeting on 13 December 2017, with the bylaws coming into force accordingly.

Costs and Funding

- 19 The costs of advertising will be met by current budgets.

Policy Implications

- 20 No policy or plan implications have been identified.

Analysis

Options Considered

- 21 The Council may consider three possible options, which are statutory and non-statutory and may be used individually or in combination with each other. The options are:

22 Non-Statutory

- Implement a water supply information and education programme

23 Statutory

- Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Drinking Water Amendment Act 2007
- Make amendments to the current Water Supply Bylaw

Analysis of Options

Option 1 – Implement a water supply information and education programme (Non-Statutory)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> This option could target information and education to specific groups in the community. It could raise the awareness of public health issues and water conservation measures associated with water supply. 	<ul style="list-style-type: none"> By not having a water supply bylaw in place it would result in an increase in the risk of negative effects such as the risk of contamination being introduced into the water. It relies exclusively on the willingness of all the users to act with consideration towards other users. <p>It would best be used in conjunction with regulations.</p>

Option 2 – Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Drinking Water Amendment Act 2007 (Statutory)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Reduces Council's enforcement activity requirements. 	<ul style="list-style-type: none"> This option would rely on the current Water Supply Bylaw which will become unenforceable in 2020 (as per section 160A of the LGA). This means that the controls, enforcement and other regulatory powers under the bylaw will cease, thereby increasing the risks of negative effects such as the risk of contamination being introduced into the water. This option involves relying on provisions in the Resource Management Act and Drinking Water Amendment Act to regulate the public water supply. This option also causes implications in terms of cost recovery as there is no distinction between ordinary and extraordinary customers. Low cost option initially but high cost in terms of cost of prosecution.

Option 3 – Make amendments to the current Water Supply Bylaw (Statutory)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• This option involves amendments to the current Water Supply Bylaw to ensure that it is up-to-date. The current Bylaw is seen as effective and there is no pressing need for major review. Only minor amendments are required. The remaining provisions are still current and relevant.• Would not need to rely on provisions in the Resource Management Act and Drinking Water Amendment Act to regulate the public water supply.• This is a low cost option.	

Assessment of Significance

- 24 A significant decision is one that has a high degree of significance in terms of its impact on either:
- the current and future social, economic, environmental or cultural wellbeing of the district or region;
 - people who are likely to be particularly affected by or interested in, the issue, proposal decision or matter;
 - the capacity of Council to perform its role, and the financial and other costs of doing so;
 - the ownership or function of a strategic asset.

The decision would be of low significance.

Recommended Option

- 25 The recommended option (3) is to make amendments to the current Water Supply Bylaw 2008 and approve it for proceeding with the special consultative procedures outlined in sections 83 and 86 of the Local Government Act 2002 with regards to the making of a bylaw.

Next Steps

Officers recommend the following process:

Action	Date
Council considers bylaw for notification	6 September 2017
Notification of Bylaw	9 September 2017
Submissions close	9 October 2017
Hearing	TBD
Council considers sign-off for final bylaw	13 December 2017

Attachments

- A Proposed Water Supply Bylaw 2017 [↓](#)
- B Statement of Proposal - Water Supply Bylaw 2017 [↓](#)
- C Local Government Act 2002 - Section 83 and 86 [↓](#)
- D FINAL Southland District Council Water Supply Bylaw - June 2008 [↓](#)



Southland District Council

Water Supply Bylaw 2017⁵

r/15/2/3587



Contents

1	Introduction	1
1.1	Commencement and Area of Application	1
1.2	Repealed Bylaws	1
2	Definitions	1
3	Protection of Water Supply	3
3.1	Water Supply System	3
3.1.1	No Person to Connect To, or Interfere with a Water Supply System	3
3.1.2	Fire Hydrants	3
3.1.3	Approved Contractors	4
3.1.4	Approved Uses	4
3.1.5	Working around Buried Services	4
3.1.5.1	Protection of Council Services	4
3.1.5.2	Standard of Excavation Work	4
3.1.5.3	Reporting of any Damage to Services	4
3.2	Contamination of Supply	5
3.2.1	Occupier's Responsibility to Prevent Contamination	5
3.2.2	Notification of Spillage or Adverse Event in Water Supply	5
4	Conditions of Supply	5
4.1	Application for Supply	5
4.1.1	Initial Application	5
4.1.2	Change of Use	5
4.1.3	Prescribed Charges	5
4.2	Point of Supply	6
4.2.1	Responsibility for Maintenance	6
4.2.2	Repair of Toby Boxes	6
4.2.3	Ownership/Point of Supply	6
4.2.4	Pre-existing Multiple Ownership Supplies	7
4.3	Access to and about Point of Supply	7
4.3.1	Rights of Access	7
4.3.2	Maintenance of Access to Point of Supply	7
4.4	Types of Supply	8
4.4.1	General	8
4.4.2	On Demand Supply (Urban Water Supply Areas)	8
4.4.3	Restricted Flow Supply (Rural Water Supply Areas)	8
4.4.4	Ordinary Use (Urban Water Supply Areas)	8
4.4.5	Extraordinary Use (Urban Water Supply Areas)	8
4.5	Continuity of Supply	9
4.5.1	Interference of Existing Supply	9
4.5.2	Uninterrupted Service	9
4.5.3	Demand Management	9
4.5.4	Emergency Restrictions	9
4.6	Fire Protection Connection	9
4.6.1	Connection Application	9
4.6.2	Design	9
4.6.3	Fire Protection Connection Metering	9



4.6.4	Fire Hose Reels	10
4.6.5	Charges	10
4.6.6	Ongoing Testing and Monitoring	10
4.7	Backflow Prevention	10
4.7.1	Customer's Responsibility	10
4.7.2	Unmanaged Risk	10
4.7.3	Inspection	11
4.8	Meters and Flow Restrictors	11
4.8.1	Installation	11
4.8.2	Location	11
4.8.3	Accuracy	11
4.8.4	Adjustment	11
4.8.5	Estimating consumption	11
4.8.6	Faulty Meters	12
4.8.7	Incorrect Accounts	12
4.9	Plumbing System	12
4.10	Prevention of Waste	12
4.10.1	Customer's Responsibility	12
4.10.2	Use of Council Water as an Energy Source	12
4.10.3	Use of Council Water for Cooling or Dilution	12
4.11	Payment and Charges	13
4.11.1	Charges	13
4.11.2	Recovery of Costs	13
4.12	Transfer of Rights and Responsibilities	13
4.12.1	Transferring to Other Parties	13
4.12.2	Use of Supply Pipe	13
4.12.3	Providing Water to Other Parties	13
4.13	Change of Ownership	13
4.14	Disconnection at the Customer's request	13
5	Breaches and Infringement Offences	14
5.1	Breaches of Conditions of Supply	14
5.1.1	List of Breaches	14
5.1.2	Defect Notices for Breach of Bylaw	15
5.1.3	Disconnection of the Supply	15
5.2	Interference with Equipment	15
5.3	Penalties	15



SOUTHLAND DISTRICT COUNCIL

WATER SUPPLY BYLAW 2017⁵

1 Introduction

This bylaw may be cited as the Southland District Council Water Supply Bylaw 2017⁵.

1.1 Commencement and Area of Application

This bylaw shall come into force on ~~30th day of June 2015~~ xx day of December 2017 and shall apply throughout the District.

1.2 Repealed Bylaws

The Southland District Council Water Supply Bylaw 2008 is consequently repealed.

2 Definitions

In this Bylaw unless the context otherwise requires:

APPROVED or **APPROVAL** means approved in writing by Council.

APPROVED CONTRACTOR means a contractor approved by Council to undertake works on the water supply system.

BACKFLOW means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

BURIED SERVICES means all public mains, valves, pump stations and other underground utilities under the responsibility of Council.

COUNCIL means the Southland District Council.

CUSTOMER means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the Council.

DETECTOR CHECK VALVE means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

DISTRICT means the District of the Council.

EXTRAORDINARY SUPPLY means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

OCCUPIER means any person who occupies any building or land and if the building or land is not occupied, means the owner.

ON DEMAND SUPPLY means a supply which is available on demand directly from the point of supply subject to the agreed level of service.



ORDINARY SUPPLY means a category of on demand supply used solely for domestic purposes.

PERSON includes a natural person, the Crown, a corporation sole or a body of persons whether corporate or otherwise.

POINT OF SUPPLY means the point on the water 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.

POTABLE WATER means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values specified in drinking water standards issued under the Health Act 1956.

PREMISES means premises including the following:

- (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 to which a building consent has been or may be issued;
- (b) A building or part of 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
- (c) Land held in public ownership (eg, reserve) for a particular purpose.

PUBLIC NOTICE:

- (a) Means a notice published in a newspaper circulating in the entire area likely to be affected by the matter to which the notice relates; and
- (b) May also include a notice published on the Council website.

RESTRICTED FLOW SUPPLY means a type of water supply connection where a small flow is supplied through a flow control device 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 formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but without a firefighting capability. The sole exception is the Lumsden-Balfour water supply area, which is designated as a rural water supply area, although some parts of the supply do have a firefighting capability.

SERVICE PIPE means the section of water pipe between a water main and the point of supply.

SERVICE VALVE (TOBY) means the valve at the customer end of the service pipe.

SCHEDULE OF FEES AND CHARGES means the list of items, terms and prices for services associated with the supply of water as approved by the Council.

STORAGE TANK means any tank having a free water surface.



SUPPLY PIPE means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

TREATED RURAL WATER SUPPLY means a rural water supply area serviced by a reticulated water supply system that is intended to supply potable water to customers.

UNTREATED RURAL WATER SUPPLY means a rural water supply serviced by a reticulated water supply system that is intended to supply stock water to customers. This supply is not potable and not for domestic use.

URBAN WATER SUPPLY AREA means an area specified by the Council as an area serviced by a reticulated water supply system with a firefighting capability that is intended to supply potable water to customers via on demand supplies.

WATER SUPPLY SYSTEM means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

WATER UNIT means the basis of measurement for a restricted flow supply prescribed by Council.

WATER MAIN means a pipe or conduit that conveys water.

3 Protection of Water Supply

3.1 Water Supply System

3.1.1 No Person to Connect To, or Interfere with a Water Supply System

Except as set out in Sections 3.1.3 and 3.1.4, or to operate the service valve no person shall make any connection to, or otherwise interfere with, any part of the water supply system without Council approval.

3.1.2 Fire Hydrants

New Zealand Fire Service personnel may connect to and draw water from fire hydrants for the purpose of fighting fires, training and hydrant testing.

NOTE - use of the fire hydrants by unauthorised and untrained personnel can result in damage to the water supply system.

Other Uses

The right to gain access to and draw water from the water supply for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) Council.
- (b) Approved carriers, being those persons who after having received permission from Council and are approved to draw water from fire hydrants or tanker filling points under specific conditions.



Approved carriers will comply with conditions imposed by Council and will only draw water from a scheme having received permission from Council or its agent.

Approved carriers will only draw water from hydrants specified by Council or its agent.

Without prejudice to other remedies available, Council may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant and assess and recover the value of water drawn without authorisation and any other associated costs.

- (c) No permit holder may take water from a fire hydrant in an area that has water restrictions in place without written approval from the Council.

3.1.3 Approved Contractors

Any person who undertakes repair or installation work on the water supply system shall first obtain approval by Council as an approved contractor. Council will grant this approval only where it is fully satisfied that the person has the necessary expertise and experience. Council shall maintain a register of approved contractors.

3.1.4 Approved Uses

Persons who have approval to draw water from fire hydrants or tanker filling points shall comply with all conditions of that approval. The Council may cancel any approval without notice for any breach of the conditions of approval or to implement water restrictions. Without prejudice to other remedies available, the Council, may remove and hold any equipment used to connect to, and/or draw water without approval or contrary to the conditions of any approval and assess and recover as a debt the value of water drawn without authorisation and any other associated costs.

3.1.5 Working around Buried Services

3.1.5.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any part of a water supply system is located in the vicinity. At least five working days notice in writing shall be given to District Council of an intention to excavate in the vicinity of any part of a water supply system. Where known the Council may mark out on the ground the estimated location of its services and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

3.1.5.2 Standard of Excavation Work

When excavating and working around buried services, due care shall be taken to ensure the services are not damaged and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

3.1.5.3 Reporting of any Damage to Services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service and any other costs the Council incurs as a result of the incident. All repairs to the damaged service shall be undertaken by an approved contractor.



3.2 Contamination of Supply

3.2.1 Occupier's Responsibility to Prevent Contamination

The occupier of any property shall take all reasonable steps to prevent entry into the water supply of any substance that may compromise the water supply services or be hazardous to the health and safety of Council staff, customers and the public.

3.2.2 Notification of Spillage or Adverse Event in Water Supply

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Section 3.2.1.

4 Conditions of Supply

4.1 Application for Supply

4.1.1 Initial Application

Every application for a supply of water shall be made in writing on the standard Council form accompanied by the prescribed charges. The applicant shall provide all the details required by the Council.

On receipt of an application the Council may:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) Request further information and place application on hold pending receipt of requested information.

For the agreed level of service to the applicant, the Council shall determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors, at the applicant's cost.

An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the Council.

4.1.2 Change of Use

Where a customer seeks a change in the level of service or end use of water supplied to Premises, and/or the supply changes from an ordinary supply to an extraordinary supply type or vice versa, a new application for supply shall be submitted by the customer.

4.1.3 Prescribed Charges

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection; and/or
- (b) A development contribution charge determined in accordance with the Local Government Act 2002.



4.2 Point of Supply

4.2.1 Responsibility for Maintenance

The Council shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply.

4.2.2 Repair of Toby Boxes

Where the customer finds a fault with the water toby at the point of supply, they shall contact the Council who will arrange for repairs to be undertaken.

4.2.3 Ownership/Point of Supply

- (a) For each individual customer there shall be only one point of supply, unless otherwise approved by Council.
- (b) For individual customers the point of supply shall be located as shown in figures 1 and 2 or, for an urban water supply, as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require Council approval. For the purposes of this clause a company share/block scheme (Body Corporate) shall be regarded as an individual customer.
- (c) For leasehold/tenancy in common scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership - each customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to individual approval.

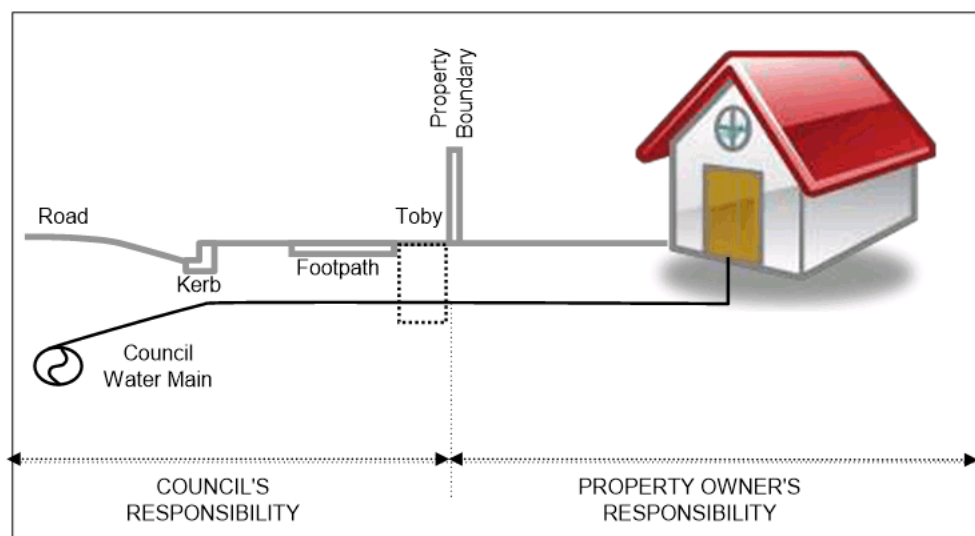


Figure 1 - Point of Supply Location - Individual Customers (On Demand Supply)

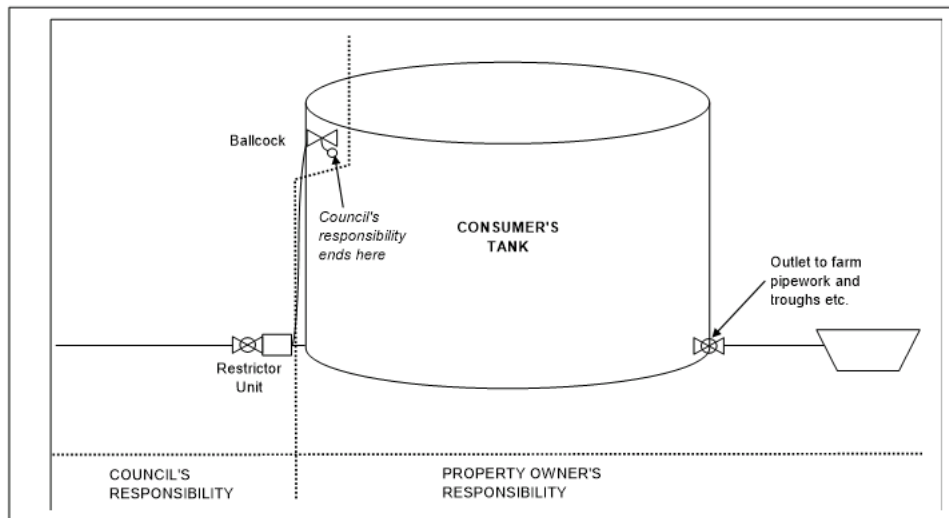


Figure 2 - Point of Supply Location - Individual Customers (Restricted Water Supply)

4.2.4 Pre-existing Multiple Ownership Supplies

For a multiple ownership supply which was in existence prior to the coming into effect of this bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the Council for any individual case.

4.3 Access to and about Point of Supply

4.3.1 Rights of Access

Where the point of supply is on private property, the customer shall allow the Council, or its authorised officers, access to and about the point of supply under the rights of entry provision of the Local Government Act under Section 171 to 174. The customer shall allow Council free access to and about the point of supply between 7.30 am and 6.00 pm on any day without notice for:

- (a) Meter reading; or
- (b) Checking, testing and maintenance work, with notice being given whenever possible.

For access outside the specified hours (such as for night time leak detection) the Council shall give reasonable notice to the customer.

Where access is not made available for any of the above times and a return visit is required by the Council, an appropriate charge may be made.

In an emergency the customer shall allow the Council free access to and about, the point of supply at any hour without notice.

4.3.2 Maintenance of Access to Point of Supply

The customer shall maintain the area in and around the point of supply, keeping it free of obstruction which is likely to prevent access to the point of supply.



4.4 Types of Supply

4.4.1 General

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

4.4.2 On Demand Supply (Urban Water Supply Areas)

Every premises in an Urban Supply Area shall be entitled to an ordinary Supply of water subject to the following:

- (a) Any restrictions made by the Council under Clause 4.6.3;
- (b) Payment of the appropriate charges in respect of that property;
- (c) Payment of any other charges or costs associated with subdivisional development; and
- (d) Any other relevant conditions of this Bylaw.

The Council shall be under no obligation to provide an extraordinary supply of water.

4.4.3 Restricted Flow Supply (Rural Water Supply Areas)

Except under special conditions set by the Council only, restricted flow supply shall be available to premises within a Rural Water Supply Area.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

The Council shall charge for the restricted flow supply by either:

- (a) The volume passing through a meter; or
- (b) The agreed number of water units.

No restricted flow supply is to be used for irrigation purposes. Water supplies classified as untreated, by Council, are for stock water use only and shall not to be used for household supply and must not be connected to households.

4.4.4 Ordinary Use (Urban Water Supply Areas)

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system installed to comply with NZS 4517) and shall include:

- (a) Washing down a car, boat, or similar;
- (b) Garden watering by hand; or
- (c) Garden watering by a portable sprinkler (subject to the provisions of Clause 4.5.3).

4.4.5 Extraordinary Use (Urban Water Supply Areas)

Extraordinary use includes:

- (a) Domestic - spa or swimming pool in excess of 10 m³ capacity, fixed garden irrigation systems;
- (b) Commercial and business;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;



- (g) Lifestyle blocks (peri-urban or small rural residential);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Out of district (supply to, or within another local authority); or
- (j) Temporary supply.

4.5 Continuity of Supply

4.5.1 Interference of Existing Supply

Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall endeavour to inform all known customers likely to be substantially affected.

4.5.2 Uninterrupted Service

The Council shall not be liable under any circumstances for its failure to provide a constant supply of water or the agreed number of water units to a customer.

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, amount or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that or maintain the required level of service.

4.5.3 Demand Management

The customer shall comply with any restrictions which may be approved by the Council to manage high seasonal demand, supply limitations or other circumstances. Such restrictions shall be advised by public notice.

4.5.4 Emergency Restrictions

During an emergency the Council may restrict or prohibit the use of water for any specified purpose for any specified period and for any or all of its customers such restrictions shall be advised by public notice.

4.6 Fire Protection Connection

4.6.1 Connection Application

Any proposed connection for fire protection shall be the subject of a specific application on the standard Council forms made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council.

4.6.2 Design

It shall be the customer's responsibility to ascertain and monitor whether the supply available is adequate for the purpose of fire protection.

4.6.3 Fire Protection Connection Metering

Where the supply of water to any 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:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A Council approved detector check valve has been fitted on the meter bypass.



Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may require the supply to be metered.

4.6.4 Fire Hose Reels

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. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

4.6.5 Charges

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the Council shall estimate the quantity of water so used and credit to the customer's account an amount based on such an estimate.

4.6.6 Ongoing Testing and Monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

4.7 Backflow Prevention

4.7.1 Customer's Responsibility

It is the customer's responsibility to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.

These include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an approved backflow prevention device;
- (b) The prohibition of any cross-connection between the Council water supply; and
 - (i) Any other water supply (potable or non-potable);
 - (ii) Any other water source;
 - (iii) Any storage tank; or
 - (iv) Any other pipe fixture or equipment containing chemicals, liquids, gases or other non-potable substances.

4.7.2 Unmanaged Risk

Notwithstanding, the Council may fit a backflow prevention device on the Council side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed. The installation of a backflow prevention device will be at the customer's cost.



4.7.3 Inspection

Subject to the provisions of the Local Government Act 2002, the customer shall allow the Council with or without equipment, access to any area of the premises for the purposes of determining compliance with the requirement for backflow prevention.

4.8 Meters and Flow Restrictors

4.8.1 Installation

Meters for on demand supplies and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council. The installation of a water meter is at the customer's cost.

Where on demand supplies are not universally metered, the Council where it considers water use is unusually high, may fit a meter at the customer's cost and charge accordingly.

4.8.2 Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance and if practicable immediately on the Council side of the point of supply (see figures 1 and 2).

4.8.3 Accuracy

Meters shall be tested as and when required by the Council, to ensure:

- (a) in respect of a meter, performance within plus or minus 5% of its reading;
- (b) in respect of a Restrictor, within plus or minus 10% of its rated capacity.

Any customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay all reasonable costs associated with the test.

4.8.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment to the next invoice due in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over reading the Council shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

4.8.5 Estimating consumption

Should any meter be out of repair or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate.



Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the customer shall pay according to such an estimate.

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described above.

4.8.6 Faulty Meters

Where a meter is found to be faulty, the Council will replace or recalibrate the faulty meter, at no cost to the owner.

4.8.7 Incorrect Accounts

Where a situation occurs, other than as provided for in Clause 4.8.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account and unauthorised supplies.

Where an adjustment is required, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

4.9 Plumbing System

Quick-closing valves, pumps, or any other 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 its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be Approved by the Council.

4.10 Prevention of Waste

4.10.1 Customer's Responsibility

The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.

4.10.2 Use of Council Water as an Energy Source

The Council provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, generators, or any other similar device, unless specifically approved.

4.10.3 Use of Council Water for Cooling or Dilution

The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.



4.11 Payment and Charges

4.11.1 Charges

The customer shall be liable to pay for the supply of water and related services in accordance with the Council rates, fees and charges prevailing at the time.

4.11.2 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

4.12 Transfer of Rights and Responsibilities

4.12.1 Transferring to Other Parties

The customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.

4.12.2 Use of Supply Pipe

A supply pipe shall serve only one customer and shall not be extended by any means beyond that customer's property.

4.12.3 Providing Water to Other Parties

Any water which the customer draws from the Council supply shall not be provided to any other party without approval of the Council.

4.13 Change of Ownership

In the event of a premises changing ownership, Council shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the Council 10 working days notice to arrange a final meter reading.

4.14 Disconnection at the Customer's request

The customer shall give notice in writing to the Council of the requirement for disconnection of the supply, within the following timeframes:

- (a) Rural Water Supply Area - 20 working days.
- (b) Urban Water Supply Area - 10 working days.

Disconnection shall be at the customer's cost.

4.15 Approval to Take Water

Operators wishing to take water from a nominated Council fire hydrant must be approved by Council (refer also to "Drinking-water Standards for New Zealand 2005 (Revised 2008)"). A current schedule of the nominated fire hydrants shall be made available to permit holders by Council and may be subject to variation upon notification at the sole discretion of the Water Supply Authority.

Permits and water will be charged on the following basis:

- Water will be charged on a per m³ rate.

All fees will be set annually as part of Council's Long Term Council Community Plan and/or Annual Plan.



Approved carriers will be advised of the current schedule of specific fire hydrants from which they can extract water. A traffic management plan for all of the water take sites will be included with the permit. It is the responsibility of the permit holder to comply with the individual traffic management plans for each site.

It is an offence under this bylaw and the Health Act 1956, Clause 69ZZR to take water from any fire hydrant without either a permit or the written approval of Council's representative (Southland District Council's Water and Waste Manager). Council under xxx above has the authority to remove and retain equipment used by the offender.

Permit holders will be required to provide Council with the number of loads taken on a quarterly basis and will be duly billed on a quarterly cycle. An annual examination and will be made of all units or more frequently at the sole discretion of Council.

There are two types of permits to take water:

- (a) Permit to take potable water (eg, water delivery to residential dwellings);

As from 1 January 2009 all water carriers must be registered as a drinking water supplier in accordance with the Health Act 1956.

Council will require proof from the water carrier that he/she has the appropriate registration from the Director-General of Health before approval take water from a fire hydrant will be granted.

It is an offence under the Health Act 1956, clause 69ZZQ, to supply or transport water if compliance with the Act is not met.

- (b) Permit to take non-potable water (eg, water for road construction purposes). As part of the permit to take water from a fire hydrant the water carrier must acknowledge that no water that is taken will be used for human consumption and that the method of backflow prevention is approved by Council.

5 Breaches and Infringement Offences

5.1 Breaches of Conditions of Supply

5.1.1 List of Breaches

The following are deemed breaches of the conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of a 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 under all current Acts and Regulations; or
- (d) An act or omission including but not limited to any of the following:
 - (i) Failure to pay the appropriate charges by the due date.
 - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused.



- (iii) The fitting of quick-closing valves, pumps, or any other 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 its stated levels of service.
- (iv) Failure to prevent backflow.
- (v) Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose.
- (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.
- (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved.
- (viii) Extending by hose or any other pipe a private water supply beyond that customer's property.
- (ix) Providing water drawn from the Council supply to any other party without approval of the Council.
- (x) Failure to accurately report volume of tankered water extracted from the Council supply.
- (xi) Using a water supply classified by Council as "untreated" for potable water and/or having it connected to a household.

5.1.2 Defect Notices for Breach of Bylaw

In the event of a breach of any provision of this Bylaw, the Council may serve a defect notice on the customer advising of its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and the remedy of the breach to the satisfaction of the Council.

5.1.3 Disconnection of the Supply

If the breach is such that the Council is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

5.2 Interference with Equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies the Council shall be entitled to estimate and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with and recover any costs incurred.

5.3 Penalties

Any person who is in breach of this bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.



This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on ~~24 June 2015~~ XX XXXX 2017.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

}

MAYOR

CHIEF EXECUTIVE

Item 7.1 Attachment A

APPENDIX 2

STATEMENT OF PROPOSAL FOR DRAFT WATER SUPPLY BYLAW 2017

DRAFT WATER SUPPLY BYLAW
STATEMENT OF PROPOSAL
AUGUST 2017

Item 7.1 Attachment B

CONTENTS

Why do we need a Water Supply Bylaw?	4
Reasons for proposal	4
What's the process of developing the bylaw?	4
What must Council consider in developing the bylaw?	5
How can I have my say?	5
How do I make an effective submission?	6
Where do I get more copies of the Draft Water Supply Bylaw?	6

WHY DO WE NEED A WATER SUPPLY BYLAW?

The Southland District Council Water Supply Bylaw 2008 (“the current Water Supply Bylaw”) is due for review by 1 July 2018 and it is proposed to replace it with the Southland District Council Water Supply Bylaw 2017 (“the new Water Supply Bylaw”). This statement of proposal discusses the proposed form of the new Water Supply Bylaw 2017 and recommends a draft bylaw to undergo the special consultation process as outlined within the Local Government Act 2002. The Local Government Act 2002 requires Council to consult with the community using the special consultative procedure prior to revoking the current Water Supply Bylaw and adopting the new Water Supply Bylaw. This Statement of Proposal includes a copy of the proposed new Water Supply Bylaw.

REASONS FOR PROPOSAL

Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. Council has taken the opportunity to bring the review forward from 2018 when it falls due. This allows the bylaw to be considered alongside other related bylaws such as the Stormwater and Wastewater bylaw which is also being reviewed at this time.

Council staff have undertaken a review of the existing bylaw and consider it remains generally fit for purpose. A number of minor changes are proposed to provide clarity and consistency through the bylaw.

The draft Water Supply Bylaw enables the Council to protect the quality of the water supply. A Water Supply Bylaw regulates the protection of the water supply and provides the conditions of the supply of water by the Council to its customers. The draft Water Supply Bylaw includes provisions relating to:

- the protection of the water supply;
- the conditions of supply of water;
- the ability to charge for the availability and supply of water to premises;
- the terms and conditions for connection to the water supply system;
- the terms for breaches of the conditions of supply and associated penalties for breaches of the bylaw.

These provisions, and the water usage restrictions in the bylaw, enable the Council to manage demand for water, and to restrict supply during water shortages or in emergencies.

WHAT’S THE PROCESS OF DEVELOPING THE BYLAW?

A draft of the proposed Bylaw has been prepared by the Council for consultation in terms of section 86 of the Local Government Act 2002.

The Process	The Timeframes	Your Involvement
Review existing bylaw and develop the draft Water Supply bylaw	Council sign off bylaw for consultation 6 September 2017.	
Call for submissions on the draft bylaw (using the special consultative procedure in the Local Government Act 2002)	Submissions Open 9 September 2017 Close 4 November 2017	
Hold a hearing for submitters who wish to present to Councillors directly	Hearings xx November 2017	

Adopt the bylaw

Council approval of bylaw 13
December 2017

Notify the bylaw and effective date (as per Council resolution)

Public Notice in Southland Times
on 16 December 2017.

WHAT MUST COUNCIL CONSIDER IN DEVELOPING THE BYLAW?

Council must determine the following three things in making a bylaw:

- Whether a bylaw is the most appropriate way of dealing with the issue;
- Whether the bylaw is in the most appropriate form;
- Whether the bylaw has any inconsistencies with the New Zealand Bill of Rights Act 1990.

The requirements of Section 155 have been considered.

- The Draft Bylaw is appropriate as the content is based on demonstrated knowledge of current issues; and
- The content of the Draft Bylaw does not pose unjustified restrictions on people so is neither inconsistent with nor raises any implications with the New Zealand Bill of Rights Act 1990.

HOW CAN I HAVE MY SAY?

Submissions may be made on the Draft Water Supply Bylaw and these should be received by the Council no later than 5pm on Saturday 4 November 2017. Any written form of submission will be received and considered. Submissions can be via letter or email and you can make your submission by:

Post to:

**Southland District
Council
P O Box 903
Invercargill 9840**

Deliver to:

To customer service
desks at:

Southland District
Council
15 Forth Street,
Invercargill

Winton Area Office
and Library
Lumsden Area Office
and Library
Te Anau Area Office
Otautau Area Office
and Library
Wyndham Area Office
and Library
Riverton Area Office
and Library
Stewart Island Area
Office and Library

Online:

Complete this form
online at:

Phone:

Phone us on:
0800732732
and one of our
friendly Customer
Service staff will fill
out this form for you
over the phone.

Please state in your submission if you want to speak at a Council hearing about your submission. Submitters should note that their submission will be copied and made available to the public after the submission period closes.

HOW DO I MAKE AN EFFECTIVE SUBMISSION?

Written submissions can take any written form (e.g. email, letter). An effective submission refers to the part(s) of the Draft Bylaw you wish to submit on, states why you support or do not support the part and what change you are seeking. Submissions on matters outside the scope of the Bylaw cannot be considered by the Council.

WHERE DO I GET MORE COPIES OF THE DRAFT WATER SUPPLY BYLAW?

The draft proposal and a summary are available from the following locations:

- Southland District Council, 15 Forth Street, Invercargill
- Winton Area Office and Library, 1 Wemyss Street, Winton
- Lumsden Area Office and Library, 18 Diana Street, Lumsden
- Te Anau Area Office, 116 Town Centre, Te Anau
- Otautau Area Office and Library, 176 Main Street, Otautau
- Wyndham Area Office and Library, 24 Balaclava Street, Wyndham
- Riverton Area Office and Library, 117 Palmerston Street, Riverton
- Stewart Island Area Office and Library, 10 Ayr Street, Halfmoon Bay

APPENDIX 3

LOCAL GOVERNMENT ACT 2002

83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
 - (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with [section 83AA](#)); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with [section 82\(1\)\(d\)](#); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

Section 83 replaced, on 8 August 2014, by [section 25](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) This section applies if, in accordance with [section 156\(1\)\(a\)](#), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.
- (2) The statement of proposal referred to in [section 83\(1\)\(a\)](#) must include,—
 - (a) as the case may be,—
 - (i) a draft of the bylaw as proposed to be made or amended; or
 - (ii) a statement that the bylaw is to be revoked; and
 - (b) the reasons for the proposal; and
 - (c) a report on any relevant determinations by the local authority under [section 155](#).

Section [86](#) replaced, on 8 August 2014, by [section 28](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



People First

Southland District Council

Te Rohe Pōtae O Murihiku

WATER SUPPLY BYLAW 2008

Contents

1	Introduction	1
1.1	Commencement and Area of Application	1
1.2	Repealed Bylaws	1
2	Definitions	1
3	Protection of Water Supply	4
3.1	Water Supply System	4
3.1.1	No person to connect to, or interfere with a water supply system	4
3.1.2	Fire hydrants	4
3.1.3	Approved uses	4
3.1.4	Working around Buried Services	4
3.1.4.1	Protection of Council Services	4
3.1.4.2	Standard of excavation work	5
3.1.4.3	Reporting and any damage to services	5
3.2	Spillages and adverse events	5
3.2.1	Occupier's responsibility	5
3.2.2	Notification of spillage or adverse event in water supply	5
4	Conditions of supply	5
4.1	Application for supply	5
4.1.1	Initial application	5
4.1.2	Change of use	6
4.1.3	Prescribed charges	6
4.2	Point of supply	6
4.2.1	Responsibility for maintenance	6
4.2.2	Repair of toby boxes	6
4.2.3	Ownership/ Point of supply	7
4.2.4	Pre-existing multiple ownership supplies	8
4.3	Access to, and about point of supply	8
4.3.1	Rights of access	8
4.3.2	Maintenance of access	9
4.4	Types of supply	9
4.4.1	General	9
4.4.2	On demand supply (Urban Water Supply Areas)	9
4.4.3	Restricted flow supply (Rural Water Supply Areas)	9
4.4.4	Ordinary use (Urban Water Supply Areas)	9
4.4.5	Extraordinary use (Urban Water Supply Areas)	10
4.5	Continuity of supply	10
4.5.1	Interference of existing supply	10
4.5.2	Uninterrupted service	10
4.5.3	Demand management	10
4.5.4	Emergency restrictions	11
4.6	Fire protection connection	11
4.6.1	Connection application	11
4.6.2	Design	11
4.6.3	Fire protection connection metering	11
4.6.4	Fire hose reels	11
4.6.5	Charges	12
4.6.6	Ongoing testing and monitoring	12

<u>4.7</u>	<u>Backflow prevention</u>	12
<u>4.7.1</u>	<u>Customer responsibility</u>	12
<u>4.7.2</u>	<u>Unmanaged risk</u>	12
<u>4.7.3</u>	<u>Inspection</u>	12
<u>4.8</u>	<u>Meters and flow restrictors</u>	13
<u>4.8.1</u>	<u>Installation</u>	13
<u>4.8.2</u>	<u>Location</u>	13
<u>4.8.3</u>	<u>Accuracy</u>	13
<u>4.8.4</u>	<u>Adjustment</u>	13
<u>4.8.5</u>	<u>Estimating consumption</u>	14
<u>4.8.6</u>	<u>Faulty meters</u>	14
<u>4.8.7</u>	<u>Incorrect accounts</u>	14
<u>4.9</u>	<u>Plumbing system</u>	14
<u>4.10</u>	<u>Prevention of waste</u>	15
<u>4.10.1</u>	<u>Customer's responsibility</u>	15
<u>4.10.2</u>	<u>Use of Council water as an energy source</u>	15
<u>4.10.3</u>	<u>Use of Council water for cooling or dilution</u>	15
<u>4.11</u>	<u>Payment and Charges</u>	15
<u>4.11.1</u>	<u>Charges</u>	15
<u>4.11.2</u>	<u>Recovery of Costs</u>	15
<u>4.12</u>	<u>Transfer of rights and responsibilities</u>	15
<u>4.12.1</u>	<u>Transferring to other parties</u>	15
<u>4.12.2</u>	<u>Use of supply pipe</u>	15
<u>4.12.3</u>	<u>Providing water to other parties</u>	15
<u>4.13</u>	<u>Change of ownership</u>	16
<u>4.14</u>	<u>Disconnection at the customer's request</u>	16
<u>5</u>	<u>Breaches and infringement offences</u>	16
<u>5.1</u>	<u>Breaches of conditions of supply</u>	16
<u>5.1.1</u>	<u>List of breaches</u>	16
<u>5.1.2</u>	<u>In the event of a breach</u>	17
<u>5.1.3</u>	<u>Disconnection of the supply</u>	17
<u>5.2</u>	<u>Interference with equipment</u>	17
<u>5.3</u>	<u>Penalties</u>	17

SOUTHLAND DISTRICT COUNCIL WATER SUPPLY Bylaw 2008

Introduction

1 This Bylaw may be cited as the Southland District Council Water Supply Bylaw 2008.

1.1 Commencement and Area of Application

This Bylaw shall come into force on 30th day of June 2008 and shall apply throughout the District.

1.2 Repealed Bylaws

2 The Southland District Council Water Supply Bylaw 1993 and the Southland District Council Rural Water Supply Bylaw 1992 are consequently repealed.

2 Definitions

In this Bylaw unless the context otherwise requires:

APPROVED or **APPROVAL** means approved in writing by Council.

BACKFLOW means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

BURIED SERVICES means all public mains, valves, pump stations and other underground utilities under the responsibility of Council.

COUNCIL means the Southland District Council.

CUSTOMER means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the Council.

DETECTOR CHECK VALVE means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

DISTRICT means the District of the Council.

EXTRAORDINARY SUPPLY means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

OCCUPIER means any Person who occupies any building or land and if the building or land is not occupied, means the owner.

ON DEMAND SUPPLY means a supply which is available on demand directly from the point of supply subject to the agreed level of service.

ORDINARY SUPPLY means a category of on demand supply used solely for domestic purposes.

PERSON means a natural person, corporation sole or a body of persons whether corporate or otherwise.

POINT OF SUPPLY means the point on the water 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.

POTABLE WATER means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values specified in drinking water standards issued under the Health Act 1956.

PREMISES means premises including the following:

- (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 to which a building consent has been or may be issued; or
- (b) A building or part of 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
- (c) Land held in public ownership (eg reserve) for a particular purpose

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District, or in the case of an emergency notification, by the most practical means available.

RESTRICTED FLOW SUPPLY means a type of water supply connection where a small flow is supplied through a flow control device, 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 formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability.

SERVICE PIPE means the section of water pipe between a water main and the point of supply.

SERVICE VALVE (TOBY) means the valve at the customer end of the service pipe.

SCHEDULE OF RATES, FEES AND CHARGES means the list of items, terms, and prices for services associated with the supply of water as approved by the Council.

STORAGE TANK means any tank having a free water surface.

SUPPLY PIPE means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

TREATED RURAL WATER SUPPLY means an area specified by the Council as an area serviced by a reticulated water supply system that is intended to supply potable water to customers via restricted supply.

UNTREATED RURAL WATER SUPPLY means an area specified by the Council as an area serviced by a reticulated water supply system that is intended to supply stock water to customers via restricted supply. This supply is not potable and not for domestic use.

URBAN WATER SUPPLY AREA means an area specified by the Council as an area serviced by a reticulated water supply system with a firefighting capability that is intended to supply potable water to customers via on demand supplies.

WATER SUPPLY SYSTEM means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

WATER UNIT means the basis of measurement for a restricted flow supply prescribed by Council.

3 Protection of Water Supply

3.1 Water Supply System

3.1.1 No person to connect to, or interfere with a water supply system

Except as set out in Sections 3.1.3 and 3.1.4, or to operate the service valve no person shall make any connection to, or otherwise interfere with, any part of the water supply system without Council approval.

3.1.2 Fire hydrants

New Zealand Fire Service personnel may connect to, and draw water from fire hydrants for the purpose of fighting fires, training, and hydrant testing.

3.1.3 Approved uses

Persons who have approval to draw water from fire hydrants or tanker filling points shall comply with all conditions of that approval. The Council may cancel any approval without notice for any breach of the conditions of approval or to implement water restrictions. Without prejudice to other remedies available, the Council, may remove and hold any equipment used to connect to, and/or draw water without approval or contrary to the conditions of any approval, and assess and recover as a debt the value of water drawn without authorisation and any other associated costs.

3.1.4 Working around Buried Services

3.1.4.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any part of a water supply system is located in the vicinity.

At least five working days notice in writing shall be given to District Council of an intention to excavate in the vicinity of any part of a water supply system. Where appropriate the Council may mark out to within $\pm 1\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

3.1.4.2 Standard of excavation work

When excavating and working around Buried Services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

3.1.4.3 Reporting and any damage to services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

3.2 Spillages and adverse events

3.2.1 Occupier's responsibility

The occupier of any property shall take all reasonable steps to prevent entry into the water supply of any substance that may compromise the water supply services or be hazardous to the health and safety of Council staff, customers and the public.

3.2.2 Notification of spillage or adverse event in water supply

3 The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Section 3.2.1.

4 Conditions of supply

4.1 Application for supply

4.1.1 Initial application

Every application for a supply of water shall be made in writing on the standard Council form accompanied by the prescribed charges. The applicant shall provide all the details required by the Council.

On receipt of an application the Council may:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or

- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) Request further information and place application on hold pending receipt of requested information.

For the agreed level of service to the applicant, the Council shall determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors, at the applicant's cost.

An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the Council.

4.1.2 Change of use

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type or vice versa, a new application for supply shall be submitted by the customer.

4.1.3 Prescribed charges

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002;
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.

4.2 Point of supply

4.2.1 Responsibility for maintenance

The Council shall own and maintain the service pipe and fittings up to the point of supply.

The customer shall own and maintain the supply pipe beyond the point of supply.

4.2.2 Repair of toby boxes

Where the customer finds a fault with the water toby at the point of supply, they shall contact the Council who will arrange for repairs to be undertaken.

4.2.3 Ownership/ Point of supply

- (a) For each individual customer there shall be only one point of supply, unless otherwise approved by Council.
- (b) For individual customers the point of supply shall be located as shown in Figures 1 and 2 or, for an urban supply, as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require Council approval. For the purposes of this clause a Company Share/Block Scheme (Body Corporate) shall be regarded as an individual customer.
- (c) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership - each customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to individual approval.

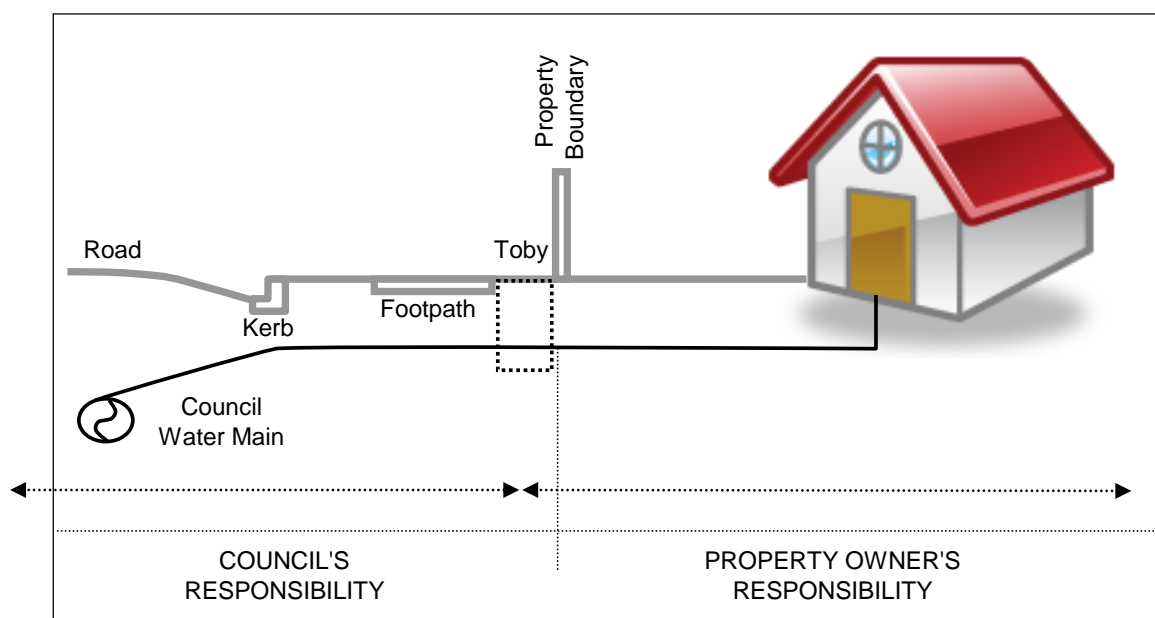


Figure 1 - Point of supply location - Individual customers (Urban Water Supply)

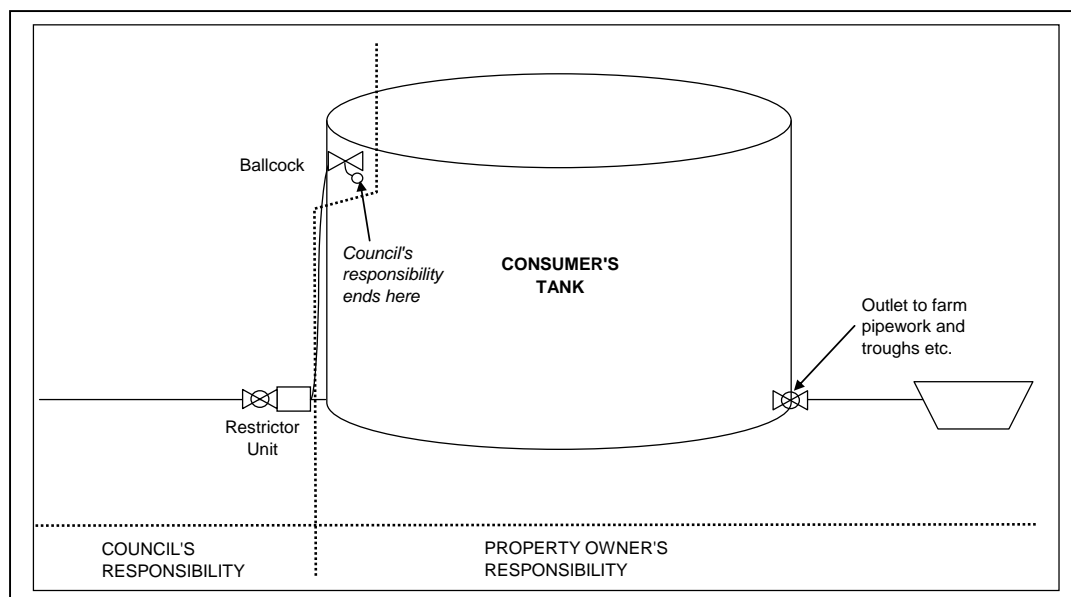


Figure 2 - Point of supply location - Individual customers (Rural Water Supply)

4.2.4 Pre-existing multiple ownership supplies

For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the Council for any individual case.

4.3 Access to, and about point of supply

4.3.1 Rights of access

Where the point of supply is on private property the customer shall allow the Council access to, and about the point of supply between 7.30 am and 6.00 pm on any day without notice for:

- (a) Meter reading; or
- (b) Checking, testing and maintenance work with notice being given whenever possible.

For access outside the specified hours (such as for night time leak detection) the Council shall give reasonable notice to the customer.

Where access is not made available for any of the above times and a return visit is required by the Council, an appropriate charge may be made.

In an emergency the customer shall allow the Council free access to, and about, the point of supply at any hour without notice.

4.3.2 Maintenance of access

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.

4.4 Types of supply

4.4.1 General

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

4.4.2 On demand supply (Urban Water Supply Areas)

Every premises in an Urban Supply Area shall be entitled to an ordinary supply of water subject to the following:

- (a) Any restrictions made by the Council under Clause 4.6.3;
- (b) Payment of the appropriate charges in respect of that property;
- (c) Payment of any other charges or costs associated with subdivisional development; and
- (d) Any other relevant conditions of this Bylaw.

The Council shall be under no obligation to provide an extraordinary supply of water.

4.4.3 Restricted flow supply (Rural Water Supply Areas)

Except under special conditions set by the Council only, restricted flow supply shall be available to premises within a Rural Water Supply Area.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

The Council shall charge for the restricted flow supply by either:

- (a) The volume passing through a meter; or
- (b) The agreed number of water units.

No restricted water supply is to be used for irrigation purposes. Water supplies classified as untreated, by Council, are for stock water use only and shall not to be used for household supply and must not be connected to households.

4.4.4 Ordinary use (Urban Water Supply Areas)

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system installed to comply with NZS 4517) and shall include:

- (a) Washing down a car, boat, or similar;

- (b) Garden watering by hand;
- (c) Garden watering by a portable sprinkler (subject to the provisions of Clause 4.5.3);

4.4.5 Extraordinary use (Urban Water Supply Areas)

Extraordinary use includes:

- (a) Domestic - spa or swimming pool in excess of 10 m³ capacity, fixed garden irrigation systems,
- (b) Commercial and business with demands that may be greater than a single domestic connection;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) Lifestyle blocks (peri-urban or small rural residential);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Out of district (supply to, or within another local authority);
- (j) Temporary supply

4.5 Continuity of supply

4.5.1 Interference of existing supply

Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall endeavour to inform all known customers likely to be substantially affected.

4.5.2 Uninterrupted service

The Council shall not be liable under any circumstances for its failure to provide a constant supply of water or the agreed number of water units to a customer.

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, amount or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that or maintain the required level of service.

4.5.3 Demand management

The customer shall comply with any restrictions which may be approved by the Council to manage high seasonal demand, supply limitations or other circumstances. Such restrictions shall be advised by public notice.

4.5.4 Emergency restrictions

During an emergency the Council may restrict or prohibit the use of water for any specified purpose for any specified period and for any or all of its customers such restrictions shall be advised by public notice.

4.6 Fire protection connection

4.6.1 Connection application

Any proposed connection for fire protection shall be the subject of a specific application on the standard Council forms made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council.

4.6.2 Design

It shall be the customer's responsibility to ascertain and monitor whether the supply available is adequate for the purpose of fire protection.

4.6.3 Fire protection connection metering

Where the supply of water to any 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:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A Council approved detector check valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may require the supply to be metered.

4.6.4 Fire hose reels

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. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

4.6.5 Charges

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes,

the Council shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

4.6.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

4.7 Backflow prevention

4.7.1 Customer responsibility

It is the customer's responsibility to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.

These include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an Approved backflow prevention device;
- (b) The prohibition of any cross-connection between the Council water supply and
 - (i) Any other water supply (potable or non-potable)
 - (ii) Any other water source
 - (iii) Any storage tank
 - (iv) Any other pipe fixture or equipment containing chemicals, liquids, gases or other non-potable substances.

4.7.2 Unmanaged risk

Notwithstanding, the Council may fit a backflow prevention device on the Council side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed. The installation of a backflow prevention device will be at the customer's cost.

4.7.3 Inspection

Subject to the provisions of the Local Government Act 2002, the customer shall allow the Council with or without equipment, access to any area of the premises for the purposes of determining compliance with the requirement for backflow prevention.

4.8 Meters and flow restrictors

4.8.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council, and shall remain the property of the Council. The installation of a water meter is at the customer's cost.

Where on demand supplies are not universally metered, the Council where it considers water use is unusually high, may fit a meter at the customer's cost, and charge accordingly.

4.8.2 Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the Council side of the point of supply (see figures 1 and 2).

4.8.3 Accuracy

Meters shall be tested as and when required by the Council, to ensure:

- (a) in respect of a meter, performance within plus or minus 4% of its reading;
- (b) in respect of a restrictor, within plus or minus 10% of its rated capacity.

Any customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay all reasonable costs associated with the test.

4.8.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment to the next invoice due in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over reading the Council shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

4.8.5 Estimating consumption

Should any meter be out of repair or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described above.

4.8.6 Faulty meters

Where a meter is found to be faulty, the Council will replace or recalibrate the faulty meter, at no cost to the owner.

4.8.7 Incorrect accounts

Where a situation occurs, other than as provided for in Clause 4.8.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

4.9 Plumbing system

Quick-closing valves, pumps, or any other 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 its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council.

4.10 Prevention of waste

4.10.1 Customer's responsibility

The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.

4.10.2 Use of Council water as an energy source

The Council provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved.

4.10.3 Use of Council water for cooling or dilution

The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

4.11 Payment and Charges

4.11.1 Charges

The customer shall be liable to pay for the supply of water and related services in accordance with the Council rates, fees and charges prevailing at the time.

4.11.2 Recovery of Costs

5 The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

4.12 Transfer of rights and responsibilities

4.12.1 Transferring to other parties

The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

4.12.2 Use of supply pipe

A supply pipe shall serve only one customer, and shall not be extended by any means beyond that customer's property.

4.12.3 Providing water to other parties

Any water which the customer draws from the Council supply shall not be provided to any other party without approval of the Council.

4.13 Change of ownership

In the event of a premises changing ownership Council shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the Council ten working days notice to arrange a final meter reading.

4.14 Disconnection at the customer's request

The customer shall give 20 working days notice in writing to the Council of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

5 Breaches and infringement offences

5.1 Breaches of conditions of supply

5.1.1 List of breaches

The following are deemed breaches of the conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of a 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 under all current Acts and Regulations; or
- (d) An act or omission including but not limited to any of the following:
 - (i) Failure to pay the appropriate charges by the due date.
 - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused.
 - (iii) The fitting of quick-closing valves, pumps, or any other 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 its stated levels of service).
 - (iv) Failure to prevent backflow).
 - (v) Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose.
 - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.
 - (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved.
 - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property.

- (ix) Providing water drawn from the Council supply to any other party without approval of the Council.
- (x) Using a water supply classified by Council as “untreated” for potable water and/or having it connected to a household.

5.1.2 In the event of a breach

In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and the remedy of the breach to the satisfaction of the Council.

5.1.3 Disconnection of the supply

If the breach is such that the Council is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

5.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach without prejudice to its other rights and remedies the Council shall be entitled to estimate and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

5.3 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

}

MAYOR

CHIEF EXECUTIVE

Proposed Stormwater Drainage Bylaw 2017 - Report

Record No: R/17/8/18904
Author: Rebecca McElrea, Policy and Planning Consultant
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☒ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek Council approval of a new Draft Stormwater Bylaw 2017 for public notification.

Executive Summary

- 2 Stormwater drainage to the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the LGA enables territorial authorities to make specific bylaws for its district to regulate stormwater drainage and to manage, regulate against, or protect from the misuse of infrastructure associated with stormwater drainage.
- 3 Under section 159 of the LGA the Stormwater Drainage Bylaw 2008 is due for review in 2018.
- 4 The proposed Stormwater Drainage Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.
- 5 Changes to the Stormwater Drainage Bylaw 2008 are minor and outlined in the report below.

Recommendation

That the Council:

- a) **Receives the report titled “Proposed Stormwater Drainage Bylaw 2017 - Report” dated 23 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines that a bylaw is the most appropriate way of addressing the issues around regulation and management of stormwater drainage.**
- e) **Determines that the Proposed Stormwater Drainage Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local Government Act 2002.**
- f) **Determines that the Proposed Stormwater Drainage Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to Section 155(2)(b) of the Local Government Act 2002.**
- g) **Considers the Proposed Stormwater Drainage Bylaw 2017 and the Statement Of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.**

Content

Background

- 6 Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. A review allows the bylaw to be considered alongside other bylaws such as the Water supply bylaw which is also being reviewed at this time.
- 7 The purpose of the Stormwater Drainage Bylaw is to manage stormwater within the district, to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution. The bylaw is in addition to controls already in place on stormwater management, such as resource consent conditions, regulations and other legislation and Southland District Council requirements. Although many of Council’s activities are covered by other legislation, there is a need for bylaws to manage local problems that are unique to this Council.
- 8 The Council already has several Bylaws in existence to deal with reticulated water and stormwater systems, waste management and trade wastes however these need to be reviewed and approved if they are to be enforceable.

- 9 Set out below are the aims the Stormwater Drainage Bylaw and details of the current Bylaw which will be amended if the new Bylaw is adopted:

10 **Stormwater Drainage Bylaw 2017 (Appendix 1)**

The aims of the Stormwater Drainage Bylaw are to:

- Ensure the protection of Council staff and the general public,
- Protect the ability of Council to meet obligations under the Resource Management Act,
- Protect the investment in the existing and any future infrastructure, treatment plant and reticulation.

It is proposed that the Southland District Council Stormwater Drainage Bylaw 2008 be revoked. This Bylaw was for stormwater drainage from both domestic and trade premises connected to a Southland District Council stormwater sewer.

The new bylaw is based on the Stormwater Drainage Bylaw 2008 and suggests minor amendments as follows:

Notable changes to the Stormwater Drainage Bylaw 2008

- Section 1 - Definitions

Added the following definitions:

- Approved Contractors
- Private Stormwater Drain
- Public Stormwater Drain
- Stormwater Drain
- Trade Waste
- Wastewater

Deleted the following definitions:

- Domestic Stormwater (as not used anywhere else in the bylaw)
- Drain (now covered by 'Stormwater Drain')

Amended the following definitions:

- Contaminants – Added 'heavy metal' to ensure they are clearly identified as a contaminant.
- 'Publicly Notified' definition to 'Public Notice' definition to make this consistent with the definition of Public Notice within the Resource Management Act.

- Clause 3.2 – Payment

Added 'Clause 3.2 – Payment' to further clarify payment by the customer for discharge of stormwater and related services.

- Clause 3.3 – Restrictions on Discharge (originally titled 'Flow Rate')

Modified clause to enable council to place controls on quantity and quality of stormwater entering public system. E.g. pre-treatment to ensure quality meets Council's global stormwater consent requirements for flow entering its SW system.

- Section 6 – Approved Contractors

Added 'Approved Contractors' section to ensure quality of workmanship.

- Figure 1 - Diagram

Diagram amended to clarify wording around joint responsibility (in particular what is meant by 'structure').

- Clause 7.6 – Common Private Stormwater Drains

Added in sentence 'All connections to a common Private Stormwater Drain shall be Approved by the Council.'

- Clause 8.1 – Access for Inspection

Provided legal reference to the Local Government Act in regards to rights of entry for access for inspection.

*'The Customer shall allow the Council, or its Authorised Officers, access to and about the Point of Discharge **under the rights of entry provision of the Local Government Act under section 171 to 174.**'*

- Clause 10.1 – Building Removal Notice

Changed notice of intention by customer to demolish building from 7 working days to 5 working days.

This is proposed so any such notifications to the Council have a consistent timeframe (the Corridor Access Request (under the National Code of Practice for Utility Operators' Access to Transport Corridors) requires 5 Working Day notice for notification of excavation in vicinity of services.)

- Clause 10.2 – Disconnection Requirements

Changed notice of intention by customer to disconnect discharge connections from 2 working days to 5 working days for same reason as above.

Added in the sentence *'Disconnection shall be done by an approved contractor'*. This is to ensure quality of workmanship.

- Clause 11.5.1 – Protection of Council Services

Added in the following sentence to provide clarity around who is responsible for identifying actual location of services:

‘The responsibility for identifying the actual location of services remains with the Person responsible for the excavation work.’

- Clause 11.5.3 – Reporting of any damage to services

Added in the following sentence to provide clarity around who will undertake repairs:

‘All repairs to the damaged service shall be undertaken by an Approved Contractor.’

- Deleted Clauses

Additional Material Clause

Deleted Additional Material Clause as already covered by 11.3.1 – Loading Limits

Factors to Consider

Legal and Statutory Requirements

- 11 The Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem. To ensure that the Southland District wastewater drainage can be effectively managed, a bylaw is deemed necessary.
- 12 The Council is required to determine whether the proposed Bylaw is the most appropriate form of Bylaw before it makes them.
- 13 *Compliance with the New Zealand Bill of Rights Act 1990*

The New Zealand Bill of Rights Act 1990 confers certain civil and political rights to people in New Zealand. It is considered that the proposed controls in the Bylaws referred to in this report do not unnecessarily interfere with any rights conferred by this Act and give rise to no implications under the Act.

In a number of respects the controls proposed reflect the existing provisions of the Local Government Act 2002 (the Act). Section 146 of the Act allows Council’s special bylaw-making powers for the purposes of regulation of:

- Waste management
- Trade wastes
- Solid wastes

It also enables Councils to manage, regulate against or protect from damage, misuse or loss, or for preventing the use of land, structures and infrastructure associated with water races, water supply, wastewater, drainage, sanitation and land drainage.

The 2002 Act itself has already been reviewed by the Attorney-General for any inconsistency with the Bill of Rights.

14 *Special Consultative Procedure*

The initiation and completion of the special consultative procedure in accordance with the requirements of Sections 83 and 86 of the Local Government Act 2002 will be necessary before the Council can make the Bylaws.

Copies of Sections 83 and 86 are attached together with a statement of proposal for the Stormwater Drainage Bylaw.

Community Views

15 If the form of the Bylaw is approved then the proposed Bylaw will be publicly notified in the Southland Times on Saturday, 9 September 2017. Information concerning the proposed Bylaw will be available from all Council offices and libraries within the District. A report will also be submitted to meetings of all Council Community Boards and Community Development Area Committees.

16 All members of the public and any interested groups, organisations and agencies will have an opportunity to make submissions on the proposed Bylaw. There will be a submission period of one month.

17 All of the Water and Waste Bylaws being reviewed at this time are to be subject to this one month period of consultation. Submissions will close on 9 October 2017.

18 These and the final bylaw will be referred to the Council meeting on 13 December 2017, with the bylaws coming into force accordingly.

Costs and Funding

19 The costs of advertising will be met by current budgets.

Policy Implications

20 No policy or plan implications have been identified.

Analysis

Options Considered

21 The Council may consider three possible options, which are statutory and non-statutory and may be used individually or in combination with each other. The options are:

22 **Non-Statutory**

- Implement a stormwater drainage information and education programme

23 **Statutory**

- Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Resource Management Act
- Make amendments to the current Stormwater Drainage Bylaw

Analysis of Options

Option 1 – Implement a Stormwater Drainage information and education programme (non-statutory)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> This option could target information and education to specific groups in the community. It could raise the awareness of safety and public health issues associated with stormwater. 	<ul style="list-style-type: none"> By not having a Stormwater Drainage bylaw in place it would result in an increase in the risk of negative effects such as the risk of contamination being introduced into the water. It relies exclusively on the willingness of all the users to act with consideration towards other users. <p>It would best be used in conjunction with regulations.</p>

Option 2 – Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Resource Management Act

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Reduces Council's enforcement activity requirements. 	<ul style="list-style-type: none"> Does not meet the needs of the community. To have no bylaw however would remove the Council's ability regulate the stormwater network. No bylaw could also adversely affect public health and the environment Not considered a reasonably practicable option in accordance with s77 (1)(a) of the LGA.

Option 3 – Make amendments to the current Stormwater Drainage Bylaw (Statutory)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> This option involves amendments to the current Stormwater Drainage Bylaw to ensure that it is up-to-date. The current Bylaw is seen as effective and there is no pressing need for major review. Only minor amendments are required. The remaining provisions are still current and relevant. Would not need to rely on provisions in the Resource Management Act and Local 	

Government Act to regulate stormwater drainage. <ul style="list-style-type: none">This is a low cost option.	
--	--

Assessment of Significance

- 24 A significant decision is one that has a high degree of significance in terms of its impact on either:
- the current and future social, economic, environmental or cultural wellbeing of the district or region;
 - people who are likely to be particularly affected by or interested in, the issue, proposal decision or matter;
 - the capacity of Council to perform its role, and the financial and other costs of doing so;
 - the ownership or function of a strategic asset.

The decision would be of low significance.

Recommended Option

- 25 The recommended option is to make amendments to the current Stormwater Drainage Bylaw 2008 and approve it for proceeding with the special consultative procedures outlined in sections 83 and 86 of the Local Government Act 2002 with regards to the making of a bylaw.

Next Steps

- 26 Officers recommend the following process:

Action	Date
Council considers bylaw for notification	6 September 2017
Notification of Bylaw	9 September 2017
Submissions close	9 October 2017
Hearing	TBD
Council considers sign-off for final bylaw	13 December 2017

Attachments

- A Draft Stormwater Bylaw 2017 [↓](#)
- B Statement of Proposal - Stormwater Drainage Bylaw 2017 [↓](#)
- C Appendix 3 - Local Government Act 2002 [↓](#)
- D FINAL Southland District Council Stormwater Drainage Bylaw 2008 [↓](#)



Southland District Council

Stormwater Bylaw 2017

CONTENTS

1	Introduction	1
1.1	Title	1
1.2	Commencement and Area of Application	1
1.3	Repealed Bylaw	1
2	Definitions.....	1
3	Approval to Connect	3
3.1	Authorisation of Connection	3
3.2	Payment	3
3.3	Restrictions on Discharge	3
4	Prohibited Discharges	3
5	Contaminated Stormwater	3
6	Approved Contractors	4
7	Point of Discharge.....	4
7.1	General	4
7.2	Layout.....	4
7.3	Single Ownership.....	4
7.4	Multiple Ownership	5
7.5	Council Approval of Point of Discharge	5
7.6	Common Private Stormwater Drains	5
8	Access.....	5
8.1	Access for Inspection	5
8.2	Non-complying Connections	5
9	Blockages	5
10	Disconnection.....	6
10.1	Building Removal Notice	6
10.2	Disconnection Requirements	6
11	Protection of Stormwater Services	6
11.1	General.....	6
11.2	Building over Buried Services	6
11.3	Loading of Material over Public Stormwater Drains.....	7
11.3.1	Loading Limits	7
11.3.2	Covering of Service Openings.....	7

11.4	Excavation near Public Stormwater Drains	7
11.5	Working around Buried Services	7
11.5.1	Protection of Council services	7
11.5.2	Standard of Excavation Work	7
11.5.3	Reporting of any Damage to Services	7
12	Protecting Stormwater System from Hazardous Substances	8
12.1	Occupier's Responsibilities to Prevent Contamination	8
12.2	Entry of Hazardous Substances into Stormwater System	8
13	Recovery of Costs	8
14	Breaches and Remedies	8
14.1	Defect Notices for Breach of Bylaw	8
14.2	Breaches of Conditions of Providing a Stormwater Service Connection	8
14.3	Public Health and Safety and the Environment	8
14.4	Penalties	9
15	Liability	9

1 SOUTHLAND DISTRICT COUNCIL

2 STORMWATER DRAINAGE BYLAW 2017

1 Introduction

1.1 Title

This Bylaw may be cited as the Southland District Council Stormwater Drainage Bylaw 2017.

1.2 Commencement and Area of Application

This Bylaw shall come into force on the 1st day of December 2017 and shall apply throughout the District.

1.3 Repealed Bylaw

The Southland District Council Stormwater Drainage Bylaw 2008 is consequently repealed.

2 Definitions

In this Bylaw, unless the context otherwise requires:

ACCEPTABLE DISCHARGE means a stormwater discharge with physical and chemical characteristics which either:

- (a) Comply with the requirements of the Southland District Council's consent to discharge, or;
- (b) Make the discharge a permitted activity under the Southland Regional Council's (brand name Environment Southland) Regional Water Plan.

APPROVAL or **APPROVED** means approved in writing by the Council.

APPROVED CONTRACTOR means a contractor approved by Council to undertake works on the stormwater services.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BURIED SERVICES means all public stormwater services and other underground utilities under the responsibility of the Council.

CONTAMINANT includes any substance (including gases, odorous compounds, heavy metals, liquids, solids and micro-organisms but not limited to soil, paint, fuel, oil detergents, sewage, litter) or energy (excluding noise) or heat, that either by itself, or in combination with the same, similar or other substances, energy or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- (b) When discharged onto or into land, changes or is likely to change the physical, chemical or biological condition of the land onto or into which it is discharged.

COUNCIL means the Southland District Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of stormwater, from any premises to the public stormwater services of the Council.

DISCONNECTION means the physical cutting and sealing, either temporarily or permanently and inspection of the drain from a premises, at the section boundary.

DISTRICT means the District of the Council.

PERSON includes a natural person, the Crown, a corporation sole and also a body of persons, whether corporate or incorporate.

POINT OF DISCHARGE means the boundary between the public stormwater drain and a private stormwater drain.

PREMISES means either:

- (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 to which a building consent has been or may be issued;
- (b) A building or part of 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
- (c) Land held in public ownership (eg reserve) for a particular purpose.

PRIVATE STORMWATER DRAIN means that section of stormwater drain between the customer's premises and the point of discharge through which stormwater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

PUBLIC STORMWATER DRAIN means any stormwater drain which is under the control of the Council.

PUBLIC NOTICE:

- (a) Means a notice published in a newspaper circulating in the entire area likely to be affected by the matter to which the notice relates; and
- (b) May also include a notice published on the Council website.

SCHEDULE OF FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of stormwater as approved by the Council.

SERVICE OPENING means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public stormwater service.

STORMWATER means all surface water runoff resulting from precipitation.

STORMWATER DRAIN means any passage, channel, or pipe on, over, or under the ground by which stormwater is conveyed.

STORMWATER SERVICES means all public stormwater drains, channels, manholes and other structures for the reception and discharge of stormwater vested in the Council or acquired or constructed or operated by or under the control of the Council. Stormwater services includes but is not limited to gutters, sumps, laterals, channels, ditches, overland flow paths, pipes and manholes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include condensing or cooling waters, stormwater which cannot practically be separated or domestic sewage.

TRUNK STORMWATER DRAIN means a public stormwater drain, generally greater than 150 mm in diameter, which forms a part of the Council's stormwater services.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

3 Approval to Connect

3.1 Authorisation of Connection

No person shall, without approval, make any connection, discharge to or otherwise interfere with any part of the Council's stormwater services.

Approval to connect to the stormwater services will only be given after full payment of the appropriate application fee.

3.2 Payment

The customer shall be liable to pay for the discharge of stormwater and related services in accordance with Council's Schedule of Rates, Fees and Charges prevailing at the time.

The Council may recover all unpaid charges as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 82.

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection; and/or
- (b) A development contribution charge determined in accordance with the Local Government Act 2002.

3.3 Restrictions on Discharge

The Council may set a maximum daily or instantaneous flow rate, requirement for pre-treatment, or require other restrictions or controls on stormwater discharged from a premises.

4 Prohibited Discharges

Wastewater and trade waste will not be permitted to be discharged to the public stormwater system.

5 Contaminated Stormwater

Contaminants must not be discharged to the stormwater services. Where land drainage is the primary source of stormwater collection, the property owner shall provide a settling sump or similar device to a standard approved by the Council prior to the stormwater entering the stormwater drain.

6 Approved Contractors

Any person who undertakes repair or installation work for stormwater services shall first obtain approval by Council as an approved contractor. Council will grant this approval only where it is fully satisfied that the person has the necessary expertise and experience. Council shall maintain a register of approved contractors.

7 Point of Discharge

7.1 General

The point of discharge from a customer shall be at the property boundary, with the boundary of responsibility between the customer and the Council defined as in Figure 1.

Unless otherwise approved there shall be one point of discharge only for each premises and any private stormwater drain shall not extend by pipe or any other means to serve another premises unless it is a common private stormwater drain.

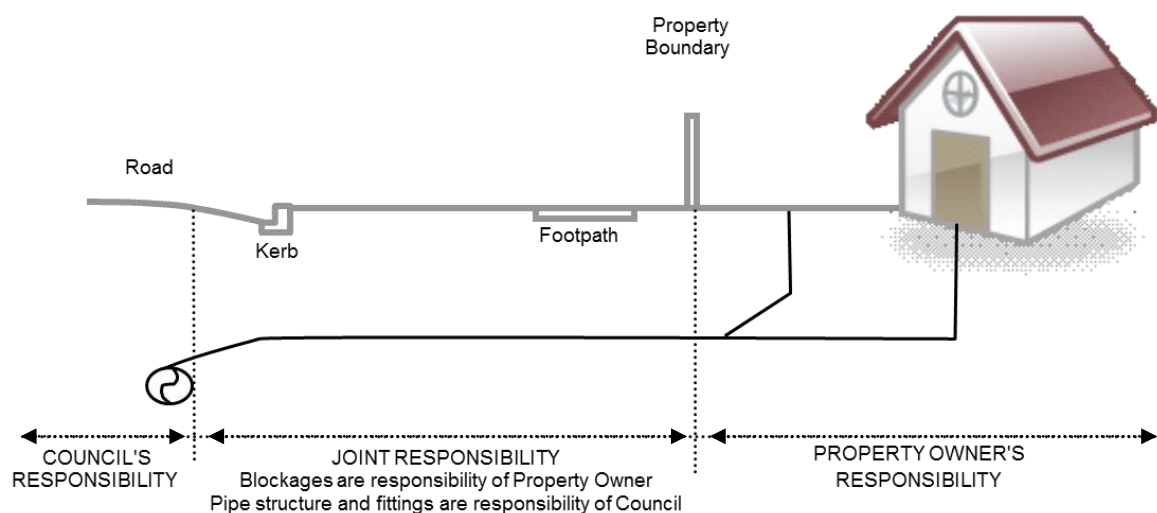


Figure 1 – Responsibility for Laterals and Public Stormwater Drain - Individual Customers

7.2 Layout

The typical layout at a point of discharge is provided in the Southland District Council Subdivision and Land Development Bylaw.

7.3 Single Ownership

For single property units, the point of discharge shall be located at the boundary as shown in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Council and recorded on the drainage plan.

Where a private stormwater drain discharges into a public stormwater drain on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public stormwater drain.

7.4 Multiple ownership

The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For company share/block scheme (body corporate) - As for single ownership;
- (b) For leasehold/tenancy in common scheme (cross lease), strata title and unit title (body corporate) - where practicable each owner shall have an individual stormwater drain with the point of discharge determined by agreement with the Council. If not practicable, there shall be a common private stormwater drain which shall be incorporated as an additional provision in the lease agreement in specific cases.

Other arrangements will be acceptable subject to individual approval.

7.5 Council Approval of Point of Discharge

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

7.6 Common Private Stormwater Drains

Common private stormwater drains shall serve a maximum of five single dwelling units and may also have one point of discharge only (in common). All connections to a common private stormwater drain shall be approved by the Council.

8 Access

8.1 Access for Inspection

The customer shall allow the Council, or its authorised officers, access to and about the point of discharge under the rights of entry provisions of the Local Government Act under Sections 171 to 174. The Council shall give 24 hours' notice to the customer of the intended entry. For the purposes of monitoring, testing and maintenance work, the customer shall allow the Council free access to and about the point of discharge between 7.30 am and 6.00 pm on any day. Under emergency conditions, or for the purpose of ascertaining whether the stormwater drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

8.2 Non-Complying Connections

The customer shall allow the Council, with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

9 Blockages

A customer who has reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private stormwater drain.

If the drainlayer finds that the blockage is within the public stormwater drain, then the drainlayer shall contact the Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public stormwater drain in the act of clearing it from the private stormwater drain, or that the customer has not been negligent in discharging non-acceptable stormwater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

10 Disconnection

10.1 Building Removal Notice

A customer shall give five working days' notice in writing of his or her intention to demolish or remove a building connected to the stormwater drain. The demolition or removal shall not commence until the property has been disconnected from the stormwater drain, which shall be capped to a standard approved by the Council and inspected by the Council.

10.2 Disconnection Requirements

A customer shall give five working days' notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private stormwater drain is required. Disconnection shall be done by an approved contractor.

11 Protection of Stormwater Services

11.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in Clauses 11.2 to 11.4 shall apply. Other restrictions may be applied by the Council for the protection of the stormwater services after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors.

11.2 Building over Buried Services

- (a) No building shall be built over a stormwater service, whether that drain is situated on public or private land;
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public stormwater drain; or
 - (ii) the depth of the centreline of the public stormwater drain, plus the diameter of the public stormwater drain, plus 0.2 metres from the centre of that public stormwater drain, subject to compliance with Clause 3.1 of NZS 3604.
- (c) Where (a) above is found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the property owner:
 - (i) carrying out sufficient investigations to accurately determine the stormwater drains location and depth and to prove that the stormwater drain is in such a condition that it has a remaining life of at least 50 years;
 - (ii) or if (i) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (i), (iii) and (vi);
 - (iii) bore piling the building 1.0 metre clear distance either side of the public stormwater drain to below the public stormwater drain invert to ensure that no building loads are transferred to the public stormwater drain and that it is possible to excavate down to the public stormwater drain without threat to the building;
 - (iv) providing two additional manholes into the public stormwater drain between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10.0 metres), provided that the public stormwater drain lies in a straight line and that there are no other connections between these two manholes;
 - (v) carrying out all work on and around the public stormwater drain in accordance with Council's engineering standards;

- (vi) registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey and drain stormwater.

11.3 Loading of Material over Public Stormwater Drains

11.3.1 Loading Limits

No person shall cause the crushing load imposed on a public stormwater drain to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual 1994).

11.3.2 Covering of Service Openings

Service openings in public stormwater drains shall not be covered in any way unless approved. Removal of any covering material or changes to any opening situated on private property shall be at the property owner's expense.

11.4 Excavation near Public Stormwater Drains

No person shall excavate, or carry out piling or similar work closer than:

- (a) Five metres from the centre line of any trunk stormwater drain; or
- (b) Two metres from the centre line of any other public stormwater drain,

without approval. Such approval may impose conditions on the carrying out of any work near the stormwater drain.

11.5 Working Around Buried Services

11.5.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any buried services are located in the vicinity. At least five working days' notice in writing shall be given to the Southland District Council of an intention to excavate in the vicinity of any part of the stormwater services. Where known the Council may mark out on the ground the estimated location of its services and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

The responsibility for identifying the actual location of services remains with the person responsible for the excavation work.

11.5.2 Standard of Excavation Work

When excavating and working around buried services due care shall be taken to ensure the services are not damaged and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

11.5.3 Reporting of any Damage to Services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service and any other costs the Council incurs as a result of the incident. All repairs to the damaged service shall be undertaken by an approved contractor.

12 Protecting Stormwater System from Hazardous Substances

12.1 Occupier's responsibilities to prevent contamination

The occupier of any property shall take all reasonable steps to prevent entry into any stormwater services from leakage, spillage or other mishap of any raw material products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any material which by itself, or when mixed with the stormwater, may generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council stormwater services, or the health and safety of Council staff, contractors and the public and adversely affect the receiving environment.

12.2 Entry of Hazardous Substances into Stormwater System

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Clause 12.1.

13 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

14 Breaches and Remedies

14.1 Defect Notices for Breach of Bylaw

In the event of a breach of any provision of this Bylaw, the Council may serve a defect notice on the customer advising of its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council reserves the right to undertake remedial work required in order to make good the breach and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work, including a reinspection fee.

14.2 Breaches of Conditions of Providing a Stormwater Service Connection

The following are deemed breaches of the conditions to provide a stormwater service connection:

- (a) An incorrect application for connection which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations;
- (d) Frustration of the Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

14.3 Public Health and Safety and the Environment

If however the breach is such that public health or safety considerations, risk of consequential damage to Council assets or the environment, or previous discharge consent violations is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs as set out in Clause 13.

14.4 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.

15 Liability

The Council shall endeavour to provide an uninterrupted service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the stormwater services.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on xx xxx 2017.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

}

MAYOR

CHIEF EXECUTIVE

APPENDIX 2
STATEMENT OF PROPOSAL FOR
DRAFT STORMWATER DRAINAGE BYLAW 2017

Item 7.2 Attachment B

DRAFT STORMWATER DRAINAGE BYLAW

STATEMENT OF PROPOSAL

AUGUST 2017

CONTENTS

Why do we need a Stormwater Drainage Bylaw?	4
Reasons for Proposal	4
What's the process of developing the bylaw?	4
What must Council consider in developing the bylaw?	4
How can I have my say?	5
How do I make an effective submission?	6
Where do I get more copies of the Draft Stormwater Drainage Bylaw?	6

WHY DO WE NEED A STORMWATER DRAINAGE BYLAW?

The Southland District Council Stormwater Drainage Bylaw 2008 (“the current Stormwater Drainage Bylaw”) is due for review on 1 July 2018 and it is proposed to replace it with the Southland District Council Stormwater Drainage Bylaw 2017 (“the new Stormwater Drainage Bylaw”). This statement of proposal discusses the proposed form of the new Stormwater Drainage Bylaw 2017 and recommends a draft bylaw to undergo the special consultation process as outlined within the Local Government Act 2002. The Local Government Act 2002 requires Council to consult with the community using the special consultative procedure prior to amending the current Stormwater Drainage Bylaw and adopting the new Stormwater Drainage Bylaw. This Statement of Proposal includes a copy of the proposed new Stormwater Drainage Bylaw.

REASONS FOR PROPOSAL

Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. A review allows the bylaw to be considered alongside other bylaws such as the Water supply bylaw which is also being reviewed at this time.

The purpose of the Stormwater Drainage Bylaw is to manage stormwater within the district, to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution.

Council staff have undertaken a review of the existing bylaw and consider it remains generally fit for purpose. A number of minor changes are proposed to provide clarity and consistency through the bylaw.

WHAT’S THE PROCESS OF DEVELOPING THE BYLAW?

A draft of the proposed Bylaw has been prepared by the Council for consultation in terms of section 86 of the Local Government Act 2002.

The Process	The Timeframes	Your Involvement
Review existing bylaw and develop the draft Stormwater Drainage bylaw	Council sign off bylaw for consultation 6 September 2017.	
Call for submissions on the draft bylaw (using the special consultative procedure in the Local Government Act 2002)	Submissions Open 9 September 2017 Close 4 November 2017	
Hold a hearing for submitters who wish to present to Councillors directly	Hearings xx November 2017	
Adopt the bylaw	Council approval of bylaw 13 December 2017	
Notify the bylaw and effective date (as per Council resolution)	Public Notice in Southland Times on 16 December 2017.	

WHAT MUST COUNCIL CONSIDER IN DEVELOPING THE BYLAW?

Council must determine the following three things in making a bylaw:

- Whether a bylaw is the most appropriate way of dealing with the issue;
- Whether the bylaw is in the most appropriate form:
- Whether the bylaw has any inconsistencies with the New Zealand Bill of Rights Act 1990.

The requirements of Section 155 have been considered.

- The Draft Bylaw is appropriate as the content is based on demonstrated knowledge of current issues; and
- The content of the Draft Bylaw does not pose unjustified restrictions on people so is neither inconsistent with nor raises any implications with the New Zealand Bill of Rights Act 1990.

HOW CAN I HAVE MY SAY?

Submissions may be made on the Draft Stormwater Drainage Bylaw and these should be received by the Council no later than 5pm on Saturday 4 November 2017. Any written form of submission will be received and considered. Submissions can be via letter or email and you can make your submission by:

Post to:	Deliver to:	Online:	Phone:
Southland District Council P O Box 903 Invercargill 9840	To customer service desks at:	Complete this form online at:	Phone us on: 0800732732 and one of our friendly Customer Service staff will fill out this form for you over the phone.
	Southland District Council 15 Forth Street, Invercargill		
	Winton Area Office and Library, 1 Wemyss Street, Winton		
	Lumsden Area Office and Library, 18 Diana Street, Lumsden		
	Te Anau Area Office, 116 Town Centre, Te Anau		
	Otautau Area Office and Library, 176 Main Street, Otautau		
	Wyndham Area Office and Library, 24 Balaclava Street, Wyndham Riverton Area Office and Library, 117 Palmerston Street, Riverton		
	Stewart Island Area Office and Library, 10 Ayr Street, Halfmoon Bay		

Please state in your submission if you want to speak at a Council hearing about your submission. Submitters should note that their submission will be copied and made available to the public after the submission period closes.

HOW DO I MAKE AN EFFECTIVE SUBMISSION?

Written submissions can take any written form (e.g. email, letter). An effective submission refers to the part(s) of the Draft Bylaw you wish to submit on, states why you support or do not support the part and what change you are seeking. Submissions on matters outside the scope of the Bylaw cannot be considered by the Council.

WHERE DO I GET MORE COPIES OF THE DRAFT STORMWATER DRAINAGE BYLAW?

The draft proposal and a summary are available from the following locations:

- Southland District Council, 15 Forth Street, Invercargill
- Winton Area Office and Library, 1 Wemyss Street, Winton
- Lumsden Area Office and Library, 18 Diana Street, Lumsden
- Te Anau Area Office, 116 Town Centre, Te Anau
- Otautau Area Office and Library, 176 Main Street, Otautau
- Wyndham Area Office and Library, 24 Balaclava Street, Wyndham
- Riverton Area Office and Library, 117 Palmerston Street, Riverton
- Stewart Island Area Office and Library, 10 Ayr Street, Halfmoon Bay

APPENDIX 3

LOCAL GOVERNMENT ACT 2002

83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
- (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with [section 83AA](#)); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with [section 82\(1\)\(d\)](#); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

Section 83 replaced, on 8 August 2014, by [section 25](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) This section applies if, in accordance with [section 156\(1\)\(a\)](#), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.
- (2) The statement of proposal referred to in [section 83\(1\)\(a\)](#) must include,—
 - (a) as the case may be,—
 - (i) a draft of the bylaw as proposed to be made or amended; or
 - (ii) a statement that the bylaw is to be revoked; and
 - (b) the reasons for the proposal; and
 - (c) a report on any relevant determinations by the local authority under [section 155](#).

Section 86 replaced, on 8 August 2014, by [section 28](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



People First

Southland District Council

Te Rohe Pōtae O Murihiku

Item 7.2 Attachment D

STORMWATER DRAINAGE

BYLAW 2008

CONTENTS

<u>1</u>	<u>Introduction</u>	1
	<u>1.1 Title</u>	1
	<u>1.2 Commencement and Area of Application</u>	1
	<u>1.3 Repealed Bylaw</u>	1
<u>2</u>	<u>Definitions</u>	1
<u>3</u>	<u>Approval to Connect</u>	4
	<u>3.1 Authorisation of Connection</u>	4
	<u>3.2 Flow Rate</u>	4
<u>4</u>	<u>Prohibited Discharges</u>	4
<u>5</u>	<u>Contaminated Stormwater</u>	4
<u>6</u>	<u>Point of Discharge</u>	4
	<u>6.1 General</u>	4
	<u>6.2 Single ownership</u>	5
	<u>6.3 Layout</u>	5
	<u>6.4 Multiple ownership</u>	5
	<u>6.5 Council Approval of Point of Discharge</u>	6
	<u>6.6 Common private drains</u>	6
<u>7</u>	<u>Access</u>	6
	<u>7.1 Access for inspection</u>	6
	<u>7.2 Non-complying connections</u>	6
<u>8</u>	<u>Blockages</u>	6
<u>9</u>	<u>Disconnection</u>	7
	<u>9.1 Removal of Building</u>	7
	<u>9.2 Discharge Connections</u>	7
<u>10</u>	<u>Protection of Stormwater Services</u>	7
	<u>10.1 General</u>	7
	<u>10.2 Building over Buried Services</u>	7
	<u>10.3 Loading of material over public stormwater drains</u>	8
	<u>10.3.1 Loading Limits</u>	8
	<u>10.3.2 Additional material</u>	8
	<u>10.3.3 Covering of service openings</u>	8
	<u>10.4 Excavation near public stormwater drains</u>	8
	<u>10.5 Working around Buried Services</u>	9
	<u>10.5.1 Protection of Council services</u>	9
	<u>10.5.2 Standard of excavation work</u>	9
	<u>10.5.3 Reporting and any damage to services</u>	9
<u>11</u>	<u>Storage of hazardous materials</u>	9

11.1	<u>Occupier's Responsibilities</u>	9
11.2	<u>Entry of Hazardous Substances into Stormwater System</u>	9
12	<u>Recovery of Costs</u>	10
13	<u>Breaches and remedies</u>	10
13.1	<u>Defect notices</u>	10
13.2	<u>Breaches of Conditions of Providing a Stormwater Service Connection</u>	10
13.3	<u>Public Health and Safety and the Environment</u>	11
13.4	<u>Penalties</u>	11
14	<u>Liability</u>	11

SOUTHLAND DISTRICT COUNCIL

STORMWATER DRAINAGE Bylaw 2008

1 Introduction

1.1 Title

This Bylaw may be cited as the Southland District Council Stormwater Drainage Bylaw 2008.

1.2 Commencement and Area of Application

This Bylaw shall come into force on the 30th day of June 2008 and shall apply throughout the District.

1.3 Repealed Bylaw

The Southland District Council Stormwater Bylaw 1998 is consequently repealed.

2 Definitions

In this Bylaw, unless the context otherwise requires:

ACCEPTABLE DISCHARGE means a stormwater discharge with physical and chemical characteristics which either:

- (a) comply with the requirements of the Southland District Council's consent to discharge, or;
- (b) make the discharge a permitted activity under the Southland Regional Council's Regional Water Plan.

APPROVAL or **APPROVED** means approved in writing by the Council.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BURIED SERVICES means all public stormwater services and other underground utilities under the responsibility of the Council.

CONTAMINANT includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms but not limited to soil, paint, fuel, oil detergents,

sewage, litter) or energy (excluding noise) or heat, that either by itself, or in combination with the same, similar or other substances, energy or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- (b) When discharged onto or into land, changes or is likely to change the physical, chemical or biological condition of the land onto or into which it is discharged.

Contaminates includes the runoff containing contaminants which reach the gutter and then enter the stormwater system via street sump or other means.

COUNCIL means the Southland District Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of stormwater, from any premises to the public stormwater services of the Council.

DISCONNECTION means the physical cutting and sealing, either temporarily or permanently, and inspection of the drain from a premises, at the section boundary.

DOMESTIC STORMWATER means either that stormwater which is discharged from premises used solely for residential activities, or stormwater of the same character discharged from other premises, provided that the contents of the stormwater are free from contaminants.

DISTRICT means the District of the Council.

DRAIN means that section of private drain between the customer's premises and the point of discharge through which stormwater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

PERSON includes the Crown, a corporation sole and also a body of persons whether corporate or incorporate

POINT OF DISCHARGE means the boundary between the public stormwater services and a private drain.

PREMISES means either:

- (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 to which a building consent has been or may be issued;
- (b) 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
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District, or in the case of an emergency notification, by the most practical means available.

REGIONAL COUNCIL means Southland Regional Council.

SCHEDULE OF RATES, FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of stormwater as approved by the Council.

SERVICE OPENING means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public stormwater service.

STORMWATER means all surface water runoff resulting from precipitation.

STORMWATER SERVICES means all public stormwater drains, channels, manholes, and other structures for the reception and discharge of stormwater vested in the Council or acquired or constructed or operated by or under the control of the Council. Stormwater Services includes but not limited gutters, sumps, laterals, channels, ditches, overlandflow paths, pipes and manholes.

TRADE WASTE Bylaw means the Bylaw of the Council for the time being in force regulating wastewater discharges from trade premises to a sewer.

TRUNK STORMWATER DRAIN means a stormwater drain, generally greater than 150 mm in diameter, which forms a part of the Council's stormwater services.

3 Approval to Connect

3.1 Authorisation of Connection

No person shall, without Approval, make any connection, discharge to or otherwise interfere with any part of the Council's stormwater services.

Approval to connect to the stormwater services will only be given after full payment of the appropriate application fee.

3.2 Flow Rate

The Council may set a maximum daily flow rate discharged from a domestic premise.

4 Prohibited Discharges

Wastewater and trade wastes will not be permitted to be discharged to the public stormwater system.

5 Contaminated Stormwater

Contaminates must not be discharged to the stormwater services. Where land drainage is the primary source of stormwater collection, the property owner shall provide a settling sump or similar device to a standard Approved by the Council prior to the stormwater entering the stormwater drain.

6 Point of Discharge

6.1 General

The point of discharge from a customer shall be at the property boundary, with the boundaries of responsibility between the customer and the Southland District Council defined as in Figure 1.

Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

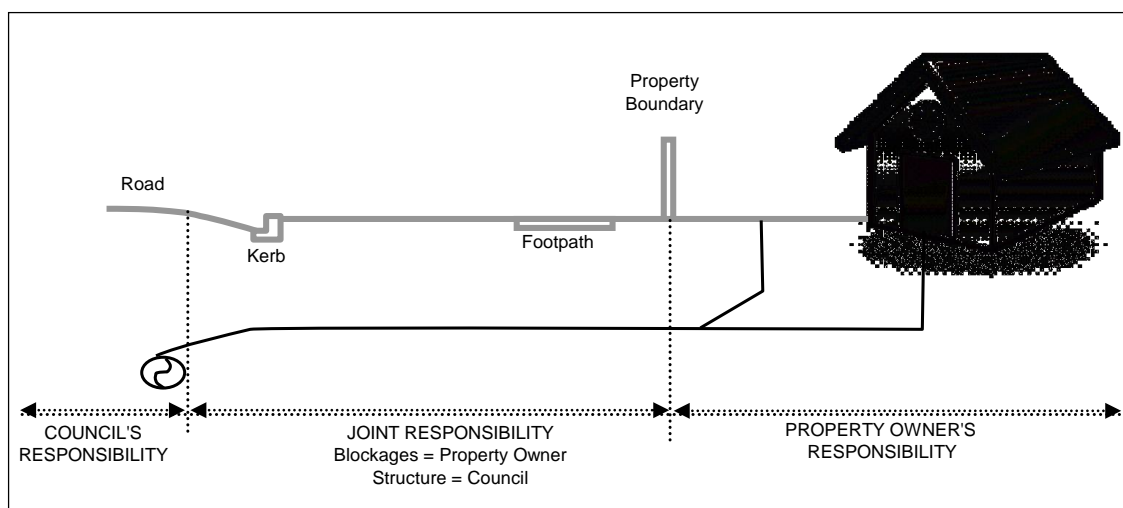


Figure 1 – Responsibility for laterals and public stormwater drains - Individual customers

6.2 Single ownership

For single dwelling units, the point of discharge shall be located at the boundary as shown in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Southland District Council and recorded on the drainage plan.

Where a private drain discharges into a public stormwater drain on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public stormwater drain.

6.3 Layout

The typical layout at a point of discharge is provided in the Southland District Council Subdivision and Land Development Bylaw.

6.4 Multiple ownership

The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For company share/block scheme (body corporate) - as for single ownership;
- (b) For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate).

Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the Southland District Council. If not practicable, there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement in specific cases. Other arrangements will be acceptable subject to individual approval.

6.5 Council Approval of Point of Discharge

Each owner's point of discharge must be approved by the Southland District Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

6.6 Common private drains

Common private drains shall serve a maximum of five single dwelling units, and may also have one point of discharge only (in common).

7 Access

7.1 Access for inspection

The customer shall allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6.00 pm on any day. The Council shall give 24 hours notice to the customer of the intended entry. Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

7.2 Non-complying connections

The customer shall allow the Council with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

8 Blockages

A customer whose drain is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain.

If the drainlayer finds that the blockage is within the public stormwater drain, then the drainlayer shall contact the Southland District Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public stormwater drain in the act of clearing it from the private drain, or that the customer has not been negligent in discharging non-acceptable stormwater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

9

Disconnection

9.1 Removal of Building

A customer shall give seven working days notice in writing of his or her intention to demolish or remove a building connected to the stormwater drain. The demolition or removal shall not commence until the property has been disconnected from the stormwater drain, which shall be capped to a standard approved by the Council and inspected by the Council.

9.2 Discharge Connections

A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

10 Protection of Stormwater Services

10.1 General

With respect to building or loading over Buried Services, or excavation near public sewers, the restrictions described in Clauses 10.2 to 10.4 shall apply. Other restrictions may be applied by the Council for the protection of the stormwater services after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

10.2 Building over Buried Services

- (a) No building shall be built over a stormwater service, whether that drain is situated on public or private land;
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public stormwater drain, or
 - (ii) the depth of the centreline of the stormwater drain, plus the diameter of the stormwater drain, plus 0.2 metres from the centre of that stormwater drain, subject to compliance with Clause 3.1 of NZS 3604.
- (c) Where (a) above is found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions and it is essential for the proposed building to be built on that part of the property, Approval may be granted subject to the property owner:
 - (i) Carrying out sufficient investigations to accurately determine the stormwater drains location and depth, and to prove that the stormwater drain is in such a condition that it has a remaining life of at least 50 years;
 - (ii) Or if (i) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (i), (iii) and (vi);

- (iii) Bore piling the building 1.0 metre clear distance either side of the stormwater drain to below the stormwater drain invert to ensure that no building loads are transferred to the stormwater drain and that it is possible to excavate down to the stormwater drain without threat to the building;
- (iv) Providing two additional manholes into the stormwater drain between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10.0 metres), provided that the stormwater drain lies in a straight line and that there are no other connections between these two manholes;
- (v) Carrying out all work on and around the stormwater drain in accordance with Council engineering standards;
- (vi) Registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey and drain stormwater.

10.3 Loading of material over public stormwater drains

10.3.1 Loading Limits

No person shall cause the crushing load imposed on a stormwater drain to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual 1994).

10.3.2 Additional material

No person shall place any additional material over or near a public stormwater drain without approval.

10.3.3 Covering of service openings

Service openings in stormwater drains shall not be covered in any way unless approved. Removal of any covering material or adjustment of the opening situated on private property shall be at the property owner's expense.

10.4 Excavation near public stormwater drains

No person shall excavate, or carry out piling or similar work closer than:

- (a) Five metres from the centre line of any trunk stormwater drain, or
 - (b) Two metres from the centre line of any other stormwater drain,
- without approval. Such approval may impose conditions on the carrying out of any work near the stormwater drain.

10.5 Working around Buried Services

10.5.1 Protection of Council services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any Buried Services are located in the vicinity. At least five working days' notice in writing shall be given to District Council of an intention to excavate in the vicinity of any part of the stormwater services. Where appropriate the Council may mark out to within $\pm 1\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

10.5.2 Standard of excavation work

When excavating and working around Buried Services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

10.5.3 Reporting and any damage to services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

11 Storage of Hazardous Materials

11.1 Occupier's Responsibilities

The occupier of any property shall take all reasonable steps to prevent entry into any Stormwater Services from leakage, spillage or other mishap of any raw material products or wastes containing corrosive toxic biocidal radioactive flammable or explosive materials or any material which by itself, or when mixed with the stormwater, may generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council stormwater services, or the health and safety of Council staff, Contractors and the public and adversely effect the receiving environment.

11.2 Entry of Hazardous Substances into Stormwater System

The Occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Clause 11.1.

12 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

13 Breaches and Remedies

13.1 Defect Notices

In the event of a breach of any provision of this Bylaw, the Council may serve a defect notice on the customer advising of its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council may carry out any remedial work required in order to make good the breach, and recover from the person committing the breach all reasonable costs incurred in connection with the remedial work, including a reinspection fee.

13.2 Breaches of Conditions of Providing a Stormwater Service Connection

The following are deemed breaches of the conditions to provide a stormwater service connection:

- (a) An incorrect application for supply which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations;
- (d) Frustration of the Southland District Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to undertake remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

13.3 Public Health and Safety and the Environment

If however the breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, or previous discharge consent violations to ensure the Council may take immediate action to rectify the defect, and recover all reasonable costs as set out in Clause 12.1.

13.4 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(2) of the Local Government Act 2002.

14 Liability

The Southland District Council shall endeavour to provide an uninterrupted service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the stormwater services.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

}

MAYOR

CHIEF EXECUTIVE

Proposed Wastewater Drainage Bylaw 2017

Record No: R/17/8/18947
Author: Rebecca McElrea, Policy and Planning Consultant
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek Council approval of a new Draft Wastewater Drainage Bylaw 2017 for public notification.

Executive Summary

- 2 Wastewater drainage for the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the LGA enables territorial authorities to make specific bylaws for its district to regulate wastewater drainage and to manage, regulate against, or protect from the misuse of infrastructure associated with Wastewater drainage.
- 3 Under section 159 of the LGA the Wastewater Drainage Bylaw 2008 is due for review in 2018.
- 4 The proposed Wastewater Drainage Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.
- 5 Changes to the Wastewater Drainage Bylaw 2008 are minor and outlined in the report below.

That the Council:

- a) **Receives the report titled “Proposed Wastewater Drainage Bylaw 2017” dated 26 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines that a bylaw is the most appropriate way of addressing the issues around regulation and management of wastewater drainage.**
- e) **Determines that the Proposed Wastewater Drainage Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local**

Government Act 2002.

- f) **Determines that the Proposed Wastewater Drainage Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to Section 155(2)(b) of the Local Government Act 2002.**
- g) **Considers the Proposed Wastewater Drainage Bylaw 2017 and the Statement of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.**

Content

Background

- 6 Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. A review allows the bylaw to be considered alongside other bylaws such as the Water supply bylaw which is also being reviewed at this time.
- 7 The Council already has several Bylaws in existence to deal with reticulated water and stormwater systems, waste management and trade wastes. However, these need to be reviewed and approved if they are to be continually enforceable.
- 8 Set out below are the aims the Wastewater Drainage Bylaw and details of the current Bylaw to be amended.
- 9 A Wastewater Drainage Bylaw will:
 - Ensure the protection of Council staff and the general public
 - Protect the ability of Council to meet obligations under the Resource Management Act 1991
 - Protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.

The new bylaw is based on the Wastewater Drainage Bylaw 2008 and suggests minor amendments as follows:

Notable changes to the Wastewater Drainage Bylaw 2008

- Section 1 - Definitions

Added in the following definitions:

- Approved Contractors
- Private Sewer
- Public Sewer

Deleted 'Drain' definition as covered by Private and Public Sewer definitions.

Amended 'Publicly Notified' definition to 'Public Notice' definition based on the Resource Management Act definition.

- Clause 3.1 – Authorisation to connect

Added in the following sentence to provide consistency with the Stormwater Drainage Bylaw wording:

'Approval to connect to the Sewerage System will only be given after full payment of the appropriate application fee.'

- Section 4 – Approved Contractors

Added 'Approved Contractors' section to ensure quality of workmanship.

- Figure 1 - Diagram

Diagram amended to clarify wording around joint responsibility (in particular what is meant by 'structure').

- Clause 5.3 – Single Ownership

Added words 'that runs in an easement' to the following sentence to provide clarity.

*Where a Private Sewer discharges into a Public Sewer **that runs in an easement** on that same private property, the Point of Discharge shall be the upstream end of the pipe fitting which forms the junction with the Public Sewer.*

- Clause 7.1 – Access for Inspection

Provided legal reference to the Local Government Act in regards to rights of entry for access for inspection.

*The Customer shall allow the Council, or its Authorised Officers, access to and about the Point of Discharge **under the rights of entry provision of the Local Government Act under section 171 to 174.***

- Clause 9.1 – Building Removal Notice

Changed notice of intention by customer to demolish building from 7 working days to 5 working days.

This is proposed so any such notifications to the Council have a consistent timeframe (the Corridor Access Request (under the National Code of Practice for Utility Operators' Access to Transport Corridors) requires 5 Working Day notice for notification of excavation in vicinity of services.)

- Clause 9.2 – Disconnection Requirements

Changed notice of intention by customer to disconnect discharge connections from 2 working days to 5 working days for same reason as above.

Added in the sentence *'Disconnection shall be done by an approved contractor'*. This is to ensure quality of workmanship.

- Clause 10.5.1 – Protection of Council Services

Added in the following sentence to provide clarity:

'The responsibility for identifying the actual location of services remains with the Person responsible for the excavation work.'

- Deleted Clauses

Rising Mains and Trunk Mains Clause

Deleted this clause as already covered by Clause 10.2.1 – Building over Public Sewers.

Additional Material Clause

Deleted Additional Material Clause as already covered by 10.3.1 – Loading Limits

Factors to Consider

Legal and Statutory Requirements

- 10 The Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem. To ensure that the Southland District wastewater drainage can be effectively managed, a bylaw is deemed necessary.
- 11 The Council is required to determine whether the proposed Bylaw is the most appropriate form of Bylaw before it makes them.
- 12 *Compliance with the New Zealand Bill of Rights Act 1990*

The New Zealand Bill of Rights Act 1990 confers certain civil and political rights to people in New Zealand. It is considered that the proposed controls in the Bylaws referred to in this report do not unnecessarily interfere with any rights conferred by this Act and give rise to no implications under the Act.

In a number of respects the controls proposed reflect the existing provisions of the Local Government Act 2002 (the Act). Section 146 of the Act allows Council's special bylaw-making powers for the purposes of regulation of:

- Waste management
- Trade wastes
- Solid wastes

It also enables Councils to manage, regulate against or protect from damage, misuse or loss, or for preventing the use of land, structures and infrastructure associated with water races, water supply, wastewater, drainage, sanitation and land drainage.

The 2002 Act itself has already been reviewed by the Attorney-General for any inconsistency with the Bill of Rights.

13 *Special Consultative Procedure*

The initiation and completion of the special consultative procedure in accordance with the requirements of Sections 83 and 86 of the Local Government Act 2002 will be necessary before the Council can make the Bylaws.

Copies of Sections 83 and 86 are attached together with a statement of proposal for the Wastewater Drainage Bylaw.

Community Views

- 14 If the form of the Bylaw is approved then the proposed Bylaw will be publicly notified in the Southland Times on Saturday, 9 September 2017. Information concerning the proposed Bylaw will be available from all Council offices and libraries within the District. A report will also be submitted to meetings of all Council Community Boards and Community Development Area Committees.
- 15 All members of the public and any interested groups, organisations and agencies will have an opportunity to make submissions on the proposed Bylaw. There will be a submission period of one month.
- 16 All of the Water and Waste Bylaws being reviewed at this time are to be subject to this one month period of consultation. Submissions will close on 9 October 2017.
- 17 These and the final bylaw will be referred to the Council meeting on 13 December 2017, with the bylaws coming into force following adoption.

Costs and Funding

- 18 The costs of advertising will be met by current budgets.

Policy Implications

- 19 No policy or plan implications have been identified.

Analysis

Options Considered

- 20 The Council may consider three possible options, which are statutory and non-statutory and may be used individually or in combination with each other. The options are:

21 Non-Statutory

- Implement a wastewater drainage information and education programme

22 Statutory

- Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Resource Management Act
- Make amendments to the current Wastewater Drainage Bylaw

Analysis of Options

Option 1 – Implement a wastewater drainage information and education programme

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> This option could target information and education to specific groups in the community. It could raise the awareness of safety and public health issues associated with wastewater. 	<ul style="list-style-type: none"> By not having a Wastewater Drainage bylaw in place it would result in an increase in the risk of negative effects such as the risk of contamination being introduced into the water. It relies exclusively on the willingness of all the users to act with consideration towards other users. <p>It would best be used in conjunction with regulations.</p>

Option 2 – Leave the current Bylaw until it lapses in 2020 and then rely on existing legislation e.g. LGA 2002, Resource Management Act

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Reduces Council's enforcement activity requirements. 	<ul style="list-style-type: none"> Does not meet the needs of the community. To have no bylaw however would remove the Council's ability regulate the wastewater network. No bylaw could also adversely affect public health and the environment Not considered a reasonably practicable option in accordance with s77 (1)(a) of the LGA.

Option 3 – Make amendments to the current Wastewater Drainage Bylaw

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> This option involves amendments to the current Wastewater Drainage Bylaw to ensure that it is up-to-date. The current Bylaw is seen as effective and there is no pressing need for major review. Only minor amendments are required. The remaining provisions are still current and relevant. Would not need to rely on provisions in the Resource Management Act and Local Government Act to regulate wastewater drainage. This is a low cost option. 	<ul style="list-style-type: none"> No obvious disadvantages

Assessment of Significance

- 23 A significant decision is one that has a high degree of significance in terms of its impact on either:
- the current and future social, economic, environmental or cultural wellbeing of the district or region;
 - people who are likely to be particularly affected by or interested in, the issue, proposal decision or matter;
 - the capacity of Council to performs its role, and the financial and other costs of doing so;
 - the ownership or function of a strategic asset.

The decision would be of low significance.

Recommended Option

- 24 The recommended option (3) is to make amendments to the current Wastewater Drainage Bylaw 2008 and approve it for proceeding with the special consultative procedures outlined in sections 83 and 86 of the Local Government Act 2002 with regards to the making of a bylaw.

Next Steps

- 25 Officers recommend the following process:

Action	Date
Council considers bylaw for notification	6 September 2017
Notification of Bylaw	9 September 2017
Submissions close	9 October 2017
Hearing	TBD
Council considers sign-off for final bylaw	13 December 2017

Attachments

- A Proposed Wastewater Drainage Bylaw 2017 [↓](#)
- B Statement of Proposal - Wastewater Drainage Bylaw 2017 [↓](#)
- C Appendix 3 - Local Government Act 2002 [↓](#)
- D FINAL Southland District Council Wastewater Drainage Bylaw 2008 [↓](#)



Southland District Council

Wastewater Drainage Bylaw 2017

Contents

1	Introduction	1
1.1	Title.....	1
1.2	Commencement and Area of Application	1
1.3	Repealed Bylaw	1
2	Definitions	1
3	Approval to Connect.....	3
3.1	Authorisation to Connect.....	3
3.2	Payment	4
3.3	Flow Rate	4
3.4	Pump Station	4
3.5	Prohibited Characteristics	4
4	Approved Contractors.....	4
5	Point of Discharge	4
5.1	General.....	4
5.2	Layout.....	5
5.3	Single ownership.....	5
5.4	Multiple Ownership	5
5.4.1	Point of Discharge	5
5.4.2	Council Approval of Point of Discharge	5
5.5	Common Private Sewer	6
5.5.1	Point of Discharge for Shared Drain	6
6	Blockages.....	6
7	Access.....	6
7.1	Access for Inspection	6
7.2	Non-complying Connections	6
8	Prevention of Inflow and Infiltration.....	6
8.1	Customer Responsibilities.....	6
8.2	Exclusion of Stormwater from Sewerage System.....	6
8.3	Maintenance Requirements for Private Sewers	7
9	Disconnection.....	7
9.1	Building Removal Notice	7
9.2	Disconnection Requirements	7
10	Protection of Sewerage System.....	7
10.1	General.....	7
10.2	Building over Buried Services (is there something missing under here?)	7
10.2.1	Building over Public Sewers	7
10.3	Loading or Material over Public Sewers	8
10.3.1	Loading Limits	8
10.3.2	Covering of Service Openings.....	8

10.4	Excavation near Public Sewer.....	8
10.5	Working around Buried Services.....	8
10.5.1	Protection of Council Services.....	8
10.5.2	Standard of Excavation Work.....	8
10.5.3	Reporting of any Damage to Services.....	8
11	Protecting the Sewerage System from Hazardous Substances.....	9
11.1	Occupier's Responsibilities to Prevent Contamination.....	9
11.2	Entry of Hazardous Substances into Sewer.....	9
12	Recovery of Costs.....	9
13	Breaches and Remedies.....	9
13.1	Defect Notices for Breach of Bylaw.....	9
13.2	Breaches of Conditions of Providing a Wastewater Service Connection.....	9
13.3	Public Health and Safety and the Environment.....	9
13.4	Penalties.....	10
14	Liability.....	10

1 SOUTHLAND DISTRICT COUNCIL

2 WASTEWATER DRAINAGE BYLAW 2017

1 Introduction

1.1 Title

This Bylaw may be cited as the Southland District Council Wastewater Drainage Bylaw 2017.

1.2 Commencement and Area of Application

This Bylaw shall come into force on the xx day of December 2017 and shall apply throughout the District.

1.3 Repealed Bylaw

The Southland District Council Wastewater Drainage Bylaw 2008 is consequently repealed.

2 Definitions

In this Bylaw unless the context otherwise requires:

ACCEPTABLE DISCHARGE means wastewater with physical and chemical characteristics which comply with the requirements of the Council.

APPROVAL or **APPROVED** means approved in writing by the Council.

APPROVED CONTRACTOR means a contractor approved by Council to undertake works on the sewerage system.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BUILDING means any building within the meaning of Sections 8 and 9 of the Building Act 2004.

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

COUNCIL means the Southland District Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to a public sewer of the Council.

DISCONNECTION means the physical cutting and sealing of the drain from premises.

DISTRICT means the District of the Council.

DOMESTIC WASTEWATER means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Domestic wastewater shall include the drainage from domestic swimming and spa pools.

DRAINAGE DISTRICT means the District or part thereof for which the Council may provide a drainage system, including any area within the District.

INFILTRATION means water entering a public sewer or private sewer from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private sewer from non-complying connections or other drain laying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

PERSON includes a natural person, the Crown, a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means the boundary between the public sewer and a private sewer.

PREMISES means either:

- (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 to which a building consent has been or may be issued; or
- (b) A building or part of 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
- (c) Land held in public ownership (eg, reserve) for a particular purpose.

PRIVATE SEWER means that section of sewer between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of sewer is owned and maintained by the customer (or group of customers).

PUBLIC SEWER means the public sewer and lateral connections that carry away wastewater from the point of discharge. The sewer is owned and maintained by Council.

PUBLIC NOTICE:

- (a) Means a notice published in a newspaper circulating in the entire area likely to be affected by the matter to which the notice relates; and
- (b) May also include a notice published on the Council website.

RIISING MAIN means a sewer through which wastewater is pumped.

SCHEDULE OF FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the Council.

SERVICE OPENING means a manhole, cleaning eye, or similar means for gaining access for inspection, cleaning or maintenance, of a sewer.

SEWER means any pipe that conveys wastewater.

SEWERAGE SYSTEM means infrastructure for the collection, treatment, disposal of wastewater and trade waste, including all public sewers, pumping stations, storage tanks, sewerage treatment plants, outfalls and other related structures operated by Council and used for the reception, treatment and disposal of wastewater.

STORMWATER means all surface water runoff resulting from precipitation.

TRADE PREMISES means:

- (a) Any premises used for industrial or trade purposes;
- (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials;
- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process, as defined in the Resource Management Act 1991;

and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's Sewerage System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include condensing or cooling waters, Stormwater which cannot practically be separated, or domestic wastewater.

TRADE WASTE BYLAW means the bylaw of the Council for the time being in force regulating wastewater discharges from trade premises to a sewer.

TRUNK SEWER means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the Council's sewerage system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

3 Approval to Connect

3.1 Authorisation to Connect

No person shall, without approval, make any connection to, discharge or otherwise interfere with any part of the Council's sewerage system.

Approval to connect to the sewerage system will only be given after full payment of the appropriate application fee.

3.2 Payment

The customer shall be liable to pay for the discharge of wastewater and related services in accordance with the Council rates, fees and charges prevailing at the time.

The Council may recover all unpaid charges as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 82.

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection; and/or
- (b) A development contribution charge determined in accordance with the Local Government Act 2002.

3.3 Flow Rate

The maximum instantaneous flow rate for domestic wastewater discharged from domestic premises shall not exceed 2.0 litres/second. The Council may also set a maximum daily flow rate discharged from domestic premises.

3.4 Pump Station

Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

3.5 Prohibited Characteristics

No wastewater containing characteristics considered by the Council to be dangerous or to have a deleterious effect on the Council's sewerage system, or to cause a breach of any discharge permit held by the Council, shall be discharged into the public sewer or sewerage system.

4 Approved Contractors

Any Person who undertakes repair or installation work for Wastewater services shall first obtain Approval by Council as an Approved Contractor. Council will grant this Approval only where it is fully satisfied that the Person has the necessary expertise and experience. Council shall maintain a register of Approved Contractors.

5 Point of Discharge

5.1 General

The point of discharge from a customer shall be at the property boundary, with the boundaries of responsibility between the customer and the Council defined as in Figure 1.

Unless otherwise approved there shall be one point of discharge only for each premises and any private sewer shall not extend by pipe or any other means to serve another premises unless it is a common private sewer.

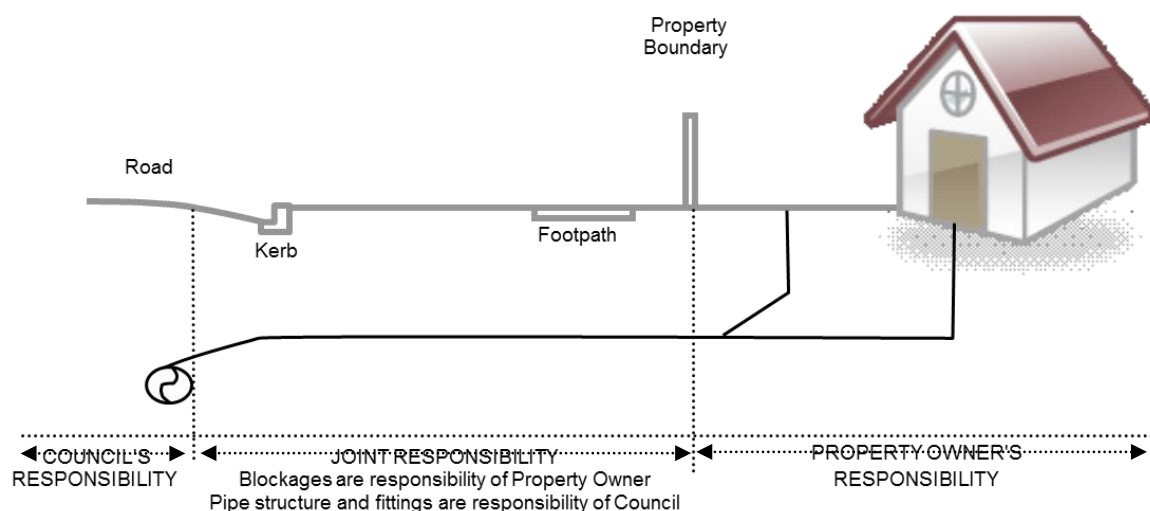


Figure 1 - Responsibility for laterals and sewer - Individual Customers

5.2 Layout

The typical layout at a point of discharge is provided in the Council's Subdivision and Land Development Bylaw.

5.3 Single Ownership

For single dwelling units, the point of discharge shall be located at the boundary as shown in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Council and recorded on the drainage plan.

Where a private sewer discharges into a public sewer that runs in an easement on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

5.4 Multiple Ownership

5.4.1 Point of Discharge

The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For company share/block scheme (body corporate) - as for single ownership; or
- (b) For leasehold/tenancy in common scheme (cross lease), strata title and unit title (body corporate) - where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private sewer which shall be incorporated as an additional provision in the lease agreement in specific cases.

Other arrangements will be acceptable subject to individual approval.

5.4.2 Council Approval of Point of Discharge

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

5.5 Common Private Sewer

5.5.1 Point of Discharge for Shared Drain

Common private sewers shall serve a maximum of five single dwelling units and may also have one point of discharge only (in common). All connections to a common private sewer shall be approved by the Council.

6 Blockages

A customer who has reason to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private sewer.

If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private sewer, or that the customer has not been negligent in discharging non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

7 Access

7.1 Access for Inspection

The Customer shall allow the Council, or its authorised officers, access to and about the point of discharge under the rights of entry provision of the Local Government Act under Section 171 to 174. The Council shall give 24 hours notice to the customer of the intended entry. For the purposes of monitoring, testing and maintenance work, the customer shall allow Council free access to and about the point of discharge between 7.30 am and 6.00 pm on any day. Under emergency conditions, or for the purpose of ascertaining whether the sewers are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

7.2 Non-complying Connections

The customer shall allow the Council with any necessary equipment, access to any area of the Premises for the purposes of ascertaining whether non-complying connections have been made.

8 Prevention of Inflow and Infiltration

8.1 Customer Responsibilities

The Customer shall prevent any stormwater or groundwater entering the wastewater sewerage system. This includes roof downpipes, surface water run-off, overland flow and sub-surface drainage.

8.2 Exclusion of Stormwater from Sewerage System

So that stormwater is excluded from the sewerage system, the customer shall ensure:

- (a) There is no direct connection of any stormwater pipe or drain to the sewerage system, unless the sewerage system has been specifically designed as a combined sewerage/stormwater system;
- (b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code), or secondary overland flow path flood levels;
- (c) Inspection covers are in place and are appropriately sealed.

8.3 Maintenance Requirements for Private Sewers

Private sewers shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

9 Disconnection

9.1 Building Removal Notice

A customer shall give five working days notice in writing of their intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council.

9.2 Disconnection Requirements

A Customer shall give five working days notice in writing to the Council of their requirement for disconnection of the discharge connections. Disconnection shall be done by an approved contractor.

10 Protection of Sewerage System

10.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in Clauses 10.2 to 10.4 shall apply. Other restrictions may be applied by the Council for the protection of the public sewerage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors.

10.2 Building over Buried Services

10.2.1 Building over Public Sewers

- (a) No building shall be built over a public sewer, whether on public or private land;
- (b) No building shall be built closer than the greater of:
 - i. 1.5 metres from the centre of any public sewer; or
 - ii. the depth of the centre line of the public sewer, plus the diameter of the public sewer, plus 0.2 metres from the centre of that public sewer, subject to compliance with Clause 3.1 of NZS 3604.
- (c) Where (a) above is found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the property owner:
 - i. carrying out sufficient investigations to accurately determine the sewer location and depth and to prove that the sewer is in such a condition that it has a remaining life of at least 50 years;
 - ii. or if (i) cannot be satisfied, carrying out remedial work or relaying the Sewer to meet the requirements of (i), (iii) and (vi);
 - iii. bore piling the building 1.0 metre clear distance either side of the sewer to below the sewer invert to ensure that no building loads are transferred to the sewer and that it is possible to excavate down to the sewer without threat to the building;
 - iv. providing two additional manholes into the sewer between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the

building (unless there is an existing manhole within 10.0 metres), provided that the sewer lies in a straight line and that there are no other connections between these two manholes;

- v. carrying out all work on and around the sewer in accordance with Council engineering standards;
- vi. registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey wastewater.

10.3 Loading or Material over Public Sewers

10.3.1 Loading Limits

No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual 1994).

10.3.2 Covering of Service Openings

Service openings shall not be covered in any way unless approved. Removal of any covering material or changes to any opening situated on private property shall be at the property owner's expense.

10.4 Excavation near Public Sewer

No person shall excavate, or carry out piling or similar work closer than:

- (a) 5.0 metres from the centre line of any rising main or trunk sewer; or
- (b) 2.0 metres from the centre line of any public sewer, without approval. Such approval may impose conditions on the carrying out of any work near the public Sewer.

10.5 Working around Buried Services

10.5.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any buried services is located in the vicinity. At least five working days notice in writing shall be given to Council of an intention to excavate in the vicinity of any part of a sewerage system. Where known the Council may mark out on the ground the estimated location of its services and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service. The responsibility for identifying the actual location of services remains with the person responsible for the excavation work.

10.5.2 Standard of Excavation Work

When excavating and working around buried services, due care shall be taken to ensure the services are not damaged and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

10.5.3 Reporting of any Damage to Services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service and any other costs the Council incurs as a result of the incident. All repairs to the damaged service shall be undertaken by an approved contractor.

11 Protecting the Sewerage System from Hazardous Substances

11.1 Occupier's Responsibilities to Prevent Contamination

The occupier of any property shall take all reasonable steps to prevent entry into the sewerage system from leakage, spillage or other mishap of any raw material products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials or any material which, by itself or when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council sewerage system or the health and safety of Council staff, contractors and the public and adversely affect the receiving environment.

11.2 Entry of Hazardous Substances into Sewer

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in 11.1.

12 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, willful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

13 Breaches and Remedies

13.1 Defect Notices for Breach of Bylaw

In the event of a breach of any provision of this bylaw, the Council may serve a defect notice on the customer advising of its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council reserves the right to undertake remedial work required in order to make good the breach and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work, including a re-inspection fee.

13.2 Breaches of Conditions of Providing a Wastewater Service Connection

The following are deemed breaches of the conditions to provide a wastewater service connection:

- (a) An incorrect application for connection which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under this bylaw.
- (d) Frustration of the Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

13.3 Public Health and Safety and the Environment

If the breach to public health, or safety considerations, or risk of consequential damage to Council assets or the environment, or previous discharge consent violations is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs as set out in Clause 12.

13.4 Penalties

Any person who is in breach of this bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000.00 in accordance with Section 242(2) of the Local Government Act 2002.

14 Liability

The Council shall endeavour to provide an uninterrupted service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the sewerage system.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on xx December 2017.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of: }

MAYOR

CHIEF EXECUTIVE

APPENDIX 2
STATEMENT OF PROPOSAL FOR
DRAFT WASTEWATER DRAINAGE BYLAW 2017

Item 7.3 Attachment B

DRAFT WASTEWATER DRAINAGE BYLAW

STATEMENT OF PROPOSAL

AUGUST 2017

CONTENTS

Why do we need a Wastewater Drainage Bylaw?	4
Reasons for Proposal	4
What's the process of developing the bylaw?	4
What must Council consider in developing the bylaw?	4
How can I have my say?	5
How do I make an effective submission?	6
Where do I get more copies of the Draft Wastewater Drainage Bylaw?	6

WHY DO WE NEED A WASTEWATER DRAINAGE BYLAW?

The Southland District Council Wastewater Drainage Bylaw 2008 (“the current Wastewater Drainage Bylaw”) is due for review by 1 July 2018. This statement of proposal discusses the proposed form of the new Wastewater Drainage Bylaw 2017 and recommends a draft bylaw to undergo the special consultation process as outlined within the Local Government Act 2002. The Local Government Act 2002 requires Council to consult with the community using the special consultative procedure prior to revoking the current Wastewater Drainage Bylaw and adopting the new Wastewater Drainage Bylaw. This Statement of Proposal includes a copy of the proposed new Wastewater Drainage Bylaw.

REASONS FOR PROPOSAL

Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. This allows the bylaw to be considered alongside other bylaws such as the Water supply bylaw which is also being reviewed at this time.

Council staff have undertaken a review of the existing bylaw and consider it remains generally fit for purpose. A number of minor changes are proposed to provide clarity and consistency through the bylaw.

The Wastewater Bylaw enables Council to protect people, property and the environment by minimising the impact of the disposal of wastewater drainage from domestic and Trade Premises by the sewerage system or private on site wastewater disposal systems.

It is essential that the Council has the ability to manage and control the type and volume of discharges to the wastewater system in order to prevent overload or damage and avoid any potential risk to public health and the environment. The controls also assist Council in meeting the requirements of its discharge consents.

The Southland District Council (Council) has reviewed its Wastewater Bylaw (Bylaw), and proposes to make amendments to it.

WHAT’S THE PROCESS OF DEVELOPING THE BYLAW?

A draft of the proposed Bylaw has been prepared by the Council for consultation in terms of section 86 of the Local Government Act 2002.

The Process	The Timeframes	Your Involvement
Review existing bylaw and develop the draft Wastewater Drainage bylaw	Council sign off bylaw for consultation 6 September 2017.	
Call for submissions on the draft bylaw (using the special consultative procedure in the Local Government Act 2002)	Submissions Open 9 September 2017 Close 9 October 2017	
Hold a hearing for submitters who wish to present to Councillors directly	Hearings xx November 2017	
Adopt the bylaw	Council approval of bylaw 13 December 2017	
Notify the bylaw and effective date (as per Council resolution)	Public Notice in Southland Times on 16 December 2017.	

WHAT MUST COUNCIL CONSIDER IN DEVELOPING THE BYLAW?

Council must determine the following three things in making a bylaw:

- Whether a bylaw is the most appropriate way of dealing with the issue;
- Whether the bylaw is in the most appropriate form:
- Whether the bylaw has any inconsistencies with the New Zealand Bill of Rights Act 1990.

The requirements of Section 155 have been considered.

- The Draft Bylaw is appropriate as the content is based on demonstrated knowledge of current issues; and
- The content of the Draft Bylaw does not pose unjustified restrictions on people so is neither inconsistent with nor raises any implications with the New Zealand Bill of Rights Act 1990.

HOW CAN I HAVE MY SAY?

Submissions may be made on the Draft Wastewater Drainage Bylaw and these should be received by the Council no later than 5pm on Monday 9 October 2017. Any written form of submission will be received and considered. Submissions can be via letter or email and you can make your submission by:

Post to:	Deliver to:	Online:	Phone:
Southland District Council P O Box 903 Invercargill 9840	To customer service desks at: Southland District Council 15 Forth Street, Invercargill Winton Area Office and Library, 1 Wemyss Street, Winton Lumsden Area Office and Library, 18 Diana Street, Lumsden Te Anau Area Office, 116 Town Centre, Te Anau Otautau Area Office and Library, 176 Main Street, Otautau Wyndham Area Office and Library, 24 Balaclava Street, Wyndham Riverton Area Office and Library, 117 Palmerston Street, Riverton	Complete this form online at:	Phone us on: 0800732732 and one of our friendly Customer Service staff will fill out this form for you over the phone.

Stewart Island Area
Office and Library, 10
Ayr Street, Halfmoon
Bay

Please state in your submission if you want to speak at a Council hearing about your submission. Submitters should note that their submission will be copied and made available to the public after the submission period closes.

HOW DO I MAKE AN EFFECTIVE SUBMISSION?

Written submissions can take any written form (e.g. email, letter). An effective submission refers to the part(s) of the Draft Bylaw you wish to submit on, states why you support or do not support the part and what change you are seeking. Submissions on matters outside the scope of the Bylaw cannot be considered by the Council.

WHERE DO I GET MORE COPIES OF THE DRAFT WASTEWATER DRAINAGE BYLAW?

The draft proposal and a summary are available from the following locations:

- Southland District Council, 15 Forth Street, Invercargill
- Winton Area Office and Library, 1 Wemyss Street, Winton
- Lumsden Area Office and Library, 18 Diana Street, Lumsden
- Te Anau Area Office, 116 Town Centre, Te Anau
- Otautau Area Office and Library, 176 Main Street, Otautau
- Wyndham Area Office and Library, 24 Balaclava Street, Wyndham
- Riverton Area Office and Library, 117 Palmerston Street, Riverton
- Stewart Island Area Office and Library, 10 Ayr Street, Halfmoon Bay

APPENDIX 3

LOCAL GOVERNMENT ACT 2002

83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
- (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with [section 83AA](#)); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with [section 82\(1\)\(d\)](#); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i) is given a reasonable opportunity to do so; and
 - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

Section 83 replaced, on 8 August 2014, by [section 25](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

- (1) This section applies if, in accordance with [section 156\(1\)\(a\)](#), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.
- (2) The statement of proposal referred to in [section 83\(1\)\(a\)](#) must include,—
 - (a) as the case may be,—
 - (i) a draft of the bylaw as proposed to be made or amended; or
 - (ii) a statement that the bylaw is to be revoked; and
 - (b) the reasons for the proposal; and
 - (c) a report on any relevant determinations by the local authority under [section 155](#).

Section 86: replaced, on 8 August 2014, by [section 28](#) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).



People First

Southland District Council

Te Rohe Pōtae O Murihiku

WASTEWATER DRAINAGE

BYLAW 2008

Contents

<u>1</u>	<u>Introduction</u>	1
	<u>1.1 Title</u>	1
	<u>1.2 Commencement and Area of Application</u>	1
<u>2</u>	<u>Definitions</u>	1
<u>3</u>	<u>Approval to connect</u>	4
	<u>3.1 Authorisation to Connect</u>	4
	<u>3.2 Payment</u>	4
	<u>3.3 Premises</u>	5
	<u>3.3.1 Flow rate</u>	5
	<u>3.4 Pump Station</u>	5
	<u>3.5 Prohibited Characteristics</u>	5
<u>4</u>	<u>Point of discharge</u>	5
	<u>4.1 General</u>	5
	<u>4.2 Single ownership</u>	6
	<u>4.3 Layout</u>	6
	<u>4.4 Multiple ownership</u>	6
	<u>4.4.1 Point of discharge</u>	6
	<u>4.4.2 Council approval of point of discharge</u>	7
	<u>4.5 Common private drains</u>	7
	<u>4.5.1 Point of discharge for shared drain</u>	7
<u>5</u>	<u>Blockages</u>	7
<u>6</u>	<u>Access</u>	7
	<u>6.1 Access for inspection</u>	7
	<u>6.2 Non-complying connections</u>	7
<u>7</u>	<u>Prevention of inflow and infiltration</u>	8
	<u>7.1 Exclusion of Stormwater from Sewerage System</u>	8
	<u>7.2 Maintenance Requirements for Private Drains</u>	8
<u>8</u>	<u>Disconnection</u>	8
	<u>8.1 Building Removal Notice</u>	8
	<u>8.2 Disconnection Requirement Notice</u>	8
<u>9</u>	<u>Protection of Sewerage System</u>	8
	<u>9.1 General</u>	8
	<u>9.2 Building over Buried Services</u>	9
	<u>9.2.1 Rising mains and trunk sewers</u>	9
	<u>9.2.2 Other public sewers</u>	9

9.3	Loading or material over public sewers	10
9.3.1	Loading limits	10
9.3.2	Additional material	10
9.3.3	Covering of service openings	10
9.4	Excavation near public sewers	10
9.5	Working around Buried Services	10
9.5.1	Protection of Council services	10
9.5.2	Standard of excavation work	10
9.5.3	Reporting and any damage to services	10
10	Storage of hazardous materials	11
10.1	Occupier's responsibilities	11
10.2	Entry of hazardous substances into sewer	11
11	Recovery of Costs	11
12	Breaches and Remedies	11
12.1	Breaches of Conditions of providing a Wastewater Service Connection	11
12.2	Defect Notices	12
12.3	Public Health and Safety	12
12.4	Penalties	12
13	Liability	12

SOUTHLAND DISTRICT COUNCIL
WASTEWATER DRAINAGE Bylaw 2008

1 Introduction**1.1 Title**

This Bylaw may be cited as the Southland District Council Wastewater Drainage Bylaw 2008.

1.2 Commencement and Area of Application

This Bylaw shall come into force on the 30th day of June 2008 and shall apply throughout the District

2 Definitions

In this Bylaw unless the context otherwise requires-

ACCEPTABLE DISCHARGE means wastewater with physical and chemical characteristics which comply with the requirements of the Council.

APPROVAL or **APPROVED** means approved in writing by the Council.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BUILDING means any building within the meaning of Sections 8 and 9 of the Building Act 2004.

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

COUNCIL means the Southland District Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to a public sewer of the Council.

DISCONNECTION means the physical cutting and sealing of the drain from premises.

DISTRICT means the District of the Council.

DOMESTIC WASTEWATER means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Domestic wastewater shall include the drainage from domestic swimming and spa pools.

DRAIN means that section of private drain between the customer's premises and the point of discharge through which wastewaters are conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

DRAINAGE DISTRICT means the District or part thereof for which the Council may provide a drainage system, including any area within the District.

INFILTRATION means water entering a public sewer or private drain from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private drain from non-complying connections or other drain laying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

PERSON includes a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means the boundary between the public sewer and a private drain.

PREMISES means either:

- (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 to which a building consent has been or may be issued, or
- (b) 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
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District, or in the case of an emergency notification, by the most practical means available.

RISING MAIN means a sewer through which wastewater is pumped.

SCHEDULE OF RATES, FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the Council.

SERVICE OPENING means a manhole, cleaning eye, or similar means for gaining access for inspection, cleaning or maintenance, of a sewer.

SEWER means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The sewer is owned and maintained by Council.

SEWERAGE SYSTEM means infrastructure for the collection, treatment, disposal of sewage and Trade Waste, including all sewers, pumping stations, storage tanks, sewerage treatment plants, outfalls and other related structures operated by Council and used for the reception, treatment and disposal of sewage.

STORMWATER means all surface water runoff resulting from precipitation.

TRADE PREMISES means:

- (a) Any premises used for industrial or trade purposes.
- (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials.

- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process, as defined in the Resource Management Act 1991.

and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, and may include condensing or cooling waters, stormwater which cannot practically be separated, or domestic sewage.

TRADE WASTE Bylaw means the Bylaw of the Council for the time being in force regulating wastewater discharges from trade premises to a sewer.

TRUNK SEWER means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the wastewater authority's wastewater drainage system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

3 Approval to connect

3.1 Authorisation to Connect

No person shall, without Approval, make any connection to, discharge or otherwise interfere with any part of the sewerage system.

3.2 Payment

The customer shall be liable to pay for the discharge of wastewater and related services in accordance with the Council rates, fees and charges prevailing at the time.

The Council may recover all unpaid charges as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 82.

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002;
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.

3.3 Premises

3.3.1 Flow rate

The maximum instantaneous flow rate discharged from domestic premises shall not exceed 2.0 litres/second. The Council may also set a maximum daily flow rate discharged from domestic premises.

3.4 Pump Station

Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer

3.5 Prohibited Characteristics

No wastewater containing characteristics considered by the Council to be dangerous or to have a deleterious effect on the Council's sewerage system, or to cause a breach of any discharge permit held by the Council, shall be discharged into the sewer or sewerage system.

4 Point of discharge

4.1 General

The point of discharge from a customer shall be at the property boundary, with the boundaries of responsibility between the customer and the Council defined as in Figure 1.

Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

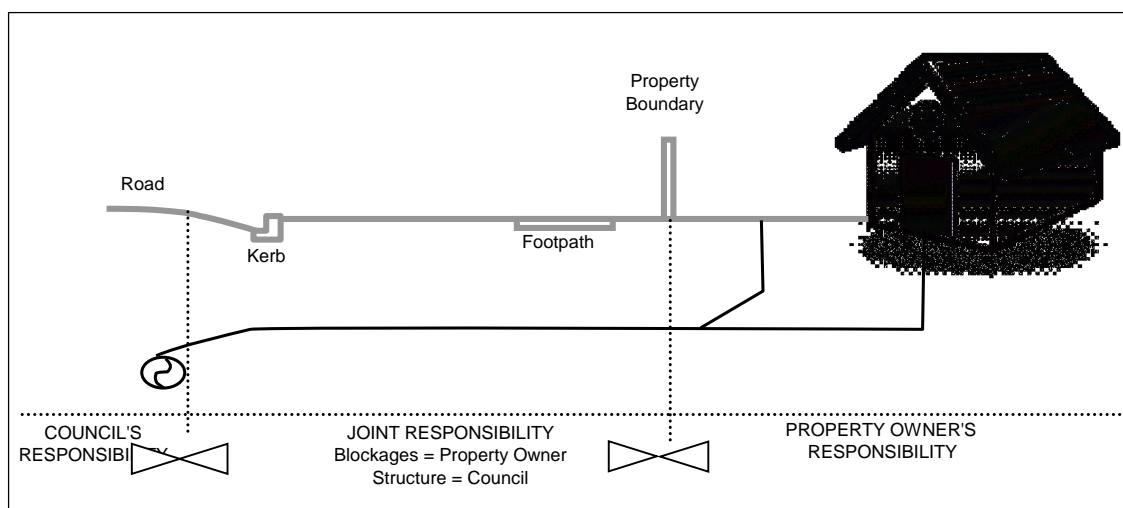


Figure 1 – Responsibility for laterals and sewer - Individual customers

4.2 Single ownership

For single dwelling units, the point of discharge shall be located at the boundary as shown in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Council and recorded on the drainage plan.

Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

4.3 Layout

The typical layout at a point of discharge is provided in the Council Subdivision and Land Development Bylaw.

4.4 Multiple ownership

4.4.1 Point of discharge

The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For company share/block scheme (body corporate) - as for single ownership; or
- (b) For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate).

Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement in specific cases. Other arrangements will be acceptable subject to individual approval.

4.4.2 Council approval of point of discharge

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

4.5 Common private drains

4.5.1 Point of discharge for shared drain

Common private drains shall serve a maximum of five single dwelling units, and may also have one point of discharge only (in common). All connections to a common private drain shall be approved by the Council.

5 Blockages

A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain.

If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

6 Access

6.1 Access for inspection

The customer shall allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6.00 pm on any day. The Council shall give 24 hours previous notice to the customer of the intended entry. Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

6.2 Non-complying connections

The customer shall allow the Council with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

7 Prevention of inflow and infiltration

The customer shall prevent any stormwater or groundwater entering the wastewater sewerage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

7.1 Exclusion of Stormwater from Sewerage System

Stormwater shall be excluded from the sewerage system by ensuring that:

- (a) There is no direct connection of any stormwater pipe or drain to the wastewater system, unless the wastewater system has been specifically designed as a combined wastewater/stormwater system;
- (b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code), or secondary overland flow path flood levels;
- (c) Inspection covers are in place and are appropriately sealed.

7.2 Maintenance Requirements for Private Drains

Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

8 Disconnection

8.1 Building Removal Notice

A customer shall give seven working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council.

8.2 Disconnection Requirement Notice

A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections.

9 Protection of Sewerage System

9.1 General

With respect to building or loading over Buried Services, or excavation near public sewers, the restrictions described in Clauses 7.2 to 7.4 shall apply. Other restrictions may be applied by the Council for the protection of the public drainage system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

9.2 Building over Buried Services

9.2.1 *Rising mains and trunk sewers*

No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- (a) 1.5 metres from the centre of any main or sewer or
- (b) The depth of the centre line of the sewer plus the diameter of the sewer plus 0.2 metres from the centre of that sewer subject to compliance with Clause 3.1 of NZS 3604.

9.2.2 *Other public sewers*

- (a) No building shall be built over a public sewer, whether on public or private land;
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public sewer, or
 - (ii) the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with Clause 3.1 of NZS 3604.
- (c) Where (a) above is found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions and it is essential for the proposed building to be built on that part of the property, Approval may be granted subject to the property owner:
 - (i) Carrying out sufficient investigations to accurately determine the stormwater drains location and depth, and to prove that the stormwater drain is in such a condition that it has a remaining life of at least 50 years;
 - (ii) Or if (i) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (i), (iii) and (vi);
 - (iii) Bore piling the building 1.0 metre clear distance either side of the stormwater drain to below the stormwater drain invert to ensure that no building loads are transferred to the stormwater drain and that it is possible to excavate down to the stormwater drain without threat to the building;
 - (iv) Providing two additional manholes into the stormwater drain between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10.0 metres), provided that the stormwater drain lies in a straight line and that there are no other connections between these two manholes;
 - (v) Carrying out all work on and around the stormwater drain in accordance with Council engineering standards;
 - (vi) Registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey and drain stormwater.

9.3 Loading or material over public sewers

9.3.1 Loading limits

No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual 1994).

9.3.2 Additional material

No person shall place any additional material over or near a public sewer without approval.

9.3.3 Covering of service openings

Service openings shall not be covered in any way unless Approved. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

9.4 Excavation near public sewers

No person shall excavate, or carry out piling or similar work closer than:

- (a) 5.0 metres from the centre line of any rising main or trunk sewer, or
- (b) 2.0 metres from the centre line of any public sewer, without approval. Such approval may impose conditions on the carrying out of any work near the sewer.

9.5 Working around Buried Services

9.5.1 Protection of Council services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any Buried Services is located in the vicinity. At least five working days notice in writing shall be given to Council of an intention to excavate in the vicinity of any part of a water supply system. Where appropriate the Council may mark out to within ± 1 m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

9.5.2 Standard of excavation work

When excavating and working around Buried Services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

9.5.3 Reporting and any damage to services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

10 Storage of hazardous materials

10.1 Occupier's responsibilities

The occupier of any premises shall take all reasonable steps to prevent entry into the sewerage system from leakage, spillage or other mishap of any raw material products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials or any material which, by itself or when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council wastewater system or the health and safety of Council staff, contractors and the public and adversely effect the receiving environment.

10.2 Entry of hazardous substances into sewer

The Occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in 10.1.

11 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

12 Breaches and Remedies

12.1 Breaches of Conditions of providing a Wastewater Service Connection

The following are deemed breaches of the conditions to provide a wastewater service connection:

- (a) An incorrect application for supply which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under this Bylaw.
- (d) Frustration of the Southland District Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to undertake remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

12.2 Defect Notices

In the event of a breach of any provision of this Bylaw, Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council may charge a reinspection fee.

12.3 Public Health and Safety

If the breach to public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs as set out in Clause 9.3.

12.4 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(2) of the Local Government Act 2002.

13 Liability

The Southland District Council shall endeavour to provide an uninterrupted supply but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

**THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL**
was hereunto affixed in the presence of:

}

MAYOR

CHIEF EXECUTIVE

Projects from 2016/2017 to be carried forward into the 2017/2018 Financial Year

Record No: R/17/7/15284
Author: Susan McNamara, Management Accountant
Approved by: Anne Robson, Chief Financial Officer

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To inform Council of the projects approved for delivery in the 2016/2017 year that were not completed by year end and to seek approval from Council to carry these projects or dollars related to these projects forward into the 2017/2018 year.
- 2 Please note - this list is not a complete list of all projects that were not completed in 2016/2017. Some projects have been deleted, or will be reprogrammed to a later date.

Executive Summary

- 3 Every year as part of the Annual Plan/Long Term Plan process, Council staff, in conjunction with elected members, identify projects to be undertaken and the funding requirements to complete such work. Due to various reasons, these projects are not always completed in the financial year for which they are budgeted to occur, and therefore need to be carried forward.
- 4 This report lists in Attachment A, the projects identified by staff as needing to be carried forward for the reasons identified. We ask Council to consider this request and approve appropriately.
- 5 Where a project has been included in the Annual Plan for 2017/18 as a result of the staff submission and the actual amount spent in 2016/17 was higher than the remaining balance for the project in 2016/17, a negative amount has been included Attachment A.

Recommendation

That the Council:

- a) Receives the report titled “Projects from 2016/2017 to be carried forward into the 2017/2018 Financial Year” dated 29 August 2017.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Approves the projects/expenditure below to be carried forward into the 2017/2018 financial year.

Category/Town	Project Name	Amount
Not Started		
District Leadership	Net proceeds for the Replacement of vehicles (for 11 vehicles)	\$201,273
District Wide - Wastewater	CCTV – WW910	\$4,989
District Wide - Wastewater	CCTV – WW911	\$51,900
Environmental Health	Surplus to fund future contract work	\$10,000
Riversdale - Wastewater	Sludge Removal	\$115,986
Riverton/Aparima	Footpaths	\$49,000
Winton	Florence Road sealing, curb and channel on West side	\$10,000
In Progress		
District - Library	Furniture & Fittings	\$8,189
Information Management	Aeromagnetic Survey	\$71,805
Information Management	Digitisation Back Capture	\$433,782
Information Management	Core System Review	\$87,419
District Wide - Water	District Monitoring Project - WAT951	\$50,000
District Wide - Water	District Monitoring Project – WAT988	\$17,000
Category/Town	Project Name	Amount
District - Regulatory	District Plan - General Projects	\$29,882
District - Regulatory	District Plan - Plan Changes	\$39,999
Roading	Southern Scenic Route	\$1,894,717
Roading	Minor Improvements	\$648,414
Athol	Railway Project	\$15,000
Athol	Beautification upgrade	-\$198
Browns	Upgrade of Hall	\$15,000
Manapouri	Township Entrance signs & feature	\$10,000

Manapouri	Commemorative rock	-\$3,318
Manapouri - Wastewater	Pump Station	\$20,760
Mararoa Waimea	Minor road improvements particularly the sealing of unsealed roads	\$50,000
Ohai - Wastewater	Pumps	\$18,192
Ohai/Nightcaps/Wairio - Water	SCADA interface to Wairio	\$5,751
Riverton/Aparima	Road & Kerb widening- Walker Street	\$105,884
Riverton/Aparima	Replacement Grandstand Facility	\$115,000
Riverton - Water	Upgrade Alum Sludge Area	\$11,976
Riverton - Water	Capacity	\$38,940
Riverton - Water	Scheme Improvements	\$256,247
Riverton Harbour	Wharf upgrade	\$5,000
Stewart Island - Wastewater	Pumps to stage 1 sewer pump stations	\$13,030
Stewart Island - Wastewater	Balance of project associated with disposal field improvement	\$103,468
Te Anau	Kerb & Channel renewals	-\$4,061
Te Anau	Town Entrance Signs	\$20,000
Te Anau	New Pontoon	-\$7,899
Te Anau	Water Park - New Track	\$30,000
Te Anau	Skate Park upgrade	\$12,643
Ramparts - Water	Pipeline Renewal (Ramparts)	\$64,104
Takitimu – Water	Pipeline renewal (Takitimu)	\$105,526
Kakapo - Water	Pipeline renewal (Kakapo)	\$161,494
Airports	Main runway apron resealing	\$65,000
Tuatapere - Water	Metering - District Metered Site	\$6,565
Eastern Bush - Water	Increase Storage	\$22,303
Eastern Bush - Water	Water Supply Upgrade - Stage 1	-\$178
Otautau	Upgrade camping ground - sewerage connection, new ablution block, new kitchen, new huts & chalets	\$175,305
Otautau - Wastewater	SCADA upgrade at 4 stations	\$80,000
Otautau - Wastewater	Sewer Pumps	\$72,768
Winton - Water	Rising Main replacement	\$572,791
Winton - Wastewater	Treatment Upgrade (1)	\$460,441

Content

Background

- 6 Every year Council staff undertake projects as planned in the Long Term Plan/Annual Plan. Although many are completed in the financial year in which they were budgeted to occur, often some projects are delayed for a variety of reasons but are still identified as needing to be undertaken/completed. These projects are generally carried forward into the next financial year, whether they are a project in progress or where they have not been started. Typically only projects of a maintenance or capital nature are carried forward, but occasionally budget managers request operational expenditure to be carried forward as well.

- 7 The second round of forecasting occurred while the draft Annual Plan was out for public consultation. As part of this process it was identified that some projects would not be completed/started during 2016/17. These were included as part of a staff submission to the Annual Plan for 2017/18 and were included in the final Annual Plan that was adopted. There were a total of 49 projects included in this submission with a total value of \$6,297,633.
- 8 The completion of the Annual Report for 2016/17 is the last stage of identifying projects to carry forward. This final step requires project managers to consider whether the project is still required and to make a request for approval to carry forward the project and the amount. These projects are considered and approved by the relevant Group Manager before finance completes the final check on the financial amount available to be carried forward given any costs incurred during the year before including them in this report.
- 9 During the Annual Report process a review of the projects included in the 2017/18 Annual Plan was completed to determine whether any funds were used during 2016/17 that had not been anticipated. This review has resulted in negative amounts included in attachment A for five projects.
- 10 The list in attachment A has 65 items included to carry forward to the 2017/18 financial year with a net value of \$6,370,888. The individual vehicle replacements listed in attachment A have been combined into one line in the resolution, representing the net replacement cost of 11 vehicles.

Issues

- 11 Projects carried forward into the next financial year are considered to be unbudgeted in that year. The majority of projects carried forward exceed the Chief Executive's and local Board unbudgeted expenditure financial delegation of \$10,000 and therefore authorisation is required by Council to undertake this work.

Factors to Consider

Legal and Statutory Requirements

- 12 There are no legal or statutory issues surrounding the carry forward of projects.

Community Views

- 13 All projects are consulted on as part of the Annual Plan or Long Term Plan when they are originally budgeted to occur. Communities are informed via the Community Board or Community Development Area Subcommittee management reports throughout the year on the status of projects and often include the rationale for why projects need to be carried forward.

Costs and Funding

- 14 All overall costs associated with projects to be carried forward, have previously been approved and will not change as part of the carry forward process. The approval from Council may have been by inclusion in the 2015-25 Long Term Plan or 2016/17 Annual Plan, approved as a carried forward project from 2015/16 or approval for unbudgeted expenditure during the financial year.
- 15 If projects were to be funded from rates, the unspent rates will be retained in a relevant reserve and then utilised to fund the project costs when incurred. If a project is to be funded by a loan or reserves, the draw down does not take place until the actual costs are incurred.

- 16 For the majority of the projects the managers have considered the implication of deferring the timing of the project and do not anticipate that there will be a significant impact on the expected cost of the projects being carried forward. This means the carry forward amount reflects the approved budget amount reduced by any costs incurred to date or already included in the 2017/2018 Annual Plan.

Policy Implications

- 17 Council has provided delegated authority to the Chief Executive to approve expenditure for capital items and goods and services within the current estimates. The Chief Executive can also purchase items not within estimates up to \$10,000 if suitable funding is available. Council retains the authority to approve the estimates (the Annual Plan or Long Term Plan) and unbudgeted items greater than \$10,000.
- 18 The expenditure included in this report is not included in the current year estimates (the 2017/18 Annual Plan) and needs to be approved by Council.

Analysis

Options Considered

- 19 Council has the discretion to approve or decline individually or in aggregate the proposed carry forward projects.
- 20 It is assumed, in regards to the options below, that Council will approve the carry forward of projects that have already been started. The first eight items listed in Attachment A, totalling \$443,148 are not started at 30 June 2017.

Analysis of Options

Option 1 - Approve all projects to be carried forward (as per the attached list)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Projects can be completed/undertaken, although later than originally planned.	<ul style="list-style-type: none">Risk associated with forecast costs increasing as a result of the delay/deferral in undertaking the project.

Option 2 - Approve selected projects that have not yet started

- 21 Council can choose which projects are to be carried forward. It is recommended that should Council consider this option, that an appropriate selection criteria be developed.
- 22 Councillors can identify what projects have been started or not by referring to the status field in the attachment. The first nineteen items listed in Attachment A, totalling \$443,148 are not started at 30 June 2017.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Selected projects can be undertaken, although later than originally planned. 	<ul style="list-style-type: none"> Projects originally planned do not get completed or undertaken (when they have not commenced). These may need to be reconsidered as part of the next Annual Plan/Long Term Plan process. Risk associated with forecast costs increasing as a result of the delay/deferral. Although managers have indicated for these projects that any change will not be significant at this stage. Rates may have been collected for projects that were not completed. Selection process for which projects are carried forward could be queried.

Option 3 - Decline all projects not yet started

- 23 Only projects planned in 2017/2018 will be undertaken.
- 24 Where the project was funded from rates, the surplus funds will be retained in a reserve for future use.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Projects originally planned do not get completed or undertaken (when they have not commenced), will need to be reconsidered as part of the next Annual Plan/Long Term Plan process. Rates may have been collected for projects that were not completed.

Assessment of Significance

- 25 When considering the Factors to assess in the Significance and Engagement Policy the carry forwards included in this report are not deemed significant.
- 26 When assessing significance, consideration has been given to the impact and consequences of the items being carried forward on the future of the district, people who are likely to be particularly interested in the items and the capacity of Council to perform its role.

- 27 The majority of the items have been consulted on in the 2015-25 Long Term Plan process and 2016/17 Annual Plan or are unbudgeted expenditure specifically approved during the year by Council. Individually or in aggregate the items do not have a significant impact on any one community or the whole district or the level of service in any one activity.

Recommended Option

- 28 Option One - Approve all projects to be carried forward (as per the attached list).

Next Steps

- 29 Action Council's recommendation, including amending financial forecasts for projects approved to be carried forward and advising Council staff and communities of projects approved to be carried forward.

Attachments

- A 2016 2017 Proposed Carry Forwards into 2017 2018 year [↓](#)

Item 8.1 Attachment A

Category/Town	Activity	Project Code	Project Name	Budget to Carry Forward	Owner	Status	Officers Comment	Funding*
District	District	Vehicle replacements	Subaru HGK464	-\$9,473	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Nissan FRZ132; Nissan GCG416; Mitsubishi GCS436	-\$24,382	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Subaru HBK657	-\$8,688	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Toyota GDM114	-\$9,156	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Toyota HDF395; Toyota HMF767	-\$12,789	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Kia GCB544	-\$8,387	Sheree Marrah	Not started	Deferred Vehicle Renewal Income	to fund vehicle replacement
District	District	Vehicle replacements	Mazda FGK621	\$40,780	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Toyota GDM114	\$40,833	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Subaru HGK464	\$40,833	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Nissan FRZ132; Nissan GCG416; Mitsubishi GCS436	\$40,327	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Subaru HBK657	\$36,986	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Toyota HDF395; Toyota HMF767	\$36,986	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District	District	Vehicle replacements	Kia GCB544	\$37,403	Sheree Marrah	Not started	Deferred Vehicle Renewal	Motor Vehicle Reserve
District Wide	Wastewater	WW910	CCTV	\$4,989	Ian Evans	Not started	Ongoing	District Funded - via Reserve
District Wide	Wastewater	WW911	CCTV	\$51,900	Ian Evans	Not started	Ongoing	District Funded - via Reserve
Environmental Health	Regulatory Services		Surplus to fund future contract work	\$10,000	Michael Sarfati	Not started	Approved based on surplus in 2016/17 for contractor in 2017/18	District Operations Reserve
Riversdale	Wastewater	26173	Sludge Removal	\$115,986	Ian Evans	Not started	Contractor to re-establish in Southland.	District Funded - via Loans
Riverton/Aparima	Roading & Transport	717 A	Footpaths	\$49,000	Greg Erskine	Not started	Work programme not started, combine with 17/18 budget.	Riverton General Reserve
Winton	Roading & Transport	837 A	Florence Road sealing, curb and channel on West side	\$10,000	Maira Tinnock	Not started	Project not undertaken due to significant project by Water team (Winton Water Main Renewal) taking priority as both projects were for the same site.	Winton General Reserve
District	Library Services		Furniture & Fittings	\$8,189	Lynda Hodge	In progress	Furniture and fittings ordered but not received.	District Operations Reserve
Information Management	District Leadership		Aeromagnetic Survey	\$71,805	Mark Day	In Progress	Work not completed by Venture Southland contractor until post balance date	District Operations Reserve
Information Management	District Leadership	IT4 - A	Digitalisation Back Capture	\$433,782	Gillian Cavanagh	In Progress - Construction	Work is ongoing with scanning to be completed by Dec 17	Loan
Information Management	District Leadership	IT5 - A	Core System Review	\$87,419	Damon Campbell	In Progress - Investigation	Project Plan still being defined and work yet to be completed	Loan
District Wide	Water	WAT951	District Monitoring Project	\$50,000	Ian Evans	In progress - Construction	In progress	District Funded - via Loans
District Wide	Water	WAT987	District Monitoring Project	\$17,000	Ian Evans	In progress - Investigation	Diagnostics for data and information processing continuing	District Funded - via Loans
District Wide	Water	WAT988	District Monitoring Project	\$17,000	Ian Evans	In progress - Design	Consultant training for DMA	District Funded - via Loans
District	Regulatory Services		District Plan - General Projects	\$29,882	Marcus Roy	In progress	Part of the Proposed District Plan is not finalised. Future projects are still in the pipeline.	District Operations Reserve
District	Regulatory Services		District Plan - Plan Changes	\$39,999	Marcus Roy	In progress	The Proposed District Plan 2012 will be finalised in the 2017-18 year and there is also another variation to the proposed District Plan which will introduce some amendments to make it work better. Further, it will also bring in some new legislative requirements following the changes to the RMA.	District Operations Reserve

Category/Town	Activity	Project Code	Project Name	Budget to Carry Forward	Owner	Status	Officers Comment	Funding*
District	Roading & Transport		Southern Scenic Route	\$1,894,717	Hartley Hare	In progress	Contract approval process was longer than anticipated leaving limited time for physical construction work	NZTA/Roading Reserve/Loan
District	Roading & Transport		Minor Improvements	\$648,414	Hartley Hare	In progress	Improvements in relation to bridges, where process for resource consent from Environment Southland was longer than anticipated	NZTA/Roading Reserve/Loan
Athol	Parks and Reserves	835 - a	Railway Project	\$15,000	Bruce Miller	In progress - Investigation	Awaiting DOC land purchase	Athol General Operating Reserve
Athol	Parks and Reserves	PR0023.A	Beautification upgrade	-\$198	Bruce Miller	In progress - Investigation	Sight reduction required to the amount that was included in the Annual Plan for 2017/18 for work completed in 2016/17	Athol General Operating Reserve
Browns	Community Centres	CC0043 - a	Upgrade of Hall	\$15,000	Graeme Hall	In progress - Tender	Awaiting approval from local governance	Browns General Operating Reserve
Manapouri	Parks and Reserves	829 - A	Township Entrance signs & feature	\$10,000	Nick Lewis	In progress - Investigation	Township Entrance Sign and feature is with the Community Partnership Leader and CDA to agree on concept.	Manapouri General Reserve
Manapouri	Parks and Reserves	786.A	Commemorative rock	-\$3,318	Nick Lewis	In progress - Construction	Reduction required to the amount that was included in the Annual Plan for 2017/18 for work completed in 2016/17	Manapouri General Reserve
Manapouri	Wastewater	WW179	Pump Station	\$20,760	Ian Evans	In progress - Construction	Pump ordered - initial work proceeding.	District Funded - via Loans
Mararoa Waimea Ward	Roading & Transport	Mar.a	Minor road improvements particularly the sealing of unsealed roads	\$50,000	Bruce Miller	In progress - Investigation	Work not identified and new options are bridge approaches in Waikata Ward	Mararoa Waimea Ward Reserve
Chai	Wastewater	WW319	Pumps	\$18,192	Ian Evans	In progress - Investigation	Investigation determined pumps do not require replacement, however pump station requires fencing for stock protection.	Manapouri General Reserve
Chai/Nightcaps/Wairoa	Water	WAT343	Resolution of SCADA interface to Wairoa sector is still required.	\$5,751	Ian Evans	In progress - Construction	Functionality of recording currently being investigated.	District Funded - via Loans
Riverton/Aparima	Roading & Transport	781.A	Road & kerb widening- Walker Street	\$105,884	Greg Erskine	In progress - Construction	Work 90% complete, carry all forward until complete	Internal Loan
Riverton/Aparima	Parks and Reserves	821.a	Replacement Grandstand Facility	\$115,000	Greg Erskine	In progress - Construction	Delay with design approval	Riverton Property Sales Reserve
Riverton	Water	WAT561	Upgrade Alum Sludge Area	\$11,976	Ian Evans	In progress - Construction	Design options being assessed.	District Funded - via Loans
Riverton	Water	PL163A	Capacity	\$38,940	Ian Evans	In progress - Construction	Being completed with project 26362A	District Funded - via Loans
Riverton	Water	26362A	Scheme improvements	\$256,247	Ian Evans	In progress - Construction	Further enhancement proceeding	District Funded - via Loans
Riverton Harbour	Community Facilities	WS0001 - A	Wharf upgrade	\$5,000	Greg Erskine	In progress - Investigation	In planning stage, work to be scheduled.	Riverton General Harbour Reserve
Stewart Island	Wastewater	WW363	Pumps to stage 1 sewer pump stations	\$13,030	Ian Evans	In progress - Investigation	In progress - multi year project	District Funded - via Loans
Stewart Island	Wastewater	PLW150A	Balance of project associated with disposal field improvement	\$103,468	Ian Evans	In progress - Construction	Work in progress over multiple years	District Funded - via Loans
Te Anau	Roading & Transport	1325.A	Kerb Channel renewals	-\$4,061	Nick Lewis	In progress - Construction	Reduction required to the amount that was included in the Annual Plan for 2017/18 for work completed in 2016/17	Te Anau General Reserve
Te Anau	Parks and Reserves	PR0014.A	Town Entrance Signs	\$20,000	Nick Lewis	In progress - Investigation	Township Entrance Sign is with the Community Partnership Leader and Community Board as part of the Te Anau development plan.	Te Anau General Reserve
Te Anau	Community Facilities	PR0016.A	New Pontoon	-\$7,899	Nick Lewis	In progress - Investigation	Reduction required to the amount that was included in the Annual Plan for 2017/18 for work completed in 2016/17	Te Anau General Reserve
Te Anau	Parks and Reserves	PR0013.A	Water Park - New Track	\$30,000	Nick Lewis	In progress - Investigation	In progress and awaiting agreement with Department of Conservation over a linking track to this one.	Development Contributions
Te Anau	Parks and Reserves	PR0011.A	Skate Park upgrade	\$12,643	Nick Lewis	In progress - Construction	Ancillary items to finish eg drinking fountain & shade sail	Te Anau General Reserve

Item 8.1 Attachment A

Category/Town	Activity	Project Code	Project Name	Budget to Carry Forward	Owner	Status	Officers Comment	Funding*
Ramparts	Water	RW1617_101	Pipeline Renewal (Ramparts)	\$64,104	Ian Evans	In progress - Construction	Contract awarded August 2017	Reserves & Loans
Taklimu	Water	RW1617_102	Pipeline renewal (Taklimu)	\$105,526	Ian Evans	In progress - Construction	Contract awarded August 2017	Reserves & Loans
Kakapo	Water	RW1617_100	Pipeline renewal (Kakapo)	\$161,494	Ian Evans	In progress - Construction	Contract awarded August 2017	Reserves & Loans
Airports	Airports	27081 - c	Main runway apron resealing	\$65,000	Nick Lewis	In progress - Investigation	Original project not going ahead, budget for assessment and repairs	Te Anau Manapouri Airport Reserve and Internal Loan
Tuatapere	Water	WAT739	Metering - District Metered Site	\$8,565	Ian Evans	In progress - Construction	In Progress - multi year project	District Funded - via Loans
Eastern Bush	Water	WAT60	Increase Storage	\$22,303	Ian Evans	In progress - Design	Work will not proceed until Water Treatment Plant construction occurs in 2017_2018.	District Funded - via Loans
Eastern Bush	Water	WAT62	Water Supply Upgrade - Stage 1	-\$178	Ian Evans	In progress - Tender	Slight reduction required to the amount that was included in the Annual Plan for 2017/18 for work completed in 2016/17	District Funded - via Loans
Otautau	Roading & Transport	706.A	Footpaths Upgrade	\$12,000	Greg Erskine	In progress - Investigation	Combining two years for a better outcome.	Otautau General Reserve
Otautau	Community Facilities	812.A	Upgrade camping ground - sewerage connection, new ablution block, new kitchen, new huts & chalets	\$175,305	Bruce Miller	In progress - Design	Upgrade Hoi Park Camping facilities to meet anticipated demand	Otautau General Reserve
Otautau	Wastewater	WW1617_50	SCADA upgrade at 4 stations	\$80,000	Ian Evans	In progress - Investigation	In progress	District Funded - via Loans
Otautau	Wastewater	WW433	Sewer Pumps	\$72,768	Ian Evans	In progress - Investigation	In progress	District Funded - via Loans
Winton	Water	WAT1617_55	Rising Main replacement	\$572,791	Ian Evans	Completed	Funds to be available for further Winton Main renewal in 17-18	District Funded - via Loans
Winton	Wastewater	29491d	Treatment Upgrade (1)	\$460,441	Ian Evans	In progress - construction	Work in progress over multiple years	District Funded - via Loans

Delegation to the Te Anau Community Board to hear and decide on submissions and objections to the proposal to remove trees from the Henry Street Reserve

Record No: R/17/7/16291
Author: Kevin McNaught, Strategic Manager Property
Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision ☐ Recommendation ☐ Information

Background

- 1 In early 2017 a request was received from neighbouring property owners to the south of the Henry Street Reserve in Te Anau, to remove the existing stand of Beech trees given the shading and other issues they were creating.
- 2 The Te Anau Community Board at its meeting on 8 June 2017 received a staff report and legal advice on the request, with the resulting recommendation being that the trees be removed at the cost of the applicants and that lower growing native shrubs be replanted.
- 3 Given that the basis for the request was not in line with the reasons for any tree removal in accordance with the Reserves Act 1977, the Board also resolved that public notification of the proposal was to be given prior to any work commencing. The public notice was given seeking objections to the proposal.
- 4 A total of six objections and submissions against the proposal have been received.
- 5 Given the receipt of objections and submissions, in accordance with the Reserves Act 1977 these must be considered prior to a final decision being made. It is the opinion of staff that these considerations and decisions should be made by the Te Anau Community Board in this instance as opposed to Council.
- 6 For this to happen Council is required to give the relevant delegation to the Te Anau Community Board.

Recommendation

That the Council:

- a) **Receives the report titled “Delegation to the Te Anau Community Board to hear and decide on submissions and objections to the proposal to remove trees from the Henry Street Reserve” dated 29 August 2017.**
- b) **Resolves pursuant to s.120 of the Reserves Act 1977 that the Te Anau Community Board shall have full power to hear and determine those submissions and objections received in regard to the removal of the Beech trees situated on the Henry Street reserve in Te Anau.**

Attachments

There are no attachments for this report.

Lumsden Railway Precinct Upgrade

Record No: R/17/8/18630
Author: Kelly Tagg, Community Partnership Leader
Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek retrospective approval from Council for unbudgeted expenditure relating to the Lumsden Railway Precinct upgrade.

Background

- 2 Council's Services and Assets Committee, as a committee of the whole of Council, recommended to Council at its meeting of 9 August 2017:
 - (d) *Recommends to Council that unbudgeted expenditure be approved for the "Lumsden Toilet Facilities Upgrade" project at an estimated total cost of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year. The remaining 47% (\$131,226) to be funded by applying to the MBIE Tourism Infrastructure Fund.*
 - (e) *Recommends to Council that the unbudgeted expenditure for the Lumsden toilet upgrade be approved subject to the application to the Tourism Infrastructure Fund being successful.*
 - (f) *Recommends to Council that the unbudgeted expenditure for the Lumsden Visitor Management Upgrade project at an estimated cost of \$74,395 be approved subject to the Lumsden CDA Subcommittee resolving to fund this amount in total from their local funds and reserves at their meeting scheduled for 14 August 2017. The remaining 50% (\$74,395) to be funded by applying to the MBIE Tourism Infrastructure Fund.*
 - (g) *Recommends to Council that the unbudgeted expenditure of \$74,395 for the Lumsden Visitor Management Upgrade be approved subject to the application to the Tourism Infrastructure Fund being successful.*
- 3 The Lumsden CDA, at its meeting held on 14 August, resolved to recommend to Council that unbudgeted expenditure in the amount of \$69,395 be approved and such expenditure to be funded from their local funds and reserves.
- 4 Councillor Douglas has also agreed to contribute \$5,000 in funds from the Mararoa Waimea Ward Reserve.
- 5 A copy of the report prepared for the Services and Assets Committee, which includes the full scope of the project is attached to this report.

Recommendation

That the Council:

- a) Receives the report titled “Lumsden Railway Precinct Upgrade” dated 30 August 2017.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Approves the request for unbudgeted expenditure for the “Lumsden Toilet Facilities Upgrade” project at an estimated total cost to the Council of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year. The remaining 47% (\$131,226) to be funded by applying to the MBIE Tourism Infrastructure Fund. Note that the total cost of the project is \$280,452.
- e) Approves the request for the unbudgeted expenditure for the Lumsden toilet upgrade subject to the application to the Tourism Infrastructure Fund being successful.
- f) Approves a contribution of \$5,000 from the Mararoa Waimea Ward Reserve to assist with the funding of the Lumsden Visitor Management Upgrade Project.
- g) Approves the request from the Lumsden Community Development Area Subcommittee for unbudgeted expenditure for the Lumsden Visitor Management Upgrade project at an estimated cost to the Subcommittee of \$69,395 to be funded from the Subcommittee’s local funds and reserves. The remaining 50% (\$74,395) to be funded by applying to the MBIE Tourism Infrastructure Fund. Note the total cost of the project is \$148,790.
- h) Approves the unbudgeted expenditure of \$74,395 for the Lumsden Visitor Management Upgrade Project subject to the application to the Tourism Infrastructure Fund being successful.

Attachments

- A Services & Assets Committee Report [↓](#)
- B Tourism Infrastructure Fund Application Form [↓](#)

Services and Assets Committee
9 August 2017



Lumsden Railway Precinct Upgrade

Record No: R/17/8/17783
Author: Kelly Tagg, Community Partnership Leader
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek a recommendation from the Services and Assets Committee to Council that a request for unbudgeted expenditure relating to two upcoming projects in Lumsden, be approved.

Executive Summary

- 2 Round one of MBIE's Tourism Infrastructure Fund (TIF) opened on Thursday, 3 August; the closing date for applications is Monday, 4 September.
- 3 The purpose of the TIF is to provide financial support for local tourism-related infrastructure where tourism growth (domestic and international) is placing pressure on, or potential growth is constrained by, existing infrastructure and where the local community is unable to respond in a timely way with assistance.
- 4 The Lumsden CDA wishes to better manage the visitor experience to the Lumsden Railway Precinct. The carpark at the historic railway station is well utilised by both visitors to the area and locals but has become congested due the current state of the carpark.
- 5 In order to better manage visitors to the Railway Precinct site the CDA wishes to re-seal the car park on the Diana Street side of the railway building, seal the carpark on the Hero Street side of the railway building, install kerb and channel and a further area for parking on a grassed area adjacent Hero Street.
- 6 The CDA has also identified the need for landscaping and screening in the area and for the installation of two "Big Belly Compactor Bins" in order to reduce rubbish collection costs.
- 7 The Railway Precinct also acts as a pick up and drop off point for the Inter City bus which travels from Te Anau to Christchurch on a daily basis. The bus arrives into Lumsden for pick up at 8.45am and drops off people at 5.30pm.
- 8 The estimated cost to carry out these local works is \$148,790 excl GST. The CDA is unable to fund the local element of this project in its entirety and will need to stage the sealing of the carpark over a number of years meaning the carpark will be unable to be marked with parking spaces and the CDA will be unable to manage the visitors to the Railway Precinct.
- 9 The Lumsden CDA has limited local reserves, is unable to fund this project in its entirety at this time and wishes to apply to the MBIE Tourism Infrastructure Fund for a grant of \$74,395 to assist with the costs of this project.
- 10 Council has approved a toilet block upgrade for the Lumsden toilets as part of the 2015-25 long term plan at a cost of \$220,000. This work was scheduled to be carried out during the 2018-19 financial year. However, due to increased demand being placed on the toilet facility it is now appropriate to bring this project forward to 2017-18 financial year in conjunction with the Railway Precinct upgrade.

Services and Assets Committee
9 August 2017

- 11 The scope of works includes the addition of two unisex wheelchair accessible toilets to the existing toilet facility along with the replacement of the interior partitions and painting, sealing of the car park adjacent the toilets, signage, design/consultation costs and contingencies. The total cost is anticipated to be \$280,453 (excl. GST).
- 12 The Services and Assets Committee, as a Committee of the whole, is requested to recommend to Council that the upgrade of toilet facilities project for Lumsden be brought forward and to confirm that an application can be made to the Tourism Infrastructure Fund in the amount of \$131,226 which represents 47% of the estimated project cost.
- 13 The Services and Assets Committee, as a Committee of the whole, is also requested to recommend to Council that a request for unbudgeted expenditure in the amount of \$74,395 for the Lumsden Visitor Management upgrade be approved and confirm that an application can be made to the Tourism Infrastructure Fund in the amount of \$74,395 which represents 50% of the estimated local project cost.

Services and Assets Committee
9 August 2017



Recommendation

That the Services and Assets Committee:

- a) Receives the report titled “Lumsden Railway Precinct Upgrade ” dated 8 August 2017.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Recommends to Council that unbudgeted expenditure be approved for the “Lumsden Toilet Facilities Upgrade” project at an estimated total cost of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year. The remaining 47% (\$131,226) to be funded by applying to the MBIE Tourism Infrastructure Fund.
- e) Recommends to Council that the unbudgeted expenditure for the Lumsden toilet upgrade be approved subject to the application to the Tourism Infrastructure Fund being successful.
- f) Recommends to Council that the unbudgeted expenditure for the Lumsden Visitor Management Upgrade project at an estimated cost of \$74,395 be approved subject to the Lumsden CDA Subcommittee resolving to fund this amount in total from their local funds and reserves at their meeting scheduled for 14 August 2017. The remaining 50% (\$74,395) to be funded by applying to the MBIE Tourism Infrastructure Fund.
- g) Recommends to Council that the unbudgeted expenditure of \$74,395 for the Lumsden Visitor Management Upgrade be approved subject to the application to the Tourism Infrastructure Fund being successful.

Services and Assets Committee
9 August 2017

Content

Background

- 14 Visitor numbers to Lumsden have been increasing in recent times. Data collected by Venture Southland via the Geo Zone app (an App used by Free Independent Travellers) concerning routes travelled around the region suggest that 10,004 vehicles visited Lumsden in 2015. In 2016, this figure that increased by almost 50% to 14,978 vehicles.
- 15 NZTA has also provided Council with per day vehicle counts around Lumsden. In 2015 approximately 10,000 vehicles travelled through Lumsden each day on their way to/from Five Rivers, Mossburn, Winton and Gore. In 2016 this figure has risen to almost 11,500 vehicles per day.
- 16 The Lumsden Railway Precinct site is a popular stop over point for visitors to the town due to the public toilets and the large parking and recreational area.
- 17 Staff in the Lumsden office report that during the period October – April up to five tour buses stop at the Lumsden Toilets each day.
- 18 It has been increasingly difficult to manage the car park as a large portion of the car park is unsealed meaning the marking of parks is not possible.
- 19 The Lumsden CDA wishes to better manage the parking spaces and the visitor experience to the Railway Precinct in general. To do this, the CDA wishes to seal the entire car park, install kerb and channel, compacting rubbish bins (to decrease the frequency with which the bins currently require emptying) install some screens/plantings and parking spaces on a grassed area adjacent Hero Street.
- 20 An upgrade to the public toilets is included in the 2015-25 Long Term Plan with works scheduled to be carried out in 2018-19. Due to the increased number of visitors to the area it is now appropriate to bring this project forward to 2017-18 in order to complete the upgrade of the Railway Precinct at the same time to cater for increased visitors to the town.

Issues

- 21 Congestion of vehicles at the Lumsden Railway Precinct has become an issue and the CDA wishes to improve the parking area in order to address this problem.

Factors to Consider

Legal and Statutory Requirements

- 22 The MBIE Tourism Infrastructure funding round closes on 4 September.
- 23 As this Subcommittee is a Committee of the whole of Council, officers are seeking a recommendation to Council, from the Services and Assets Committee that approval for unbudgeted expenditure be given.
- 24 Council will be asked to give retrospective approval for this project at its meeting scheduled for 6 September 2017 in order for officers to submit this application to MBIE TIF which closes on 4 September – subject to the approval of this Committee.

Community Views

- 25 The Lumsden CDA has expressed support for applying to the MBIE Tourism Infrastructure Fund previously.

Services and Assets Committee
9 August 2017

Costs and Funding

- 26 Council approved a project to upgrade the Lumsden Toilet Facilities as part of the 2015-25 long term plan at a cost of \$220,000 to be funded by way of a loan.
- 27 It is now proposed that an application be made to the Tourism Infrastructure Fund in the amount of \$131,226 excl GST to assist with the cost of the toilet upgrade; the balance of \$149,226 to be funded by way of loan
- 28 The Lumsden CDA has limited local general reserves (approx. \$80,000 forecast for 2017/18) and is unable to fund the total cost of this project locally and wishes to apply to the Tourism Infrastructure Fund in order to offset the costs of the project.
- 29 The Lumsden CDA discussed applying to the Tourism Infrastructure Fund at a workshop held earlier this year and is supportive of an application being prepared on their behalf.
- 30 A report outlining the total costs of this project will be presented to the Lumsden CDA on 14 August where the Subcommittee will be requested to recommend to Council that unbudgeted expenditure in the amount of \$74,395 (to be funded from the Lumsden General Reserve) be approved subject to a Tourism Infrastructure Fund application being successful.
- 31 The costs and proposed funding for both projects are as follows;

LUMSDEN TOWN CENTRE INFRASTRUCTURE UGRADE						
			Budget	Estimate	SDC Contribution	Funding Sought
Project 1: FACILITIES UPGRADE						
	Design/Consultation		\$ 12,000	\$ 12,000	\$ 12,000	\$ -
	Consents		\$ 6,000	\$ 6,000	\$ 6,000	\$ -
	Toilet Upgrade		\$ 120,000	\$ 180,079	\$ 90,040	\$ 90,040
	Carpark Sealing		\$ 15,000	\$ 12,750	\$ 6,375	\$ 6,375
	Signage		\$ 10,000	\$ 10,000	\$ 5,000	\$ 5,000
	Direct Costs		\$ 163,000	\$ 220,829	\$ 119,415	\$ 101,415
	EPCM (15%)		\$ 24,450	\$ 33,124	\$ 16,562	\$ 16,562
	Contingency (20% budget; 12% Estimate)		\$ 32,600	\$ 26,499	\$ 13,250	\$ 13,250
	Total Costs		\$ 220,050	\$ 280,453	\$ 149,226	\$ 131,226
					53%	47%
Project 2: VISITOR MANAGEMENT UPGRADE						
	Sealing of Carpark, marking of parking spaces			\$ 112,790	\$ 56,395	\$ 56,395
	Landscaping for screening & privacy			\$ 16,000	\$ 8,000	\$ 8,000
	Big Belly Compactor bins			\$ 20,000	\$ 10,000	\$ 10,000
	TOTAL			\$ 148,790	\$ 74,395	\$ 74,395
					50%	50%

Analysis

Options Considered

- 32 The Services and Assets Committee has two options as below:

Analysis of Options

Option 1 – Recommends to Council that unbudgeted expenditure be approved for the “Lumsden Toilet Facilities Upgrade” project at an estimated total cost of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year. The remaining

Services and Assets Committee
9 August 2017

47% (\$131,226) to be funded by applying to the MBIE Tourism Infrastructure Fund and Recommends to Council that the unbudgeted expenditure for the “Lumsden Visitor Management Upgrade” project at an estimated to cost of \$74,395 be approved. The costs to be funded from the Lumsden General Reserve. The remaining 50% to be funded by applying to the MBIE Tourism Infrastructure Fund.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Officers are able to proceed with the preparation of the application to the MBIE Tourism Infrastructure Fund. 	<ul style="list-style-type: none"> Officers are not able to proceed with the preparation of the application to the MBIE Tourism Infrastructure Fund and the projects will not be able to proceed at this present point in time.

Option 2 – Services and Assets Committee does not recommend to Council that unbudgeted expenditure be approved for the “Lumsden Toilet Facilities Upgrade” project at an estimated total cost of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year and also does not recommend to Council that the unbudgeted expenditure for the “Lumsden Visitor Management Upgrade” project at an estimated to cost of \$74,395 be approved.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Work to address the visitor congestion issues at the Lumsden Railway Precinct is not able to proceed.

Assessment of Significance

- 33 This matter is not deemed to be significant.

Recommended Option

- 34 Option one is the recommended option.

Next Steps

- 35 As per the Venture Southland Letter of Expectation 2017-2018 Community Development Priority Projects Southland District Council officers to have Venture Southland staff prepare and complete a joint funding application to the MBIE Tourism Infrastructure Fund for the Lumsden Facilities Upgrade and Visitor Management Upgrade.
- 36 If the outcome of the application is successful, work will commence as soon as the necessary consents are arranged.
- 37 If the funding application is unsuccessful, officers will investigate how best to proceed with these projects and will provide a further update with options to Council.

Attachments

- A TIF application form - FINAL(2)



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĀKINA WHAKATUTUKI

Tourism Infrastructure Fund

Application Form

August 2017



Item 8.3 Attachment B

Tourism Infrastructure Fund

Completing this form

This form is designed to be completed in association with the 'Guidance for Applicants' document. If you need any assistance with completing this form, please contact the TIF secretariat on tif@mbie.govt.nz.

Please complete the form in full, and submit it electronically to tif@mbie.govt.nz. Completed proposals must be received by the TIF secretariat no later than 4pm on the deadline date.

All deadlines are available on the TIF website and are subject to change. Late proposals will not be considered but may be re-submitted in the next funding round.

Proposal checklist

Before you apply be sure to complete the following:

- ☐ Check the TIF website to ensure you have downloaded the most recent version of each document.
- ☐ Read the 'Guidance for Applicants' document available on the website.
- ☐ Read the supporting information on the TIF website, particularly the FAQs

When filling out this form please ensure:

- ☐ All answers are typed into the space provided for each section in font no smaller than size 10 point.
- ☐ You provide the information required for each question. This is outlined clearly within the TIF 'Guidance for Applicants' document.
- ☐ You have read and understood the declaration details outlined in Section 4 and have signed the declaration.

Once you have completed this form:

- ☐ Ensure you save the completed document in either .DOC or .DOCX format.
- ☐ Email a copy of the completed form to the TIF secretariat at tif@mbie.govt.nz and ensure that you attach any supporting information you wish to provide.

Note: There is a 20MB size limit (in total) for any proposals submitted.

Evidence

When MBIE assesses proposals against the eligibility and/or the assessment criteria, we will consider whether the evidence provided supports the claims, as well as the quality of that evidence. Where questions ask for evidence to support claims, it is highly recommended that you provide reference sources that attest the accuracy and quality of the evidence.

MBIE will assess the application using the information provided by the applicant.

MBIE-MAKO-18514496

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

TIF Application Form August 2017

Section 1: Proposal and applicant key details

Please enter answers in the right-hand column.

1.1 Proposal key details		
Name of project [A short title that describes your proposed project.]		
Short description of proposed project to be co-funded		
Estimated total cost of project		
Amount of TIF co-funding sought – this must exceed \$100,000 (excl. GST)		
Is this a discrete project or a bundle of projects?	<input type="checkbox"/> Discrete project <input type="checkbox"/> Bundle of projects	
Is this project ready to commence immediately once funds are available or will it be completed in the longer term?	<input type="checkbox"/> Immediate commencement <input type="checkbox"/> Longer term	

1.2 Applicants' key details		
Lead applicant details	Applicant name	
	Applicant address, including postcode	
Other applicants (if applicable)	Applicant name	
	Applicant address, including postcode	

1.3 Contact person details		
This will be the only person who receives the correspondence relating to the proposal. Fill out all fields unless otherwise indicated		
Contact person details	Full name	
	Job title or Role	
	Contact phone	
	Contact email address	
	Contact postal address (if different to lead applicant), including postcode	

MBIE-MAKO-18514496

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

TIF Application Form August 2017

Section 2: Eligibility and project overview

2.1 Eligibility checklist

Do you meet AT LEAST one of the eligibility criteria below:

Annual tourism revenue in your territorial authority less than \$1 billion

☐ Yes

Visitor to rating unit ratio of 5 or more

☐ Yes

Local Government Finance Agency lending limits have been reached

☐ Yes

Project eligibility:

Is your project for visitor-related public infrastructure?

☐ Yes

Is your project for new facilities or enhancements?

☐ Yes

Does your project have local community support?

☐ Yes

Are you seeking co-funding of \$100,000 or more?

☐ Yes

Have you ensured no other central government funding is available for your project?

☐ Yes

Have you ensured your project will not compete with local private commercial activities?

☐ Yes

NOTE: If you do not answer 'Yes' to the project eligibility questions above, your project is unlikely to be eligible for TIF co-funding.

☐ Yes

2.2 Project overview

a. Is your project addressing a need that is current or anticipated?

☐ Current

☐ Anticipated

b. Will your project deliver visitor benefits and also benefits to your local community?

☐ Yes

☐ No

c. Is TIF co-funding critical to the project starting, happening sooner, or being of better quality
[Tick all relevant boxes]

☐ Starting

☐ Happen sooner

☐ Better quality

d. Is your proposed co-funding the maximum you can commit to the project, and in monetary form only?

☐ Yes

☐ No

e. Have you planned for the ongoing maintenance of the proposed infrastructure?

☐ Yes

☐ No

f. Do you have certainty of land access over the expected life of the proposed infrastructure?

☐ Yes

☐ No

g. Does your organisation have systems in place to ensure the proposed project complies with health and safety regulations? (You will need to demonstrate this prior to contracting)

☐ Yes

☐ No

h. Do your procurement processes require all external contractors involved in construction projects to have valid health and safety processes/plans in place?

☐ Yes

☐ No

MBIE-MAKO-18514496

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

TIF Application Form August 2017

Section 3: Project Description

3.1 Problem definition and need for additional infrastructure

3.1.1 Briefly describe the challenge(s) you are facing as a result of current or anticipated visitor growth that underpin this application. Where possible, please provide qualitative and/or quantitative evidence to indicate the scale of challenge(s).

3.2 Proposed infrastructure

3.2.1 Briefly describe the infrastructure you propose to construct, and how it addresses the challenge(s) you have identified above. Please also list the other options considered and explain why the proposed project is fit-for-purpose and offers value for money.

3.2.2 Demonstrate that the proposed project has the support of the local community (e.g. has gone through some type of consultative process).

MBIE-MAKO-18514496

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

TIF Application Form August 2017

3.2.3 List all the benefits that you expect will flow from your proposed project (focusing particularly at the visitor benefits).

3.2.4 Provide a project timeline in the table below, highlighting all key milestones for your project (you will be asked to provide a financial breakdown for each milestone in section 3.3.3).

Milestone	Estimated start date	Estimated end date

3.3 Funding the project

3.3.1 Briefly describe the current financial situation of your organisation and why TIF co-funding is required for the proposed project. Where possible, provide quantitative and/or qualitative evidence to support your case.

3.3.2 Describe what alternative sources of funding were explored before this co-funding request was made.

Item 8.3 Attachment B

Item 8.3 Attachment B

3.3.3 Financials for proposed project

Provide a breakdown of the tasks and associated costs required in achieving the milestones identified in 3.2.4. All costs should exclude GST. Use the 'insert row' function if you wish to add more milestones/tasks.

Milestones	Total cost	TIF co-funding sought	Applicant co-funding	Key assumptions made in estimating costs
'Milestone one' (as identified in 3.2.4)				
• Task one				
• Task two				
• Task three				
'Milestone two'				
• Task one				
• Task two				
• Task three				
'Milestone three'				
• Task one				
• Task two				
• Task three				
Total (Must add up to 100 per cent of project cost detailed in Section 1.1)				

3.4 Risks and Mitigations		
Describe any risks associated with this project that you have identified and list the mitigations for each risk.		
	Risk	Mitigation
Example	Contractors not available for project due to diversion to deal with natural disasters	Alert MBIE as early as possible and renegotiate timeframes

Section 4: Declaration by lead applicant

I declare on behalf of the applicant(s), that:

- I have read this form, and the Guidance for Applicants, and fully understand the procedures, terms, conditions and criteria for TIF co-funding;
- this application form outlines the basis on which this application is made;
- I have read, understand and accept MBIE's standard form contract, including the terms and conditions, a copy of which is attached as Schedule 1 in the Guidance for Applicants;
- the statements in this application are true and the information provided is complete and correct and there have been no misleading statements, omission of any relevant facts nor any misrepresentation made;
- I understand MBIE and its advisers may disclose to or obtain from any government department or agency, private person or organisation, any information about the applicant(s) or project for the purposes of gaining or providing information related to the processing and assessment of this application;
- the applicant(s) will, if requested by MBIE or its advisers in connection with this funding process, provide any additional information sought and provide access to its records and suitable personnel;
- I understand MBIE may undertake due diligence checks as needed to meet government requirements, and I consent to checks required being carried for those purposes;
- I consent to the public release, including publishing on the Internet, of the name of the applicant(s), the amount of grant sought, contact details of the applicant(s) and a general statement of the nature of the activity/project, and undertake to cooperate with MBIE on communications relating to this application;
- I understand MBIE's obligations under the Official Information Act 1982 and that, notwithstanding any relationship of confidence created as a result of this application, the provisions of this Act apply to all of the information provided in this application;
- the application involves an activity/project that is a lawful activity that will be carried out lawfully;
- the applicant(s) is not in receivership or liquidation nor will the project be managed by an undischarged bankrupt or someone prohibited from managing a business;
- where external providers are being employed as part of the project/activity, the relevant providers will not be employees or directors of the applicant, and nor do they have any other direct or indirect interest in the applicant, whether financial or personal unless specifically stated in the application;
- I am authorised to make this application on behalf of the applicants identified in section 1;
- I understand that MBIE may withdraw its offer of funding should the proposed project fail to be completed within the agreed timeline (detailed in Section 3.2.4).

MBIE MAKO 18514936

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

TIF Application Form August 2017

Signature of lead applicant This acknowledgment must be signed by a person with the legal authority to commit your organisation to a transaction (e.g. Chief Executive or Mayor)	
Name	
Title	
Organisation	
Signature	
Date	

Item 8.3 Attachment B

Section 5: Attachments

[Attach here, as a PDF, any additional information you consider necessary to support your application. Note that there is a 20MB size limit]

Offer to Gift the Former Ohai Bowling Buildings to Council

Record No: R/17/8/18778
Author: Kevin McNaught, Strategic Manager Property
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To consider a recommendation from the Ohai Community Development Area Subcommittee to accept the offer to gift the former Ohai Bowling Club buildings to Council.

Executive Summary

- 2 The Ohai Bowling Club has been located on the town's reserve for many years, however, the club is in the process of winding it self-up and has offered to gift the building assets on the site to Council.
- 3 The Ohai CDA Subcommittee has recommended to Council that the offer be accepted.

Recommendation

That the Council:

- a) Receives the report titled "Offer to Gift the Former Ohai Bowling Buildings to Council" dated 26 August 2017.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Agrees to accept the offer from the Ohai Bowling Club to gift its building assets located on the Council property at Ohai, to Council.
- e) Determines that any future costs associated with the buildings after transfer be funded by the Ohai CDA Subcommittee.

Content

Background

- 4 The Ohai Bowling Club has for many years operated on the Council reserve at Ohai. The club has recently resolved to wind up its organisation and has through Bowls Southland offered to gift its building assets on the site to Council. The offer letter is attached.
- 5 The Ohai CDA Subcommittee at its meeting on 25 July resolved to recommend to Council that the offer be accepted. At that meeting it was also discussed that should the Bowling Club wind up and walk away from the site, Council as the landowner would become the owner of the buildings, just in a more time consuming and complicated manner. It was also discussed that the current process of a formal offer to and acceptance by Council is a more appropriate process.
- 6 The Sub-committee at that meeting also asked staff to look at the options to develop this site as a potential community centre/hub and to do the same for the current hall site. The result of these assessments will be taken back to the subcommittee with the aim of seeking feedback from the community on the options for the future.
- 7 If this site is not the option chosen for the future the clubrooms can be sold for relocation.

Issues

- 8 Given that the building can be sold for relocation, there are no known issues at this stage, should this not be the site the community chose to develop.

Factors to Consider

Legal and Statutory Requirements

- 9 As stated, the offer process is a much better way to deal with the building's ownership as opposed to the bowling club winding up without the issue being resolved and Council getting ownership through being the landowner.

Community Views

- 10 The Ohai CDA Subcommittee at its meeting on 25 July recommended to Council that the offer to gift be accepted.

Costs and Funding

- 11 The report to the Sub-committee in paragraph 3 stated: *"If the offer is accepted it will be a building owned by Council but a building having to be funded locally by the CDA Subcommittee"*.
- 12 The subcommittee are very well aware therefore, that any costs will rest with them should ownership transfer to Council.

Policy Implications

- 13 None identified at this stage.

Analysis

Options Considered

- 14 The options considered are to either decline or accept the offer

Analysis of Options

Option 1 – Decline the offer

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• No advantages identified	<ul style="list-style-type: none">• Council is likely to become owner by virtue of the owner no longer existing as a legal entity• Doing anything with buildings would be complicated until ownership confirmed as this is likely to take time and cost

Option 2 – Accept the offer

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Simple transfer of ownership process.• Allows quick decisions on upgrading or disposal of building	<ul style="list-style-type: none">• None identified at this stage

Assessment of Significance

- 15 Not considered significant.

Recommended Option

- 16 Option 2 accept the offer of gifting.

Next Steps

- 17 Notify Bowls Southland of Councils decision.

Attachments

- A Confirmation of voluntary dissolution of Ohai Bowling Club effective 1 June 2017 - Ohai Bowling Club land return and gift of fixed building assets to Council [↓](#)



PO Box 1220
 Invercargill 9840
 Phone: 03 2144 323
 Fax: 03 2144 322
 Email: office@bowlssouthland.co.nz
 Website: www.bowlssouthland.co.nz

6 June 2017

Kevin M'Naught
 C/- Southland District Council
 Fourth Street
 Invercargill

Re: Land return of the Ohai Bowling Club

At a special general meeting of the Ohai Bowling Club held on the 31st May 2017 a decision was made by those in attendance by special resolution that a formal and final decision be made to place the Ohai Bowling Club into voluntary dissolution effective 1st June 2017.

The Ohai Bowling Club is located at Ohai Domain 1 Hasting Street Ohai. During a club meeting held on 31st May 2017 the decision was made to return the land owned by the Southland District Council and to gift the fixed building assets of the Ohai Bowling Club to Council. The gifting of the fixed building assets to the Southland District Council is with the knowledge that the Ohai Bowling Club will surrender all rights to the building once the gifting occurs.

The Ohai Bowling Club would prefer the land return and gifting of the fixed building assets to be completed on or before the 31st July 2017.

Regards

Karen Witham
 Executive Officer
 Bowls Southland



1362 Blackmount Redcliff Road Pipeline Renewal

Record No: R/17/8/19294
Author: Joe Findley, Contracts Administrator
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to seek approval to proceed with the renewal of 4750 m of pipeline on the Takitimu Rural Water Scheme, within the Te Anau Basin.
- 2 Approval of the funding methodology is also sought in this report.

Executive Summary

- 3 A 4,750 metre section of rural water main on the Takitimu Rural Water Scheme, has experienced 35 failures along its length. This number of failures is regarded as very high and the instance of failure is increasing. The proposed works involves the replacement of 4,750 metres of 63 mm diameter PVC/PE pipeline and associated valves and fittings, using open trench methodology.
- 4 A quote for the works was obtained from Te Anau Earthworks Ltd, as they are currently completing similar work within the Te Anau Basin and have proven through their existing Contract 17/14 to supply competitive rates. Council's Water and Waste Department have estimated the total project cost of \$155,894.72 (excl GST), which includes for construction, Water and Waste Services Department supervision costs and a contingency sum of \$20,000.00.
- 5 This project could be funded from the \$170,888.05 in funds remaining from the loans allowed for in the 2016/17 Annual Plan for work on the Te Anau Basin Rural Watermains. These loans are allocated in the 2016/2017 Annual Plan under the Water Supply, Project Variances list as RW1617_101, RW1617_102 and RW1617_100.
- 6 The Te Anau Basin Water Supply Subcommittee, at their meeting dated 8 August 2017, agreed to recommend to Council that the 1362 Blackmount Redcliff Road pipeline project be approved for construction and that funding for the project comes from the remaining sum left over from the loans allowed for in the 2016/17 Annual Plan.
- 7 It is recommended that to Council that the proposed works be approved for construction, funded from the remaining loan amount, initially allowed for in the 2016/17 Annual Plan.

Recommendation

That the Council:

- a) **Receives the report titled “1362 Blackmount Redcliff Road Pipeline Renewal” dated 29 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves this project for construction at an estimated cost of \$156,000.**
- e) **Approves the funding for this unplanned project comes from the remaining amount left over from the loans allowed for in the 2016/17 Annual Plan to fund renewals in the Te Anau Basin, of which Contract 17/14 was previously awarded.**

Content

Background

- 8 The proposed project is for the renewal of a 4,750 metres section of rural watermain in the Te Anau Basin, specifically related to the Takitimu Rural Water Scheme. The pipeline begins at the booster pump station on Gillespie Road, outside Mr Hennessey's property at 233 Gillespie Road. The pipeline then continues south west through Grassy Creek Farming Company land at 161 Gillespie Road, briefly passes through the Hegan property before re-entering the Grassy Creek property and the project will finish just inside the northern tip of the Eason block.
- 9 The pipeline was constructed in 1972 and is recorded on the Council GIS system as being a mix of PVC and Polyethelene materials. The table below has a breakdown of the pipeline details and the associated repairs.

- 10 This section of main has had a very high frequency of breakages, highlighted by Downer Ltd this year. Breakages on this line are becoming more regular.

From	To	Diameter	Length	Previous Failures
Booster Pump at 233 Gillespie Road	Valve 2	50 mm	2,272 m	21
Valve 2	Valve 3	50 mm	777 m	9
Valve 3	Valve 4	50 mm	369 m	2
Valve 4	Valve 5	50 mm	1,332 m	3
		TOTAL	4,750 m	35

Issues

- 11 The increasing instance of required maintenance for this section of main is an issue highlighted by Downer Ltd this year. The high number failures can be attributed to the age of the asset, the nature in which it was constructed and the materials used in the construction.
- 12 The high number of repairs create issues for continuous supply of water to the affected consumers and the risk to continuation of supply increases substantially the longer the asset renewals are pushed out. The number of breakages on a single line such as this, is well above what could be agreed as reasonable.

Factors to Consider

Legal and Statutory Requirements

- 13 This work will be completed in conjunction with affected property owners under Section 181, Local Government Act 2002.

Community Views

- 14 Water and Waste staff liaised with Mr Keith Thompson, Chairman of the Te Anau Basin Water Supply Subcommittee, who directed staff to generate a report for the committee to consider at their meeting on August 8 2017. The Te Anau Basin Water Supply Subcommittee recommended that Council approve the project for construction, funded from the remaining amount left over of the loans allowed for in the 2016/2017 Annual Plan.

Costs and Funding

- 15 A cost to complete the works was sought from Te Anau Earthworks Ltd, this price; including Council costs and contingencies is detailed in the table below. This price was requested from Te Anau Earthworks Ltd as they are currently engaged by Council on Contract 17/14 for similar renewals on Rural Water Supplies within the Te Anau Basin. Through Te Anau Earthworks accepted tender for Contract 17/14 it has been proven that their rates for construction are competitive, hence only one price has been sought.
- 16 The funding for the project can be sourced from the amount remaining from the initial project. The budget for the initial works had loans allowed for in the 2016/17 Annual Plan to the value of \$389,961.00, based on original estimates. These loans are allocated in the 2016/2017 Annual Plan under the Water Supply, Project Variances list as RW1617_101, RW1617_102

and RW1617_100. The Contract C17/14 was awarded to Te Anau Earthworks for \$189,530.45 with Council's Water and Waste Department costs allocated at \$29,542.50 leaving a total remaining budget sum of \$170,888.05. The remaining budgeted sum is sufficient to complete the additional works if the Committee were to accept the price submitted by Te Anau Earthworks Ltd.

- 17 The total repayments for the loans allowed for in the 2016/17 Annual Plan (over a 25 year period) will be \$28,327.00 annually, based on a 5.15% interest rate. There will be no additional costs to Council over and above the previously approved loan amounts.
- 18 The costs involved with the project have been detailed in the table below:

Scheme	Construction	Contingency	SDC	Total
Takitimu	\$120,894.72	\$20,000	\$15,000	\$155,894.72

Policy Implications

- 19 Nil.

Analysis

Options Considered

- 20 Council's Water and Waste Department have considered three options which have been detailed below. The three options, as detailed below include for full renewal, part renewal and to continue without renewal. The associated benefits and risks of each option have been discussed.

Analysis of Options

Option 1 – Renewal of 4,750 m of watermain with 63 mm OD MDPE PE100 PN12 pipe, associated link-ins at pump shed and existing valve 5, reconnection of existing lateral, 63 mm/32 mm cut in to branch main, supply and installation of 3 air valves, supply and installation of 7 gate valves and all associated survey and As-Built plans. Pipe to be laid as per Council specification and all associated works to meet Council Specification. Refer attached map for reference

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Greatly reduces maintenance expenditure on the Takitimu scheme. Increases reliability for the section of main and subsequently reduces the risk of non-supply to consumers on this line. Demonstrates proactive approach to the renewal of these assets and consideration for the associated risks involved with the deferring of renewals. 	<ul style="list-style-type: none"> Capital cost involved with completing the project Minor disruption to affected property owners while construction takes place.

Option 2 – Renewal of 2,272 m of watermain with 63 mm OD MDPE PE100 PN12 pipe, associated link-ins at pump shed and existing valve 2, supply and installation of an air valve, supply and installation of 3 gate valves and all associated survey and As-Built plans. Pipe to be laid as per Council specification and all associated works to meet Council Specification. Refer attached map for reference

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Short term reduction in costs (ie, a saving of 52% of the capital cost this year based on a pro-rata figure for construction cost). • Greatly reduces maintenance expenditure on the Takitimu Scheme. • Increases reliability of this section of main and subsequently reduces the risk of non-supply to consumers on this section of main. 	<ul style="list-style-type: none"> • Increased cost of repairs when failures occur for the three remaining lengths of main. • Risk of maintenance costs to increase to the three remaining sections of main, given the Contractor has highlighted the criticality of these mains. Continued deferral of renewals could cause the Contractor unforeseen cost which it may wish to be reimbursed for. • Increased risk of non-supply to consumer tanks when failures occur on the three remaining sections of main. • The requirement to upgrade the three remaining sections of main in the future in some form or other.

Option 3 – Do nothing

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Short term reduction in cost (ie, no capital expenditure). 	<ul style="list-style-type: none"> • Increased cost of repairs when failures occur. • Risk of maintenance costs to increase to this section of main, given the Contractor has highlighted the criticality of this main. • Continued deferral of renewals could cause the Contractor unforeseen cost which it may wish to recover. • Increased risk of non-supply to consumer tanks when failures occur. • The requirement to upgrade the water main in the future in some form or other.

Assessment of Significance

- 21 Upon assessing the proposed recommendation against the Council's Significance and Engagement Policy, the Water and Waste Department does not believe that the recommendation constitutes a significant decision.

- 22 This is based on the recommendation not having an impact on the Council's direction and level of service and the cost being less than 10% of annual expenditure.

Recommended Option

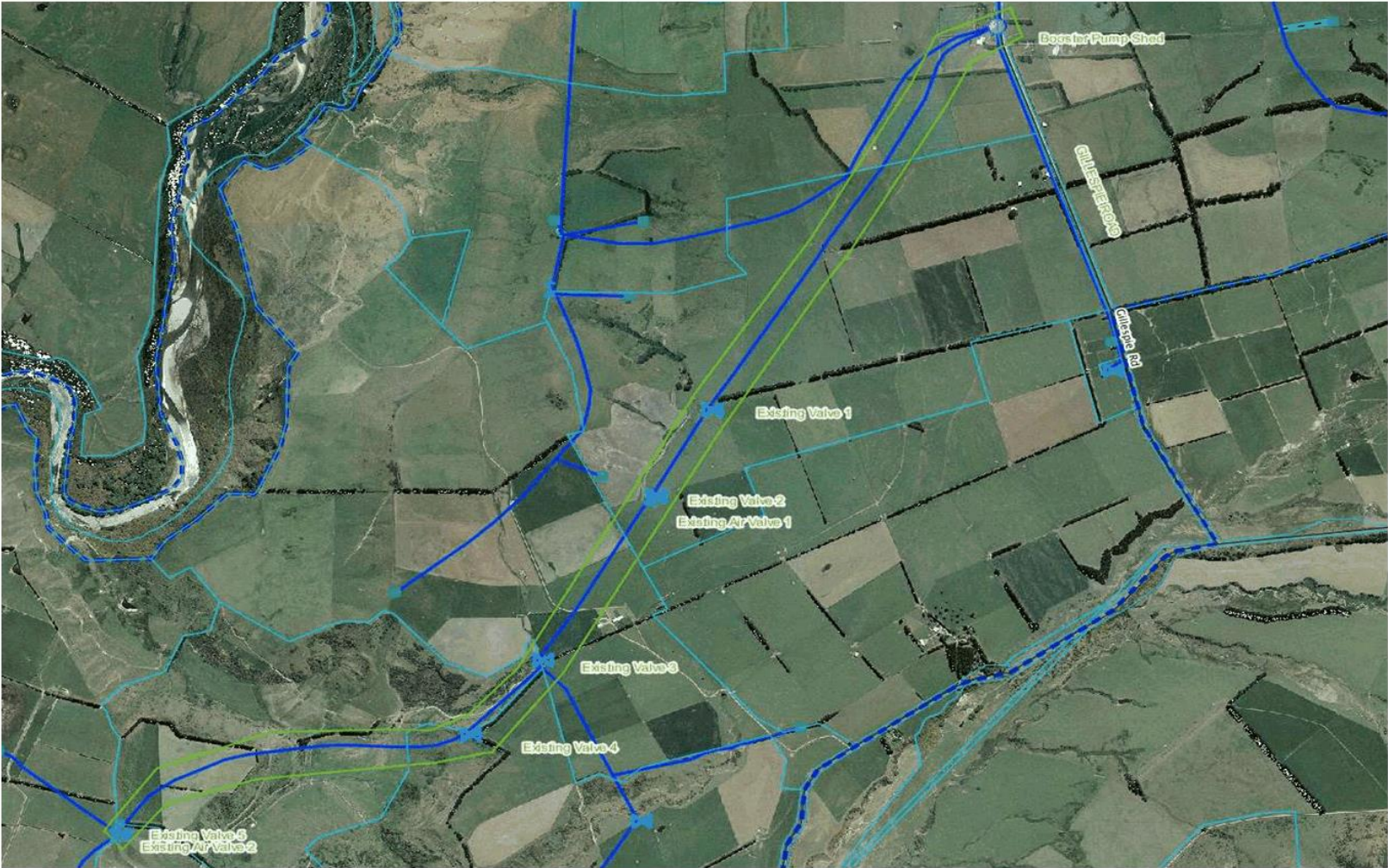
- 23 Council Water and Waste Department believes the best option is to proceed with the renewal of all the proposed length of Water main as discussed in Option 1 above. This is the most cost effective means of ensuring a reduction of the associated risk of non-supply of water to the affected land owners.
- 24 Council's Water and Waste Department recommends that Council approves to proceed with the renewal with the funding coming from the amount remaining from original budget allowed for in the 2016/17 Annual Plan.
- 25 This remaining sum is sufficient to complete the additional works if Council were to accept the price submitted by Te Anau Earthworks Ltd.

Next Steps

- 26 If approval for the funding of the project is given, the Water and Waste Department will award the work to Te Anau Earthworks Ltd to proceed with construction later in 2017.

Attachments

- A Blackmount Redcliff Road annotated aerial photo [↓](#)



Management Report

Record No: R/17/8/19318
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Chief Executive

Civil Defence Review

- 1 As noted previously Central Government have appointed a Technical Advisory Group to review the policy settings within which Civil Defence across NZ operates. The appointment of the Group follows on from a number of recent events in which questions have been asked about the effectiveness of the response.
- 2 The Group which was appointed by Government to carry out the review has now completed its engagement and consultation with local government. Their engagement process has included attending local government sector meetings and the LGNZ Conference in July 2017, as well as individual meetings across the country.
- 3 The Group is on track to provide an interim report to the Minister of Civil Defence by the end of August. It is expected that the report will contain a number of recommendations on how the current system can be improved. It can be expected that this will include a strengthening of regional capability and the setting of defined standards that will need to be maintained.
- 4 Officers will continue to monitor the review as it proceeds and report on any outcomes of significance to Southland.

Southland Regional Development Strategy (SoRDs)

- 5 It was intended that the Statement of Proposal to form a new Southland Regional Development Agency as a council controlled organisation would be released at the beginning of August.
- 6 The release of the consultation document had to be delayed, however, while the Invercargill City Council (ICC) worked through a process to determine whether they needed to amend their Long Term Plan prior to providing for the formation of the proposed new Agency.
- 7 The delay was disappointing given that ICC could have considered and resolved the issue several months ago as occurred with the other Councils. It is anticipated that the consultation document will have been released by the time of the 6 September Council meeting.
- 8 Submissions received will be considered by a Joint Committee of the four Councils. Following their deliberations the Committee will prepare a report and recommendations to be considered by each of the four Councils individually.
- 9 The use of the Joint Committee approach will streamline the community consultation exercise and ensure that there is a common set of recommendations provided back to each of the Councils.

Biodiversity

- 10 LGNZ has recently released a 'think piece' report on the future of biodiversity management. The report identifies a need to clarify the roles and responsibilities of the different agencies involved, such as local government, the Predator Free 2050 project and community

organisations. It also calls for the setting of a clear overall biodiversity goal and plan to achieve it.

11 The report makes five recommendations for change:

- The need for strong leadership and clarity of roles and responsibilities;
- The need to agree where we should focus our efforts at national, regional and local level;
- The importance of a national plan and delivering joined-up action across all players;
- The need to understand what success looks like, and how to measure it; and
- The need for modern, fit-for-purpose frameworks, including legislation, to help to achieve our goals.

12 The document is intended to stimulate debate on the issues relating to biodiversity management and how they might best be addressed. A copy of the document is available on the LGNZ website (www.lgnz.co.nz).

Climate Change Issues

13 On 27 July 2017 the Parliamentary Commissioner for the Environment, Dr Jan Wright, released her report titled, *Stepping stones to Paris and beyond: Climate change, progress, and predictability*. In her report Dr Wright emphasises that climate change requires a cross-party response that outlives governments.

14 The reports key recommendations include:

- Development of a Climate Change Transition Bill that contains at least one greenhouse gas emissions target and a requirement for it to be met;
- That the Minister for Climate Change Issues sets five-yearly carbon budgets, and prepares policies and proposals to enable those budgets to be met;
- Establishment of an independent Climate Change Commission to advise the Minister on setting carbon budgets and report on progress towards meeting those budgets; and
- A requirement that officials prepare and publish five-yearly risk assessments of the impacts of climate change on New Zealand.

15 Earlier this year the Government asked the Productivity Commission to undertake an inquiry into how New Zealand can maximise the opportunities and minimise the costs and risks of transitioning to a lower net-emissions economy. Under the Paris Agreement, New Zealand has committed to reduce its emissions by 30% below 2005 levels by 2030, and under the Climate Change Response Act 2002, has committed to reduce them by 50% below 1990 levels by 2050.

16 The purpose of the inquiry is to *“identify options for how New Zealand could reduce its domestic greenhouse gas emissions through a transition towards a lower emissions future, while at the same time continuing to grow incomes and wellbeing”*.

17 As part of its inquiry process the Commission has recently released an Issues Paper for public consultation. The paper outlines the context for the Commission and is focused on two broad questions:

- What opportunities exist for the New Zealand economy to maximise the benefits and minimise the cost that a transition to a lower net-emissions economy offers, while continuing to grow incomes and wellbeing?

- How could New Zealand's regulatory, technological, financial and institutional systems, processes and practices help realise the benefits and minimise the costs and risks of a transition to a lower net emissions economy?

- 18 At a national level 48% of NZ greenhouse gas emissions come from agriculture and a further 40% from energy usage for industry, transport and electricity generation. Given the dependence that Southland has on the rural sector the issues related to greenhouse gas emissions are clearly of interest to this region.
- 19 A copy of the issues paper is available on the Productivity Commission website (www.productivity.govt.nz). Submissions need to be lodged by 2 October 2017.

Freshwater National Policy Statement

- 20 On 9 August 2017 Central Government released its revised Freshwater National Policy Statement (NPS).
- 21 The new NPS, which must be given effect to through regional council planning documents confirms the previously announced national target of 90 per cent of rivers and lakes being swimmable by 2040.
- 22 Regional Councils are now required to set targets for their contribution to the overall national goal by March 2018. They are also required to develop targets for each lake and river across the region. Progress in achieving these targets must then be reported against every five years.
- 23 The revised NPS is obviously of significant interest to this Council in its role as an infrastructure provider and community leader.

Future of Local Government

- 24 At the end of the recent LGNZ annual general meeting outgoing President, Lawrence Yule outlined what he saw as being the key challenges for the sector to grapple with in the next few years. They included:
- The speed of change within the sector needs to increase to reflect the reality of the world in which we live.
 - Shared services haven't gone into major service delivery areas anywhere in NZ and they need to.
 - Look internationally at other models and how they do things. There is a lot to be learnt by looking at other models including Australia.
 - Be transparent in the work we do.
 - Create a centre of excellence for the 3 waters.
 - Climate change and protection of the environment are important mainstream issues which the sector needs to grapple with.
 - The sector needs to determine what might constitute appropriate service delivery models if amalgamations aren't appropriate. The sector needs to deliver sizeable efficiency gains to meet the challenges that lay ahead.
- 25 There are a number of useful messages for all local authorities to consider from the challenges outlined above.

Milford Opportunities Project

- 26 Central Government have now formally approved the business case and terms of reference for the Milford Opportunities Project. A formal funding agreement is now being finalised with the Ministry of Business Innovation and Employment (MBIE).
- 27 Work is underway to confirm the members of the proposed project governance group and organise their first meeting.

Customer Support

- 28 To assist with training for our customer support staff new Call Monitoring technology has recently been installed successfully. Customers are notified that their calls may be monitored for training purposes when they call 0800 732 732. We will be working with staff over the next six - eight months to establish call quality standards.
- 29 Dog registrations and change of addresses have been the focus for the team over period. While the use of E-Pathway for payments has been seen, many customers prefer to register their dogs in person so they can receive their dog tags at the same time.

Library Services

- 30 Our Winton library is running the “Stepping UP – Free Computer Training” programme, which has been a huge success. With up to a four week waitlist for customers to join the courses, we have demand for the program across the district.
- 31 Modern library services are more than books – connecting people with information and technology. This means we can support our Southland residents with the challenge of the digital age we live in. The Winton library is also refreshing the DVD collection for customers and have seen issues rise from, on average, two per week to now 32 per week. New titles will continue to be provided and will be reviewed across the District longer term.

Customer Service Delivery Scoping Project

- 32 The purpose of this project is to consider how Council delivers its front line customer support services for each of the District’s communities.
- 33 The objectives of this project are:
- to consider the types and levels of services required;
 - to determine how these services might best be delivered;
 - where they could most effectively and efficiently be delivered from; and
 - who should deliver these services, including looking at shared service options.
- 34 The project objectives also include consideration of how Council manages user expectations, what capital and operational expenditure resource allocation needs to be considered to deliver the “ideal” solution and what is a realistic time frame to deliver said solution.
- 35 The scope of works planned includes:
- A community and business survey;
 - Demand analysis for each area office and library; and
 - Key stakeholder engagement – including geographical and sector based engagement.

Services and Assets

SIESA (PowerNet)

- 36 The electrical generation system, distribution and retail service for SIESA was generally good during June. The sold units were similar to May. There were two consumer faults during the month; both were caused by corroded pole fuses. The fuse holders were changed to a newer type which should be more resistant to this type of fault.
- 37 PowerNet recommends that generator replacement options are given urgent consideration to ensure the Island generation capacity is managed to the most cost effective strategy.

Forestry (IFS)

- 38 Harvesting has continued at Ohai, with 9,500 tonnes harvested to date for the year, generating \$1M in income. The 2017/18 logging target is 43,584 tonnes. There will be no further harvesting until the last quarter in the year.
- 39 In conjunction with the completion of Council's annual report the forestry asset (timber value) has been revalued at 30 June 2017 to \$13.179M, which is up \$0.8M on last year.

Strategic Water and Waste

Three Waters Review

- 40 The Government established an Inquiry into the issues relating to the contamination of the Havelock North Water Supply last year.
- 41 Stage 1 of the Inquiry addressed matters relating directly to the Havelock North water contamination incident and the response to that incident. The stage 1 findings were released in May and included:
- Contamination of drinking water was confirmed as the source of the outbreak.
 - Contamination is understood to have arisen from inundation of neighbouring paddocks, resulting in water from a pond entering the aquifer around 90m from the bore identified as the source.
 - Failings on the part of both the District Council and Regional Council, although not directly responsible for the outbreak, were definitely a contributing factor.
 - Lack of contingency planning by the District Council.
 - Failure of technical advisers to adequately assess and report on security of bore heads.
- 42 Water and Waste staff are currently working through understanding the implications of the findings in relation to the 12 community water supplies for which Council has responsibility.
- 43 Stage 2 of the Inquiry is addressing the broader systemic issues and will provide recommendations about managing water supplies across New Zealand. It will examine the existing statutory and regulatory regimes involved in delivering drinking water to see if improvements can be made. Stage 2 of the Inquiry is now due to be reported back by 8 December 2017. This stage will contain recommendations that will be of significance for all local authorities.
- 44 In late July Central Government announced a review of the way in which water, wastewater and stormwater (3 Waters) are managed by local government. The review, which is to be conducted over the next 18 months, is to assess whether *"local government practices and system oversight are fit for purpose"*.

- 45 The review will initially focus on areas related to financial incentives; asset management practices; and compliance and monitoring but it is also expected that the review will provide a basis for consideration of possible future reform options.
- 46 It can be expected that the outputs from this review, along with the recommendations relating to broader sector performance that will come from phase 2 of the Havelock North Water Inquiry report will provide a basis for future government decision-making about possible reform of the water sector. The need for change in these areas has been signalled for some time. LGNZ has, for example, been advocating for the introduction of a sector led co-regulatory regime in an attempt to improve current management practices.

Te Anau Wastewater Discharge Project

- 47 At its 17 May meeting Council instructed officers to proceed with the development of a business case for the Kepler option based on the consent option. Officers were also asked to include in the business case an option based on changes to the irrigation area and with an improved level of treatment.
- 48 Work is being progressed to develop a draft business case in line with the resolutions passed by Council. At this stage officers expect to have a first draft completed in October. It will then need be presented to the Te Anau Wastewater Project Committee and the Finance and Audit Committee for comment as well as Council.
- 49 In parallel with development of a business case for the Kepler option Council also asked for work to be completed to develop criteria and a process via which it might be able to identify possible alternative land disposal sites.
- 50 The criteria developed were presented to the Te Anau Wastewater Project Committee at a meeting on Friday 11 August 2017. Following that meeting the criteria have been publicly advertised and an expression of interest process has been commenced. It is intended that information relating to any blocks of land identified through this process will be able to be presented to Council at the time that the Kepler business case is put forward for consideration.

Land and Water Plan Implementation

- 51 Under the National Policy Statement for Freshwater Management (NPS-FM) water quality and quantity are to be maintained and improved, and any over allocation to be phased out over time. Environment Southland is required to set environmental limits by 2025, with all 'communities' required to meet those limits in due course. They are progressing this work via their proposed Water and Land Plan.
- 52 To assist with addressing the impacts of these changes on local authority infrastructure Environment Southland have formed a Three Waters Officer Working Group. The objectives of the Group are to work through the implications of the new freshwater standards, develop an agreed approach to the re-consenting of local authority infrastructure and ensure that the organisational objectives are aligned.
- 53 Council staff, consultants and legal counsel have now prepared evidence for presentation at a hearing in September where submissions on the proposed Water and Land Plan will be heard. Evidence has been prepared in conjunction with both Gore District and Invercargill City Councils given that the range of issues arising from the plan are likely to have an impact on each Territorial Local Authorities.

Roading Contracts

- 54 Council has recently been through a process to tender its roading reseal work for a three year period. Downer were the successful tendering party and will have responsibility for the resurfacing of approximately 3,000,000 m² of urban and rural roads across the district over the next three years.
- 55 Council has also recently granted approval for a project to replace all street lighting in the District with new LED lights. The use of LED lighting will deliver electricity and financial savings for Council.
- 56 Council has also recently completed tendering of its roading professional services contract, which has up until now been held by MWH. The contract for the core services component of these services, which covers asset management, pavement renewal capital works, reseal programmes, maintenance intervention strategies, network controls and network safety has been awarded to Opus.

Community and Futures

Corporate Performance Framework Project

- 57 Council is progressing the development of a Corporate Performance Framework to support stronger business planning and performance management practices within the organisation.
- 58 The overall aims of the framework include:
- To align Council's intended direction to outcomes delivered by teams and individuals, providing a strategic 'thread'.
 - To provide a comprehensive planning and reporting regime, supporting strong performance management.
 - To link externally focussed deliverables to internal business support.
 - To design a suite of documents that will support the ongoing operation of the framework.

Community Futures 2040 Project

- 59 Work is now underway with a research and data analysis project needed to assist Council to work strategically and shape the future development of the District.
- 60 In essence this project and the three sequential research pieces of work identified will be concerned with answering broad questions about community (social) and economic conditions in the District and its communities. Principally these are:
1. Where are we now?
 2. Where are we heading?
 3. Where do we actually want to be?

The three main elements included in the first phase include –

1. Situational Analysis – current social and economic conditions in the District as a whole and its principal communities of interest. These datasets will include amongst others information on employment, GDP, Business Units, Population, Education, Beneficiaries, Tourism, Income, External Migration, Building Consents and Home Ownership.
2. Trend Analysis – analysing changes during the past decade and analysing the strengths and weaknesses (in terms of the direction in which key economic and social

indicators are moving and by relating the indicators for the District with an agreed national benchmark) of the District and communities

3. Identification of core industries – including analysis of the tourism sector – to identify and shine a light on the industries that drive the local economy by assessing each industry according to various criteria.

Phase 2 – Where we are heading? – Comprises two elements –

1. Projection of future employment and population under BAU scenario
2. Future industry growth and decline – in particular to understand why certain industries are likely to grow or decline, rather than simply being presented with forecasts that they will grow or decline. Knowledge of why particular industries are likely to grow or decline will enable Council to determine the areas in which there is scope for strategic action to address the issues and develop the opportunities.

- 61 On completion of phase 1 and 2 Council will consider the results of this work to then determine the next steps.

Welcoming Communities

- 62 In late December 2016 the Ministry of Business, Innovation and Employment (MBIE) approached Council to seek support for the Southland District Council to jointly participate in the Welcoming Communities programme. Funding was officially approved in June 2017 by the Ministers of Immigration and Finance to develop and implement a two year pilot programme called Welcoming Communities – Te Waharoa ki nga Hapori.
- 63 Welcoming Communities is established under the auspices of the New Zealand Migrant Settlement and Integration Strategy and the New Zealand Refugee Resettlement Strategy. It is set up by Immigration NZ – alongside the Office of Ethnic Communities and the Department of Internal Affairs, with support from the Human Rights Commission.
- 64 The programme aims to encourage and support local councils and communities to play a leadership role in welcoming newcomers. This is a change in emphasis from earlier settlement initiatives that have focused on supporting newcomers rather than equipping the receiving communities to be welcoming. This innovation recognises that achieving good settlement outcomes requires a partnership between newcomers and the community they settle into. This partnership in turn needs to be supported by local businesses, and the public as part of the social license underpinning immigration.
- 65 The pilot programme objectives include:
 - To proactively foster an environment of belonging and participation at the local level for both newcomers and receiving communities and in doing so contribute to protecting and enhancing social cohesion and cultural vibrancy.
 - To increase social and economic capability and resilience for newcomers and members of the receiving communities.
 - To contribute to the ability of businesses to attract, welcome and retain the skilled people they need to prosper.
 - To contribute to economic growth that benefits the participating regions New Zealand as a whole.
- 66 With this in mind, the programme is intended to involve local government as part of its broader mandate to ensure their communities are resilient and well-functioning. Local government has an interest in making their communities as attractive to live and work in as

possible for newcomers. This includes making it a positive environment for newcomers to stay and belong.

- 67 The Southland Pilot Programme has established a Southland Welcoming Communities Governance Group – made up of an elected representative from each of the three local authorities, a board representative from Community Trust of Southland, a representative from MBIE and an Iwi representative. Cr Julie Keast is the Southland District Council representative on the Southland Welcoming Communities Governance Group.

Annual Report 2016/2017

- 68 The preparation of the Annual Report for the year ended 30 June 2017 is progressing well and is on schedule for adoption at the Council meeting on 27 September. The Annual Report outlines what was achieved during the 2016/2017 year compared to what was programmed in the LTP and Annual Plan for that year, both in terms of activity service delivery and financial performance.
- 69 The draft Annual Report document will be reviewed by the Finance and Audit Committee on 6 September and Audit NZ will be onsite from 4 - 15 September to undertake their audit of the document.
- 70 The Annual Report summary document is also being prepared separately and an unaudited version of this will be circulated to Council for comment at its meeting on 27 September. The summary document will be audited separately in early October and the intention is that the Mayor and Chief Executive will then approve the summary document for distribution with any changes resulting from the audit process.

Long Term Plan (LTP) 2018-2028

- 71 Work is continuing on the preparation of the draft 2018 LTP with a significant amount of work to be progressed over the coming months. Officers are working through the detail of the programme at the moment to finalise budgets and supporting information which feed into the LTP. The aim is to have a draft of the supporting documents and final budgets for confirmation by Council in mid-December so that the Consultation Document can be prepared and audited in late January 2018 before being adopted by Council in February for consultation.
- 72 The key work currently underway related to the LTP includes:

Activity Management Plans

The first Council workshop was held in early August to discuss the issues identified from the draft Activity Management Plan (AMP'S) and budgeting process. The AMP's underpin a lot of the thinking and detail of what Council is planning for the next 10-30 years.

There are further AMP workshops planned in September for the remaining activities. Following this, budgets for the LTP 2018-2028 will be finalised and used to prepare estimates reports (local and district) with prioritisation and options to be considered by Council and Community Boards/CDAs over the next two months.

Key Performance Indicators (KPI)

Workshops with officers and committee chairs are being held to review the KPI's which the Council uses to monitor its performance. The objective is to identify a series of indicators which clearly link to the Council's strategic objectives and provide meaningful performance information to management, elected members and the community about the benefits of the services provided.

- 73 The outcomes from these workshops will be used to agree KPI's which will be included in the AMPS and LTP and reported on from 1 July 2018.

Local Electoral System Update

- 74 The Council is required to consider which electoral system it will use for the next local authority elections which will be held in 2019. A report is being presented to 6 September Council meeting seeking a decision on whether to use the First Past the Post (FPP) or Single Transferable Voting (STV) electoral system. In the past Council has used FPP.
- 75 Both systems have advantages and disadvantages. For FPP advantages are what is seen as the simplicity of the process including the way votes are cast, counted and announced. Disadvantages relate to the results of the election – including the generally 'less representative' nature of FPP councils, the obstacles to minority candidate election and the number of wasted votes.
- 76 The advantages of STV include that it potentially achieves broad proportionality in multi-member wards, majority outcomes in single-member elections, more equitable minority representation and a reduction in the number of wasted votes. Disadvantages relate to the public being less familiar with the system and possibly finding it harder to understand, matters of process such as the way votes are cast and counted and the information conveyed in election results.
- 77 Following the Council decision a public notice will be placed in the newspaper advising of the right to demand a poll on the electoral system to be used. Five percent of electors are required before a valid poll can be received – that amount is approximately 994 valid signatures – three months are provided get the signatures. This would need to be received by 21 February 2018.

Community Governance Review Update

- 78 A Project Plan has been prepared for the Community Governance Project and Representation Review. The Elected Representative Working Group comprising the Mayor, 3 Councillors 2 Community Board Chairs and 2 Community Development Area Subcommittee Chairs. This Working Group will continue to meet throughout the project.
- 79 A community engagement plan is being prepared. While preliminary consultation is not mandatory for a Representation Review it is recommended good practice. The Community Governance Project has been underway for 18 months and will input into the Representation Review. The Council is keen to encourage groups within the district to have discussions within their own networks. The topic will be a focus for the next round of community conversations. Meetings will also be arranged for members of Community Boards and Community Development Area Subcommittees.
- 80 The aim is to encourage a discussion prior to the formal consultation period about what a relationship between Council and its communities might look like. We want to encourage the public to think about where their communities of interest are and acknowledge that they may be different depending on whether it is for school or work or sporting activities. We also would like the public to start thinking about the number of people needed to represent their communities both at a local level and what does local mean and at the district level.
- 81 The aim is to enhance community and individual involvement or influence so that the Council Governance structures are fit for the future and fit for purpose.
- 82 We are preparing for a report with a proposed model/initial proposal to be informed by the Community Governance Review to go to Council and then out for consultation in April 2018. The actual date will then specify the remaining dates as set down in the Local Electoral Act 2001. Following the consultation period, hearings will be held and a final

proposal considered and sent to the Local Government Commission (the Commission). It is likely that this will occur in June/July. At that point there will be an opportunity for appeals and objections to be considered by the Commission who will make the final decision.

- 83 This process does not provide for reorganisation or amalgamations with other Councils – there are other provisions in the Local Electoral Act for that.

Residents' Opinion and Satisfaction Survey

- 84 Council conducts a Residents' Opinion and Satisfaction Survey every three years. It recently conducted the latest version of this survey which provides useful feedback to Council on residents; perception of Council services. The survey purpose is

- To measure and monitor residents opinions and satisfaction levels and to assist in providing effective services
- The outcome of the survey is used to measure progress towards the key performance indicators identified in Council's Long Term Plan
- The survey results are also used by SDC to identify areas for improvement for activity managers.

The survey process and overall project was undertaken by Research First in February – March 2017 and presented at the Policy and Community meeting on 21 June 2017. A link to the survey and the five ward reports will be made available on the council website:

<http://www.southlanddc.govt.nz/my-council-/plans-and-reports/residents-satisfaction-and-opinion-survey/>

Community Leadership Plans

- 85 In March/April a number of workshops were held with Council's Community Boards and Community Development Area Subcommittees (CDA's) to start the development of Community Leadership Plans. The initial focus was on gaining an understanding of the future vision and direction of individual communities and the district as a whole for the next 3, 10 and 30 years.
- 86 The next phase of this process is to run similar workshops with key stakeholders within the community by the end of the calendar year. Following this, phase three will involve a much wider discussion with communities as a whole to gain their thoughts on the future of their townships and District. This will be undertaken by June 2018. The Community Leadership Plans are something to be owned by our communities, and generate a way of working together that guides the future direction of the Southland District.

District Tour

- 87 In July the District Councillors continued with their Southland Tour, and spent a day in the South Eastern area of the District. Councillors had the opportunity to view local and District projects, as well as spend time with the Edendale/Wyndham Community Board Chair and Operations Managers of the Catlins Sealing project. Key themes discussed by Councillors throughout the tour included Community Housing, Freedom Camping and Tourism, District Facilities, the upcoming Representation Review, Ease of Doing Business, Museums, and declining populations and opportunities for small communities.
- 88 Later in the year the Southland District Tour will continue with Councillors spending time in the Northern Central area of the District.

Stewart Island Wharves Report

- 89 At the July Council meeting, Council received the report Stewart Island Wharfing Provision; Community and Stakeholder Engagement. This report was commissioned to gather the views of the community and stakeholders around the future ownership, management and development of wharves on Stewart Island following an indication from South Port that they want to exit the ownership of (or close) the Golden Bay wharf given that it is in a poor condition and in urgent need of replacement.
- 90 The Golden Bay wharf is of strategic significance to the Stewart Island tourism and aquaculture industries. It currently provides water taxi access to Ulva Island, which is visited by over 23,000 people each year and is also used by cruise ship tenders. A number of recommendations relating to the governance, funding, management and ownership of the wharves on Stewart Island have been made in the Stewart Island Wharfing Provision report.
- 91 Officers have developed an order paper for Council's 6 September meeting seeking a decision on Council's interest in assuming ownership responsibility for the Golden Bay wharf and overall direction on how the Stewart Island wharfing infrastructure might be funded in the future.

Stewart Island Community Planning Project

- 92 The Ministry of Business, Innovation and Employment (MBIE) have approved financial support for a Council led community planning process on Stewart Island. The project, which follows from the Bonaemia Ostreare response, will essentially enable Council to 'fast track' the Community Leadership Plan process for Stewart Island. Having the Plan developed will provide a clear strategic view on what is needed to take that community forward into the future. This will be of assistance to both Council, the local community and other agencies.
- 93 It is anticipated this funding agreement will be confirmed by early September so the project engagement process can be completed by the end of October and next stages processed for implementation following this.

Bylaw Reviews

- 94 Council has been consulting on a proposed amendment to the Freedom Camping Bylaw for Lumsden. Some 150 submissions have been received with a wide diversity of views expressed. A date for hearing those who wish to be heard by Council is yet to be determined, however they are likely to be in October and will be heard by all of Council.
- 95 Council has also begun a review of its Water Supply, Stormwater Drainage and Wastewater Drainage Bylaws. It is expected that the revised bylaws will be approved for community consultation at the 6 September Council meeting.
- 96 Officers are also beginning preliminary consultation to identify possible amendments the Stewart Island/Rakiura Visitor Levy Policy and Bylaw. If amendments are to be made, it is likely a proposal will be put out for consultation early next year.

Lumsden Railway Precinct Upgrade

- 97 Work is currently being undertaken to complete an application to the MBIE Tourism Infrastructure Fund for a grant to assist with the costs associated with the Lumsden Railway Precinct Upgrade.
- 98 The scope of works include an upgrade of the toilet facilities, installation of kerbing, sealing and marking of the car park and the building of screens. The Services and Assets Committee has recommended to Council that unbudgeted expenditure for these projects be approved subject to the Lumsden CDA agreeing to co-fund 50% of the local project. The CDA has agreed to this with the Mararoa Waimea Ward also contributing \$5000.

Southland District Story

- 99 Council's new Southland District Story project has been launched to staff and before it is launched publicly on 2 October, will be presented to community board and CDA members at a series of meetings to be scheduled in mid – late September.
- 100 It will also be presented to our key shared services – Wastenet, Emergency Management and Venture Southland, and our contractors. Communications staff are working on pulling all the elements together for the public launch, including the final signoff on building signage and district signage. Part of the story will be standardisation of signage for Council facilities and reserves and this will happen after 2 October.

Open Spaces Project Update

- 101 Council currently has an Open Spaces Strategy which sets out a strategic direction to guide the provision of and planning for, and the consistent management and maintenance of reserves and open spaces within Southland District, to meet current and future needs.
- 102 Increasing visitor numbers and shifting demographic/recreational trends are changing who, how, where and why people use (or do not use) Southland District's open spaces and associated facilities.
- 103 Council is looking to move towards a more strategic and co-ordinated approach to its open space management to ensure residents and visitors have a good experience when using open spaces. The aim is to create pride from a local resident's perspective, maintain and improve the reputation of the district as a visitor destination, and potentially support the development of new economic opportunities in the District.
- 104 This will require Council to move towards a "people, places and spaces" approach versus an infrastructure-focussed approach. It will also require Council to consider what is needed to deliver a better result district-wide and what this means in terms of management, consistency of level of service and funding requirements/mechanisms.
- 105 As a result there is need to determine whether the Council's existing open spaces are capable of meeting the expectations and demands being placed on them by users now and in the future.
- 106 To achieve this, Council is seeking to assess the situation and better understand:
- what is currently being provided in open spaces/facilities and the experience from a user's perspective;
 - how this compares to what users expect (in particular for visitors);
 - how user demand and expectations are expected to change in the future;
 - what this means for Council in terms of what open spaces/facilities should be provided where, for whom and to what level/standard;
 - what the priorities are and what needs to be done to address any gaps/issues;
 - what level of expenditure/funding is needed and options for how this should be funded.
- 107 A project looking at these issues is due to be completed by the end of August so that its outputs can be included in the 2018 LTP.

Environmental Services

Waituna Partnership

- 108 The Waituna Lagoon is one of the best remaining examples of a natural coastal lagoon in New Zealand, and is unique in the Southland region and to New Zealand. From time to time, the lagoon has been mechanically opened to the sea initially for fish passage and latterly to help manage drainage for surrounding farms. Waituna Wetland is a taonga (treasure of high significance) to Ngāi Tahu and was formally recognised by a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.
- 109 Historically, the lagoon was surrounded by peat bog wetland, the drainage from which gave the lagoon its characteristic clear brown stain. It has high ecological habitat diversity, a unique macrophyte community (*Ruppia* dominated), internationally important birdlife, and large areas of relatively unmodified wetland and terrestrial vegetation, meaning it has a number of nationally significant ecosystems. In addition, it is highly valued for its aesthetic appeal, its rich biodiversity, duck shooting, fishing (for brown trout primarily), boating, walking, and scientific values.
- 110 The significance of the indigenous flora and fauna of Waituna Lagoon and the surrounding wetland (an area of 3,500ha) was given special recognition in 1976 as a Ramsar Wetland of International Importance. The extent of the Ramsar site was increased in 2008 to include nearby wetland areas now totalling 20,000ha.
- 111 The Waituna Partners' Group has recently been successful in gaining \$5 million of funding from the Government's Freshwater Improvement Fund to further the work already underway in the Waituna catchment.
- 112 The Partners (Environment Southland, Department of Conservation, Southland District Council, Te Runanga o Awarua and Te Rūnanga o Ngāi Tahu) have been working together in since 2013, and in conjunction with Living Water (Fonterra's 10-year partnership with the Department of Conservation), have agreed to contribute significantly in terms of cash and in-kind support to continue the programme. Over the next few months the Group will be further developing the work programme and providing more detail as required by the fund criteria.

Predator Free Rakiura

- 113 As Councillors will be aware, the Council has been part of the Predator Free Rakiura Governance Group for several years. A recent meeting of the Governance Group was held in early August, which was a very useful stocktake of where the Group is at.
- 114 DOC is commissioning some social research on Rakiura in the near future, in order to seek to better quantify the community appetite for predator-free initiatives and how these may be best structured to achieve community buy-in and progress.

General Activity within the Environmental Services Group

- 115 As per the individual Department updates below, while the May – August period can traditionally be relatively quiet in terms of development activity within the Southland District, the last couple of months have been quite buoyant, particularly in the Building Control area, a positive sign for the District.

Building Control

- 116 There has been an unexpected upsurge in activity issuing 107 consents in July, this was up from 94 for the same period last year. The past three months have recorded an increase in activity when compared to the same period as last year.

- 117 The Department is continuing to work with the other local councils. We have had a meeting to update our QAS Manual, the draft has been circulated for approval.

Environmental Health

Ministry of Primary Industries

- 118 Council has received approval from the Ministry of Primary Industries (MPI), to be able to offer food verification services of “national programme” food businesses, such as service stations, honey houses, and some grocery stores. MPI had to create a ‘fast-track’ approval for national programmes as there was almost no uptake by councils across New Zealand under the previous approval process, being too onerous and expensive.

Smoke Pollution in Winton

- 119 Staff are working with the Winton Community Board concerning the level of smoke pollution in the town that is being monitored by Environment Southland. It is proposed to do a community survey presenting the facts to the community and options available.

Animal Control

New Fee Discounts

- 120 The new fee discounts were introduced in July this year. Dog owners have accepted the new fees and their introduction has gone as smoothly as can be expected given the significant change they have introduced.
- 121 Immediate benefits have been an increase in dogs being microchipped, fewer infringements being issued (with the new use of warning letters that are recognised in the responsible owner discounts), and fewer wandering dogs and attacks.

Resource Management

New Zealand Transport Agency Notice of Requirement to Designate Land for State Highway Purposes

- 122 On 16 August 2017 the Edendale State Highway 1 realignment hearing was held. Commissioner Alan Cubitt heard the application and a recommendation on the application will be issued by 6 September. Once this recommendation has been issued NZTA will confirm the designation if it agrees with the recommendation or appeal the recommendation.

Proposed District Plan 2012

- 123 Mediation on the Proposed District Plan 2012 was held between 8 and 11 August. The mediation sought to resolve the five remaining appeals on the 39 points in contention.
- 124 The points, which were agreed on, will be sent to the Environment Court who will issue court orders on all of the matters that are resolved. There are a few matters that could not be resolved through mediation and work on these points will continue as we progress towards a formal Environment Court hearing.

Rakiura Heritage Centre

- 125 An approved resource consent was issued for the Rakiura Heritage Centre on Stewart Island. Project plans are being developed for some landscape, heritage and climate change workstreams. Once these plans have been formulated they will be reported to the Regulatory and Consents Committee for endorsement.

People and Capability

- 126 In July 2017, Council approved the Health and Safety Plan 2017/18, this included a commitment to care for the wellbeing and safety of our people and those who interact with us. Our goal is for our people to be bold and to actively think about their own and others safety and wellbeing so that we deliver safe and effective services to our community and that everyone gets home safe and well.
- 127 An action plan has been developed. There are five key focus areas including completing the implementation of the Health and Safety Framework, critical risk, health and safety participation, incident management and measuring and monitoring.

Recommendation

That the Council:

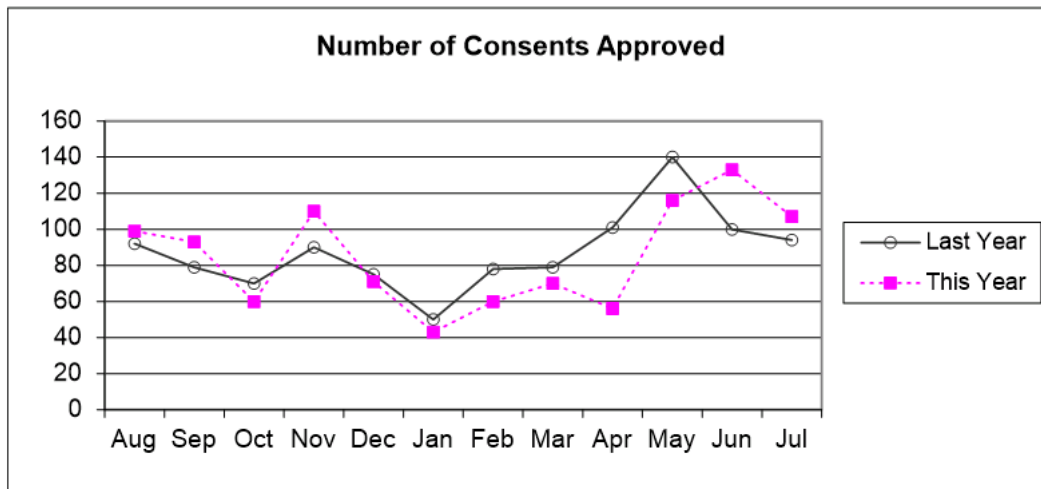
- a) **Receives the report titled “Management Report” dated 28 August 2017.**

Attachments

- A Consents Database Graph - July 2017 [↓](#)
B Consents Issued Numbers - July 2017 [↓](#)
C Building Consents Issued Numbers - July 2017 [↓](#)

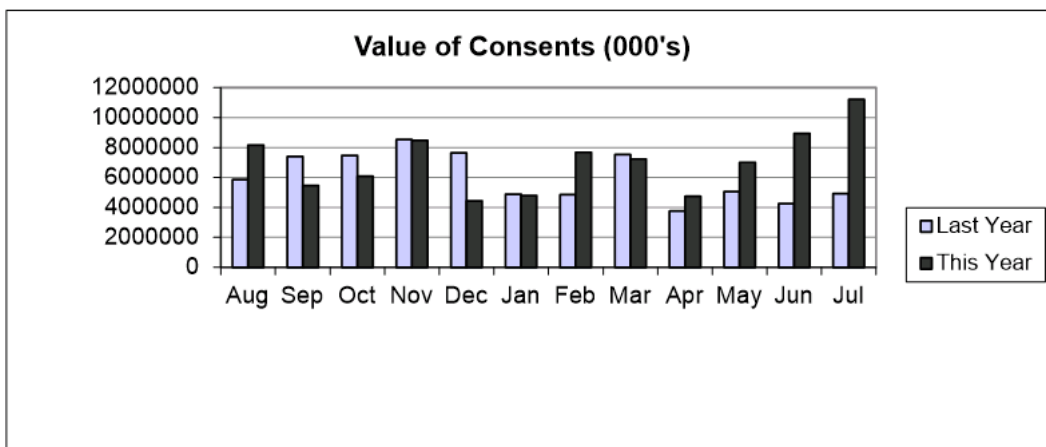
Southland District Council Building Consents

Monthly Report - July 2017



Percentage Changes - Total Consents

From:	Last month	-19.55%
	This month last year	13.83%
	Cumulative year this month last year	-2.86%



Percentage Changes - Total Dollars

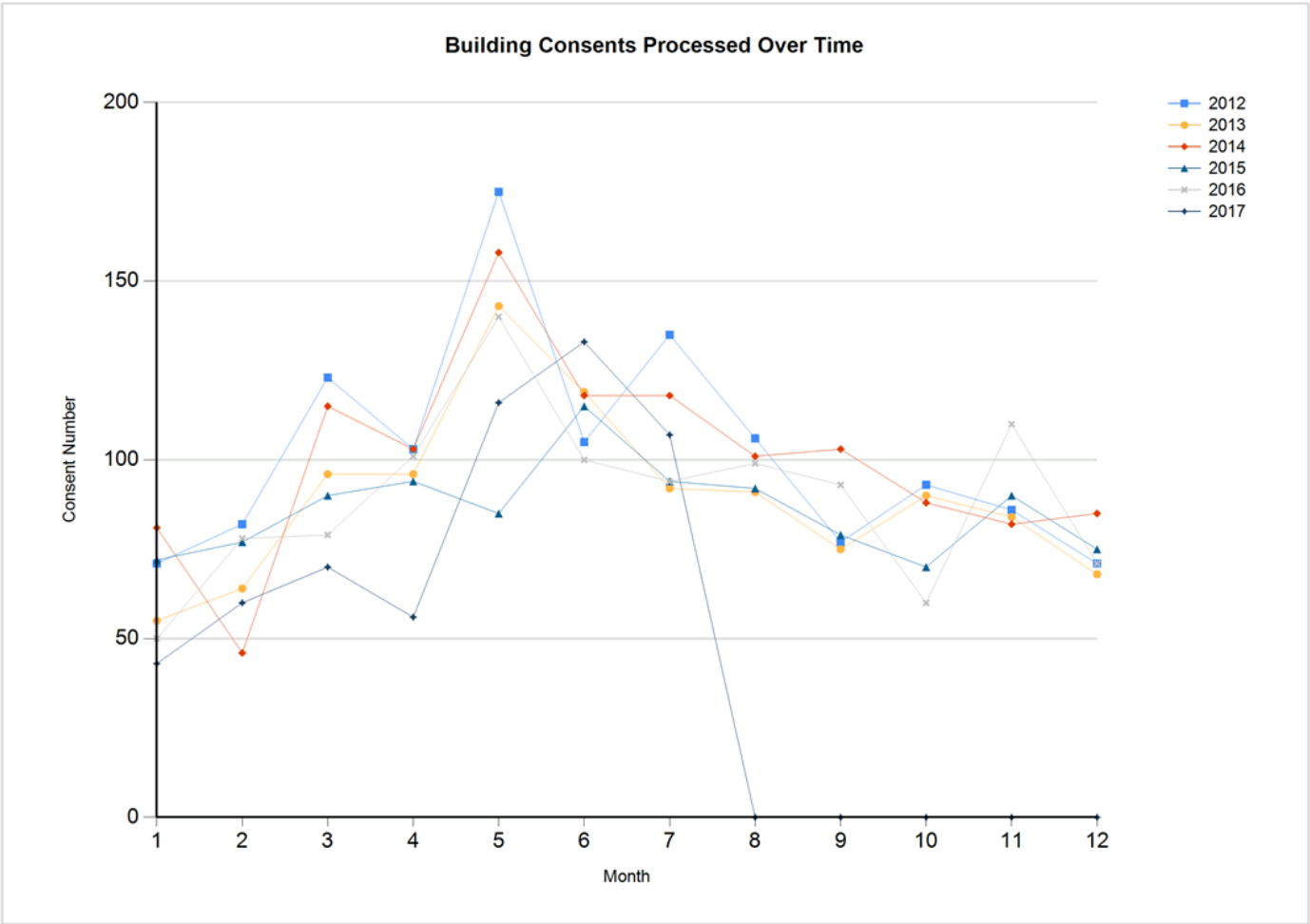
From:	Last month	25.52%
	This month last year	127.85%
	Cumulative year this month last year	16.72%

Item 8.6 Attachment B

Building Consent Issued Numbers

Decision Month	2012	2013	2014	2015	2016	2017	Total
January	71	55	81	72	50	43	372
February	82	64	46	77	78	60	407
March	123	96	115	90	79	70	573
April	103	96	103	94	101	56	553
May	175	143	158	85	140	116	817
June	105	119	118	115	100	133	690
July	135	92	118	94	94	107	640
August	106	91	101	92	99	0	489
September	77	75	103	79	93	0	427
October	93	90	88	70	60	0	401
November	86	84	82	90	110	0	452
December	71	68	85	75	71	0	370
Total	1227	1073	1198	1033	1075	585	6191

8/1/2017 8:45:00 AM



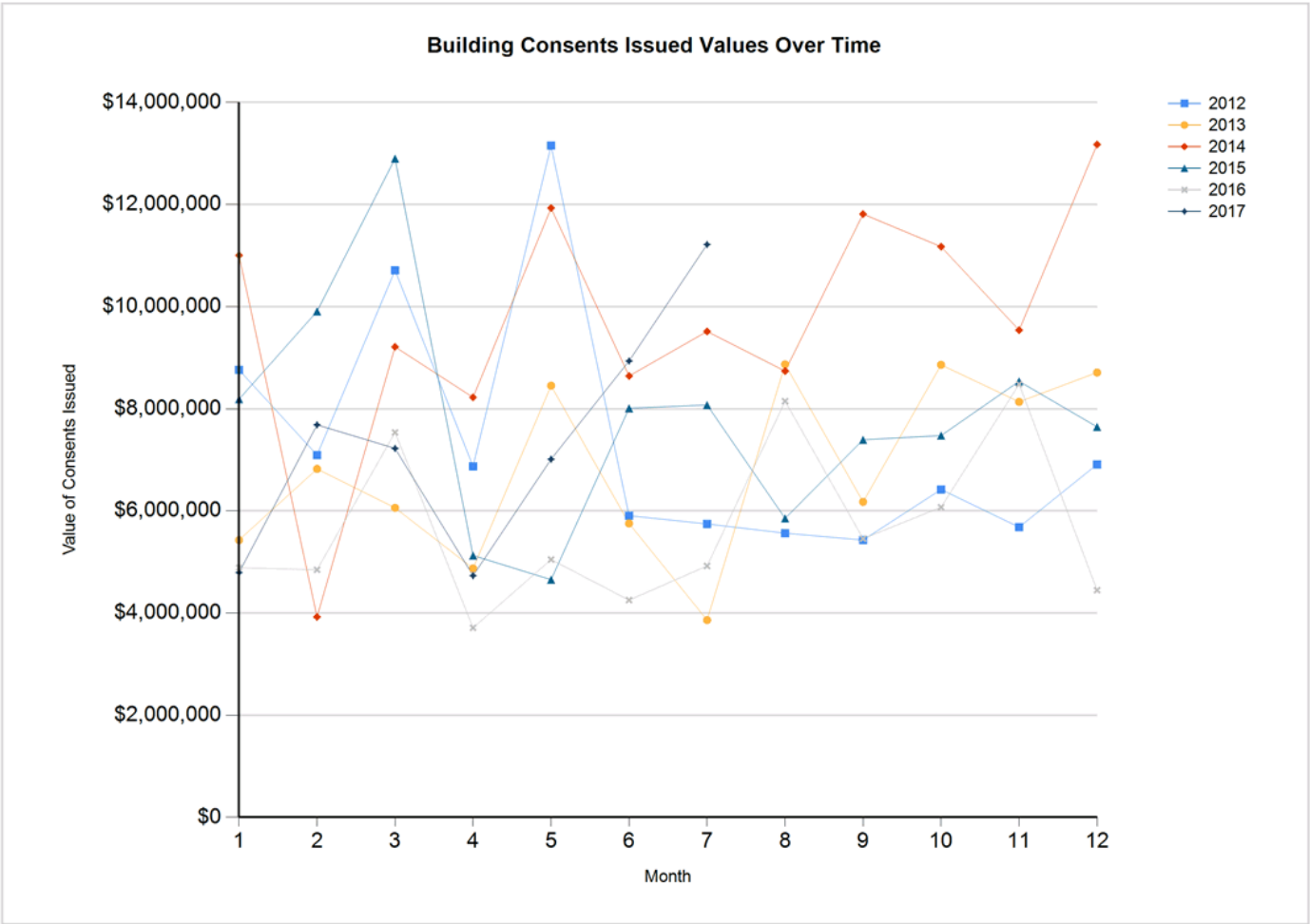
8/1/2017 8:45:00 AM

Item 8.6 Attachment C

Building Consent Issued Values

Decision Month	2012	2013	2014	2015	2016	2017	Total
January	\$8,761,841	\$5,430,178	\$11,004,801	\$8,187,785	\$4,887,663	\$4,792,520	\$43,064,788
February	\$7,094,309	\$6,822,148	\$3,923,722	\$9,907,900	\$4,848,585	\$7,685,823	\$40,282,487
March	\$10,712,479	\$6,061,045	\$9,212,772	\$12,900,191	\$7,537,689	\$7,225,025	\$53,649,201
April	\$6,871,776	\$4,875,339	\$8,223,725	\$5,127,436	\$3,711,350	\$4,732,284	\$33,541,910
May	\$13,153,910	\$8,452,973	\$11,929,819	\$4,653,849	\$5,048,003	\$7,012,202	\$50,250,756
June	\$5,907,098	\$5,755,189	\$8,642,715	\$8,010,777	\$4,253,356	\$8,936,485	\$41,505,620
July	\$5,745,579	\$3,863,110	\$9,514,841	\$8,076,255	\$4,923,057	\$11,217,275	\$43,340,117
August	\$5,564,201	\$8,869,939	\$8,738,431	\$5,855,620	\$8,149,207		\$37,177,398
September	\$5,429,701	\$6,177,080	\$11,813,442	\$7,393,073	\$5,456,971		\$36,270,267
October	\$6,420,178	\$8,861,336	\$11,173,980	\$7,475,727	\$6,073,094		\$40,004,315
November	\$5,682,807	\$8,136,544	\$9,540,239	\$8,538,326	\$8,481,838		\$40,379,754
December	\$6,911,079	\$8,710,688	\$13,174,785	\$7,645,900	\$4,447,994		\$40,890,446
Total	\$88,254,958	\$82,015,569	\$116,893,272	\$93,772,839	\$67,818,807	\$51,601,614	\$500,357,059

8/1/2017 8:47:11 AM



8/1/2017 8:47:11 AM

Electoral System for the 2019 Local Triennial Election

Record No: R/17/8/18470
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to provide the Council with information on the requirements of the Local Electoral Act 2001 (the Act) that relate to the choice of electoral system to be used for the 2019 triennial election and any associated election to enable the Council to decide whether it wishes to adopt the First Past the Post (FPP) or Single Transferable Voting (STV) electoral system.

Executive Summary

- 2 One of the purposes of the Act is to allow diversity through local authorities deciding which electoral system can be used for local elections and polls. There are two electoral systems that can be used – First Past the Post (FPP) and Single Transferable Voting (STV). Previously this Council has adopted the FPP system. The council resolved to use FPP for the 2016 and preceding elections. Council is required to make a decision by 12 September.
- 3 Eight Councils used STV at the 2016 elections. All District Health Boards are currently required to have STV as their voting system.

Recommendation

That the Council:

- a) **Receives the report titled “Electoral System for the 2019 Local Triennial Election” dated 26 August 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Retains the First Past the Post Electoral System for the 2019 Local Triennial General Election and any associated election.**
- e) **Notes that Public Notice under section 28 of (1) of the Local Electoral Act 2001 will be given on the Council’s decision and of the right of 5 percent of electors to demand a poll on the future electoral system.**

Content

Background

- 4 FPP means that people cast a vote equal to the number of vacancies by ticking the names of the candidate(s) they wish to vote for. In a single member ward 1 vote is cast. The candidate(s) with the most votes wins.
- 5 Under STV the voter casts a single vote but they rank their preferred candidates (1), (2), (3) etc. Voters can rank as many or as few candidates as they wish.
- 6 The main difference is how the votes are counted. Under STV candidates are elected by reaching the 'quota' which is determined by the number vacancies and the number of votes cast. First preference votes are counted (1s) and a candidate who reaches the quota is elected. Surplus votes are then transferred according to voters' second preferences. The process repeats until the required number of candidates are elected.
- 7 If the Council decides to change the electoral system then this would be in place for the subsequent 2022 elections as well.

Issues

- 8 Both systems have advantages and disadvantages. Advantages for FPP relate to the simplicity of the process, including the ways that votes are cast, counted and announced. Disadvantages relate to the results of the election – including the generally 'less representative' nature of FPP councils, the obstacles to minority candidate election and the number of wasted votes.
- 9 Advantages of STV include that it potentially achieves broad proportionality in multi-member wards, majority outcomes in single-member elections, more equitable minority representation and a reduction in the number of wasted votes. Disadvantages relate to the public being less familiar with the system and possibly finding it harder to understand, matters of process such as the way votes are cast and counted and the information conveyed in election results.

Factors to Consider

Legal and Statutory Requirements

- 10 Section 27 of the Act gives the Council the opportunity to resolve its electoral system for the 2019 election. This report is giving the Council that opportunity.

Community Views

- 11 Section 28 of the Act provides that the Council must give public notice of the right to demand a poll on the electoral system to be used. This will be done by 19 September as required in the Act.

Costs and Funding

- 12 There will be cost implications if a valid poll request is received. There would be no added cost implications if the Council chose STV as its electoral system.

Policy Implications

- 13 There are no policy implications.

Analysis

Options Considered

- 14 There are 3 options to consider. Make a decision on the electoral system and give public notice of it and the right to demand a poll; decide to hold a poll on a proposal to use a specified electoral system; or not make a decision but give public notice about a poll.

Analysis of Options

Option 1 – Make a decision on the electoral system and give public notice of it and the right to demand a poll

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Public are clear of Council's preference of electoral system.	<ul style="list-style-type: none">

Option 2 – Decide to hold a poll on a proposal to use a specified electoral system

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">Public would determine the electoral system	<ul style="list-style-type: none">An additional cost to the council for possibly the same outcome as Option 1.

Option 3 – Not make a decision but give public notice about a poll

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">	<ul style="list-style-type: none">Council has not made a decision.

Recommended Option

- 15 Option 1 is the recommended option

Next Steps

- 16 If the recommendation is agreed to staff will make arrangements for the public notice to be given by 19 September.

Attachments

There are no attachments for this report.

Recommended Changes to Terms of Reference - Ohai Railway Fund Subcommittee

Record No: R/17/6/12093
Author: Alyson Hamilton, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to seek approval of Council for changes to the Terms of Reference for the Ohai Railway Fund Subcommittee.

Background

- 2 At its Inaugural meeting held Friday, 26 May 2017 the newly elected Ohai Railway Fund Subcommittee carried out its three yearly review of its Terms of Reference (formally known as the "Policy Manual").
- 3 The subcommittee have recommended a number of changes for the Terms of Reference and these changes are now presented to Council for approval.
- 4 The Terms of Reference state that on the date of each subsequent Triennial election of members of the subcommittee, the date shall be amended by the addition of a further three years to that reference.
- 5 The recommended changes are illustrated in "red" on the attached Terms of Reference for this subcommittee.
- 6 The subcommittee has the discretion to change the level of grants allocated annually.

Recommendation

That the Council:

- a) **Receives the report titled "Recommended Changes to Terms of Reference - Ohai Railway Fund Subcommittee" dated 26 August 2017.**
- b) **Approves the changes to the Ohai Railway Fund Subcommittee Terms of Reference as recommended by that Subcommittee.**

Attachments

- A Ohai Railway Fund Committee - Terms of Reference - 2016-2019 [↓](#)



SOUTHLAND DISTRICT COUNCIL OHAI RAILWAY FUND SUBCOMMITTEE TERMS OF REFERENCE

1. Ohai Railway Fund Area

"The boundaries of the Ohai Railway Fund Area are generally defined as:-

- | | |
|-------|---|
| East | the Aparima River and from the Hundred Line at Aparima North to Home Creek. |
| West | the Wairaki River from the Wairaki River bridge on the Clifden/Blackmount main highway north along its course into the Takitimu Mountains. |
| South | the Hundred Line from Aparima to Scotts Gap, along the Scotts Gap Feldwick Road to Feldwick, along the Clifden Gorge Road to Eastern Bush, and the Otahu - Eastern Bush Road to the Wairaki River Bridge. |
| North | Takitimu Mountains to Home Creek, then along its water course to the Aparima River." |

The boundary of the defined area is indicatively demonstrated on the map attached to this Policy Manual and is legally described in the New Zealand Gazette Notice, page 1671 of 11 May 1916 that is also attached to ~~this Policy Manual~~. **the Terms of Reference.**

2. Purpose of Fund

The purpose of the fund is to provide grant(s) for the benefit of the "residents" of the former "Ohai Railway Board Area" as defined on the attached map. A "resident" being a person or a descendant of a person whose name appeared on the Parliamentary Electoral Roll for a nine year period during the years 1960 to 1999, both years inclusive, and whose address at this time or times was within the area of the district of the former Board.

From the date of the Triennial elections of members of the Subcommittee to be held in 2014 **2017**, the reference in the above subclause to the year '1999' shall read as a reference to '2008' **2011**, and on the date of each subsequent Triennial election of members of the Subcommittee shall be amended by the addition of a further three years to that reference."

3. General Information

The Ohai Railway Fund Subcommittee has the discretion to change the level of grants allocated annually.

The Background Paper for the creation of the Ohai Railway Fund Subcommittee is the Local Government Commission Determination on the former Ohai Railway Board 1993.

Ohai Railway Fund Subcommittee, is a Subcommittee of Southland District Council, and will be subject to Southland District Council's Code of Conduct.

4. Eligible Purposes

Listed below is a summary of eligible purposes:

- The provision of bursaries for post-secondary school study or adult education.
- To facilitate Employment Opportunities.
- The development of:
 - Community facilities, reserves and resources.
 - Recreational and leadership opportunities.
 - Community programmes, activities, events and charitable purposes.
 - Operating costs can be considered where they are incorporated into a specific project. NOTE: This is not to be interpreted as an offsetting of rates.
- Assistance may also be provided to individuals or groups taking part in events, which reflect credit or provide benefit to the community.
- Consideration may be given to projects aimed at providing public utilities.
- Loans
- Community Education and Training
- Transport - Transport Allowance may be considered for specific projects, but does not allow for transport to and from work or study.
- Assistance for other initiatives outside the above broad categories may be provided at the discretion of the Subcommittee.

5. Fund Allocation Criteria

Priority is given to assisting new ventures and developments, particularly those that provide ongoing benefit.

The level of assistance should reflect the level of contribution from the applicant and the potential benefits.

Priority may be given to applications where there are limited alternative means of raising funds.

Priority will be given to supporting educational initiatives for applicants whose opportunities are limited by difficult circumstances.

Where projects are of equal merit levels of previous assistance may be considered when establishing priority.

6. Membership

The Ohai Railway Fund Subcommittee comprises the following members:

- Three representatives whom are appointed by the Southland District Council.
- Four local representatives whom are elected at the Subcommittee's Triennial meeting.

7. Triennial Meeting

The Triennial meeting of the Subcommittee is held within the first three months of the year following the Triennial elections of the Southland District Council.

The venue of the Triennial meeting is to alternate between Ohai, Nightcaps and Wairoa.

The Triennial meeting is chaired by the current Chairperson of the Ohai Railway Fund Subcommittee.

Advertisement of the Triennial Meeting to be placed in local and public newsletters and flyers placed in local communities.

8. Eligibility of Local Representatives

Persons who are entitled to stand as a local representative on the Ohai Railway Fund Subcommittee must qualify as a 'resident', and must reside in the area for a minimum of nine (9) years

DEFINITION: A "resident" being a person, or a descendant of a person, whose name appeared on the Parliamentary Electoral Roll in any year from 1960 to 1999 (both years inclusive) and whose address at the time was within the area of the former Board.

From the date of the Triennial Elections of members of the Subcommittee to be held in 2014 **2017**, the reference above to the year '1999' shall read as a reference to '2005' **2011**. On the date of each subsequent Triennial Election of members of the Subcommittee the closing year shall be amended by the addition of a further three years to that reference ie: Triennial Election in 2014 **2017** - the applicable years will be amended to read "1960 to 2005 (inclusive)".

9. Election of Local Representatives

The election of the four local representatives to the Subcommittee is held at the Triennial meeting.

The successful candidates are the four nominees whom receive the highest number of votes at the Triennial meeting.

The election process is by way of nomination from “the floor” from members of the public attending the triennial election.

~~In the event of a local elected representative retiring during the three year term, the highest unsuccessful candidate is to fill the vacancy. If no vote was necessary at the Triennial meeting, then the Subcommittee has the right to appoint.~~

Following the Triennial election in 2017, in the event of a local elected representative retiring during the three year term, a new election will be held to appoint a replacement local representative.

Numbered voting papers are to be issued to eligible voters on their entrance to the Triennial meeting.

10. Voting Rights at the Triennial Meeting

Persons entitle to voting rights at the triennial meeting:

- Must qualify as a ‘resident.’
- Must have resided within the defined area for a minimum period of three years immediately preceding the date of the triennial election; and
- Must be in attendance at the triennial meeting. Proxy votes at the triennial meeting are **NOT ACCEPTED**.

All persons must sign a declaration at the Triennial Meeting confirming their residency in the Ohai Railway Fund defined area for a minimum period of three years.

11. Election of Chairperson and Deputy Chairperson

The Chairperson and Deputy Chairperson shall be elected at the first ordinary meeting of the Subcommittee following the Triennial meeting, and are elected by the members of the Ohai Railway Fund Subcommittee.

12. Applications

Any application submitted for building alterations or extensions to an existing building must have copies of plans, specifications and quotes attached.

Applicants seeking funding in excess of \$15,000 must be accompanied by a Long-Term Management Plan.

In the event of an organisation winding up within five years of receiving grant monies that organisation must repay the Ohai Railway Fund Subcommittee a portion of the funds allocated on a pro rata basis of 20% depreciation per annum.

Organisations seeking funding must submit their latest financial accounts with their application.

Grants for post-secondary school or adult education assistance are to be allocated as follows:

- Students who reside in the defined area up to \$1,000 **\$1,500**.
- Non-resident students who qualify for funds up to \$1,000.

- Short courses (12 months or less) and reside in the defined area up to ~~\$700~~ **\$1,000**.
- Short courses (12 months or less) and the applicant is not a resident in the defined area up to \$700.

Applicants who qualify for post-secondary school or adult education grants are entitled to one grant only and cannot re-apply for similar type applications.

NOTE: Only applications from residents' children and grandchildren of the Ohai Railway Fund defined area will be considered, and those applicants who reside 'outside the defined area' with a parent or grandparent still residing in the area will be given priority, however the Subcommittee has the discretion in respect of every application that is lodged.

Grant monies will not be released until confirmation is received of the project's commencement date. Unless an extension is received by the Subcommittee, in writing, and the said project has not commenced by six months from date of confirmation of successful grant application, the grant will become null and void.

Applications that are deemed to have commenced will be classed as retrospective and in normal circumstances will not be considered, however, in special circumstances the Subcommittee has the right to consider same.

13. International Opportunities

For those undertaking a recognised overseas opportunity the following policy applies:

- Those who qualify under eligibility criteria, reside in the defined area, and the length of the exchange is a minimum of seven months are entitled up to ~~\$1,000~~ **\$1,500**.
- Those who qualify under eligibility criteria, reside in the defined area, and the length of the exchange is ~~one-six months~~ **up to six months** are entitled up to ~~\$500~~ **\$1,000**.
- Those who qualify under eligibility criteria but do not reside in the defined area and:
 - the length of the exchange is for a minimum of seven months are entitled to a maximum figure of \$1,000;
 - the length of the exchange is between one-six months are entitled to a maximum figure of \$500.

~~Those allocated grant monies for international opportunities are not eligible to be considered for a post-secondary school or adult education grant.~~

Applicants who qualify for international opportunities grants are entitled to one grant only and cannot re-apply for similar type applications.

14. Community Education and Training Fund

This Subcommittee supports a community education and training fund for persons aged 15 years and older who wish to undertake non-traditional leadership or life skills education programmes, and such applicants must reside in the defined area of the Ohai Railway Fund, and the maximum amount available to any one applicant being ~~\$2,500 per annum~~ **\$1,500**.

~~Allocation of a Community Education and Training Fund Grant does preclude the applicant from applying for a post-secondary school or adult education grant.~~

Applicants who qualify for community education and training fund grants are entitled to one grant only and cannot re-apply for similar type applications.

15. Loans

This Subcommittee agree to have loans included as part of its policies manual with each loan application treated on its own merits.

This Subcommittee has the right to place a caveat on the title of the land and property of the applicant, or next of kin, and such caveat to have 'first-call' status.

Applications for loans by individuals or community groups shall include the following information:

- applicant's details.
- the loan requirements.
- bank statements.
- an audited copy of the latest annual financial report (or a schedule of assets and liabilities for an application by an individual).
- income and expenditure details.
- details of security offered.

Applications for commercial loans shall include the following information:

- a company profile.
- a proposed summary.
- historical data.
- a business plan.
- certification by the applicant.

An independent consultant, with suitable qualifications in the relevant industry, shall assess applications for commercial loans and make a recommendation to the Subcommittee.

The applicant shall meet all costs associated with the independent assessment. Such costs will be met from an initial non-refundable application fee of \$500. If costs are going to exceed the initial application fee the applicant will be asked to agree to the costs before any further work shall proceed.

Where loans have been advanced to a business, the company/partnership will be expected to submit financial reports to the Subcommittee on either a quarterly, six monthly or an annual basis. The basis for reporting will be at the discretion of the Subcommittee.

Loans are to be secured over the assets of the business in accordance with the provision of the land transfer act or the properties securities act 1999. The assets to be secured shall be determined on a case-by-case basis.

Recipients of loan monies will pay an interest rate calculated on a yearly basis (31 March) and based on the current weighted average rate of return of Southland District Council investments.

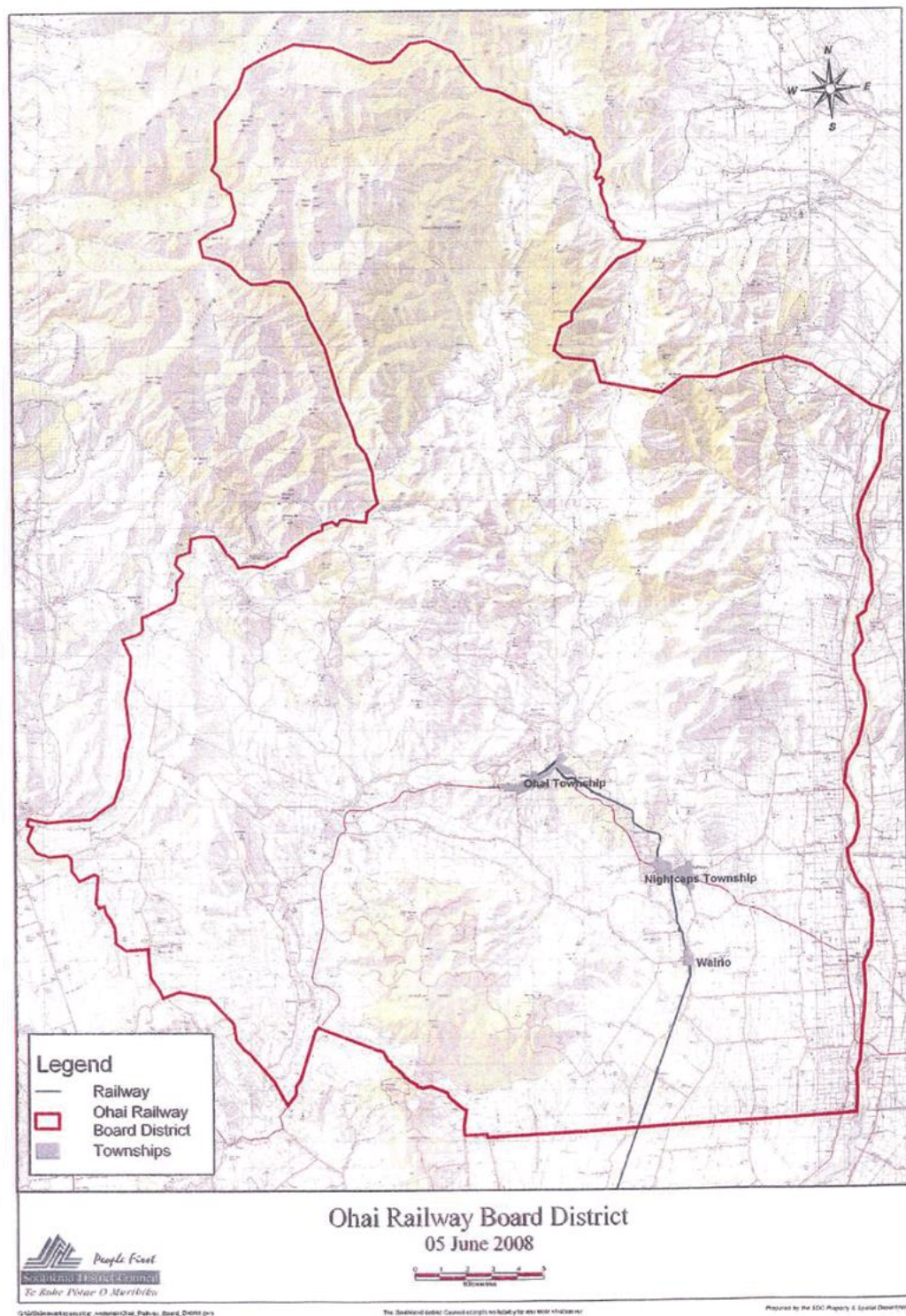
16. Declaration of Interest

If a Subcommittee member has any connection to an application greater than that of the general public that member should declare an interest in the said application, prior to it being considered.

In such circumstances, the member affected shall still be entitled to speaking and voting rights, unless that member has a pecuniary interest in said application.

17. Applications Received After Closing Date

Applications lodged but received after the closing date for applications are decreed to be out of time and not to be considered for allocation of grant monies, unless the Subcommittee determines there is a special case that requires consideration.



Milford Community Trust Appointment

Record No: R/17/8/17741
Author: Simon Moran, Community Partnership Leader
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To seek Council approval to reappoint Brad Johnstone as the Trustee representing the Milford Community Association.

Background

- 2 Under the terms of the Trust Deed the Trustee on the Milford Community Trust representing the Milford Community Association is nominated and elected by members of the Milford community.
- 3 The current term of the Trustee representing the Milford Community Association (Brad Johnstone) has expired. The position was publicly advertised and the only nomination received was from Mr Johnstone.
- 4 It is recommended that Mr Johnstone be reappointed for the full three year term in accordance with the Milford Community Trust Deed.

Recommendation

That the Council:

- a) **Receives the report titled “Milford Community Trust Appointment” dated 25 August 2017.**
- b) **Agrees that Mr Brad Johnstone is appointed to the Milford Community Trust as the Trustee representing the Milford Community Association.**

Attachments

- A Trust Deed - Milford Community Trust [↓](#)

MILFORD COMMUNITY TRUST

THIS TRUST DEED is made and executed on 2007.

BETWEEN SOUTHLAND DISTRICT COUNCIL a body corporate under the Local Government Act 2002 (called "The Settlor") of the one part.

AND ANTOINETTE DIANE RIDLEY of Te Anau, Registered Nurse
 JASON DAVID STEELE of Milford Sound, Branch Manager
 DEBORAH JANE TAYLOR of Arrowtown, Barrister
 ROGER NEIL WILSON of Invercargill, Chartered Accountant
 HELEN ELIZABETH THOMAS of Milford Sound, Manager
 MICHAEL WILLIAM SCHUCK of Te Anau, Chief Executive Officer
 JOHN ROY ROBSON of Te Anau, General Manager
 (called "The Trustees") of the other part

RECITALS

- A. The Settlor desires to create the Trust to be known as the MILFORD COMMUNITY TRUST as a charitable Trust within the meaning of the Charitable Trusts Act 1957 upon the Trusts declared in this Deed.
- B. The Trustees have been appointed by the Settlor in accordance with this Deed as the initial Trustees of the Trust subject to their agreeing to accept appointment as a Trustee.
- C. The Settlor has agreed to pay to the Initial Trustees the sum of ONE HUNDRED DOLLARS (\$100.00) to enable the Trust to be properly constituted.

PROVISIONS OF THE DEED**1. Interpretation**

In this Deed, unless the context otherwise requires:

“Chairperson” means the Independent Chairperson.

“Council” means the Southland District Council.

“Financial Year” means a year ending on 30 June.

“Independent Chairperson” means the Trustee appointed in accordance with Clause 9(b)(ii) hereto.

“Milford” means the developed area of land and adjacent coastal marine area at the end of State Highway 94 at the head of Milford Sound.

“Milford Community” means the residents of Milford, the holders of concessions from the Crown operating at Milford and Iwi.

“Objects of the Trust” means the objects or purposes of the Trust specified in Clause 4.

“the Trust” means the Trust established by this Deed.

“the Trustees” means the Trustees for the time-being of the Trust.

“Trust Fund” means all the funds of the Trust described as the “Trust Fund” in Clause 5, and includes all capital and income for the time-being held by the Trustees of the Trust.

“Trustee Appointments Recommendations Panel” means a panel comprising the holders (for the time-being) of the following positions:
Southland Conservator of the Department of Conservation
Chief Executive of the Southland District Council
General Manager of the Southland Regional Council.
The Trustee elected by the community at Milford, in accordance with Clause 9(b)(iv) hereto.

The Chairperson of the Trustee Appointments Recommendations Panel shall be the Chief Executive of the Southland District Council who shall have a casting vote in relation to any appointment.

2. Name of Trust

- (a) The Trust established under and by this Deed shall be known as the “MILFORD COMMUNITY TRUST”.
- (b) The Trust shall be incorporated under Pt II of the Charitable Trusts Act 1957.

3. Declaration of Trust

- (a) The Settlor HEREBY directs and declares and its Trustees HEREBY acknowledge and accept that the Trustees shall stand possessed of the Trust Fund upon the trusts and with the powers herein set forth.

4. Objects of the Trust

The objects and purposes of the Trust shall be:

- (a) To manage and carry out services and undertake leadership, planning and advocacy for the general benefit of the Milford community so as to ensure as far as possible that the infrastructure of the community and its sense of identity, viability and wellbeing are maintained and enhanced.

- (b) To liaise with and communicate with all individuals; organisations, groups and other parties with interests in the Milford community for all purposes which are beneficial to the community.
- (c) To represent the interests of the Milford Community to ensure that the natural environments and outstanding values of the Milford Sound area are safeguarded and protected for all residents and visitors to the area.
- (d) To monitor and maintain an overview of all activities and services provided within the Milford community.
- (e) To consider and report on all matters either referred to and/or delegated to it from time to time by the Department of Conservation and the Southland District Council and on any matter of interest or concern to the Milford community.
- (f) To access, use or invest funds and enter into arrangements, contracts and other agreements upon such securities or in such manner and upon such terms and conditions that the Trustees deem suitable for the purpose of furthering the objects and purposes of the Trust.
- (g) To carry out such other lawful activities which are incidental or conducive to attaining the objects and purposes of the Trust.

5. Funds of the Trust

- (a) The Trustees may raise and use moneys for the purposes of the Trust by such lawful means as they deem appropriate and may accept any grants or donations for such purposes from any persons, organisation or group and upon such conditions as they think fit, PROVIDED THAT no condition shall be at variance with the objects of the Trust.

Milford Community Trust Deed

A

24/07/01 S/G Rev 06/03/04

- (b) The Trust Fund shall be applied for and towards those services, and activities necessary for the promotion and advancement of all charitable, recreational and other purposes being purposes beneficial to the Milford Community as a whole.
- (c) The Trust Fund comprises the said sum of \$100.00 and all other moneys or property hereafter paid, transferred or donated to the Trustees to be held on the Trusts hereby declared, or raised, received or collected by them or otherwise required by any means whatever, and the income from any investment thereof and any accumulations of income therefrom made pursuant to the provisions hereafter contained and all moneys investments and property from time to time representing the same.
- (d) In applying or using any part of the capital or income of the Trust Fund in the implementation of the objects and purposes of the Trust, the Trustees may pay any amount to any person or organisation for such purposes as the Trustees may require and direct, being purposes exclusively within the objects of the Trust AND the receipt of such payment by any such person or organisation shall constitute a sufficient discharge for the Trustees.

6. The Trustees

- (a) Each of the Trustees shall signify in writing to the Council agreement to accept appointment as a Trustee.
- (b) The term of office of each Trustee shall be as follows:
 - (i) Councillor Te Anau Ward - ex officio.
 - (ii) Milford Community Elected Trustee - three years.
 - (iii) Independent Chairperson - four years.

Milford Community Trust Deed

5

340/2001/5/6 - 10/06/2000

- (iv) Trustees appointed in terms of Clause 9(b)(i) (except where the initial term of appointment is specified beside the name of a Trustee in the Schedule) - four years.
- (c) All Trustees shall also be appointed by the Council. In making the appointments of those trustees who have been nominated for appointment in terms of Clauses 9(b)(i) and (ii) the Council shall adopt the recommendation of the Trustee Appointments Recommendations Panel unless the Council considers that there are good reasons not to do so.
- (d) In making any recommendation for the appointment of a Trustee in terms of Clause 9(b) the Trustee Appointments Recommendations Panel shall:
 - (i) Have due regard to the nominee's knowledge of, or experience in business, leadership, governance issues or that person's interest or involvement in the Milford community.
 - (ii) Ensure that in the event of nominations of persons to represent the Milford Sound Development Authority and/or Tourism Holdings Limited and/or Real Journeys Limited recommend one or more of those nominees with the intent that the four Trustees appointed in terms of Clause 9(b)(i) shall subject to nomination, comprise at any one time not less than one and not more than two such nominees.
- (e) Subject to Clause 7(a) a Trustee may hold office on more than one occasion.

7. Eligibility for Appointment as Trustee

- (a) The following persons shall not be capable of being appointed or reappointed, or holding office, as a Trustee:
 - (i) A bankrupt who has not obtained a final order of discharge, or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled.

Milford Community Trust Deed

6

24/09/15/16 to 24/09/17/18

- (ii) A person who is convicted of any offence punishable by imprisonment for a term of two years or more.
- (iii) A person who is convicted of any offence punishable by imprisonment for a term of less than two years and is sentenced to imprisonment for that offence.
- (iv) A person who is disqualified under Section 151 of the Companies Act 1993 applies.
- (v) A mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.
- (vi) A person who is under 18 years of age.

8. Termination of Office of a Trustee

- (a) A Trustee may at any time resign office by notice in writing delivered to the Chairperson for the time being of the Trust. The resignation will take effect as from the date specified in the notice or in the absence of any such date on the date the notice is delivered to the Chairperson of the Trust. The Chairperson of the Trust shall forward a copy of such notice to the Chief Executive of the Council.
- (b) A Trustee shall be deemed to have resigned office as a trustee without notice if at any time that trustee is incapable of acting as a trustee or holding office as a trustee pursuant to Clause 7.
- (c) A Trustee may be removed from office at any time by resolution of the Council upon receiving a recommendation to that effect from the Trust. Any decision to remove a trustee shall only be made where the Council is satisfied on reasonable grounds that:
 - (i) There has been a neglect of duty, or misconduct proved on the part of the Trustee.

AND/OR

- (ii) The Trustee has acted or is acting in a manner prejudicial, or likely to be prejudicial, to the interests of the Trust.

Before passing any resolution in accordance with this clause the Council shall give the Trustee affected a reasonable opportunity to be heard on the matters relating to the recommendation of the Trust.

- (d) If any Trustee dies or resigns or ceases to hold office, the office of that Trustee shall become vacant, the vacancy shall be filled by the Council who shall have regard to any nomination for that vacancy made by the Trustee Appointments Recommendation Panel or the result of any required election and any person appointed shall hold office for the residue of the term of office of that Trustee.
- (e) If any Trustee dies or resigns or ceases to hold office, the Trustees shall immediately inform the Council of that fact by notice in writing.

9. Milford Community Trust

- (a) The Trust shall consist of a total of seven (7) Trustees appointed by the Council.
- (b) The seven Trustees shall comprise:
 - (i) Four Trustees being persons who have been nominated by two members of the Milford community or in accordance with Clause 6(d)(ii) to the Trustee Appointments Recommendation Panel and recommended by that Panel to the Council for appointment.
 - (ii) One Trustee to be appointed as the Independent Chairperson upon the recommendation of the Trustee Appointments Recommendations Panel.

- (iii) One Trustee being the duly elected Councillor for the Te Anau Ward of the Council from time to time.
- (iv) One Trustee to be elected by those persons who are members of the Milford community at a public meeting called by the Trust for that purpose within three months of the triennial local elections.

10. Meeting of the Trustees

- (a) The Trustees may meet together for the despatch of business, adjourn, and otherwise regulate their meetings, as they think fit. Except where some other majority is required by this Deed, questions arising at any meeting shall be decided by a simple majority of votes. In the case of an equality of votes (where a simple majority is required), the Chairperson shall have a second or casting vote. The Chairperson or any two of the Trustees may at any time summon a meeting of the Trustees. Notice of each meeting of the Trustees shall be given by sending or delivering the same to the last known place of residence of, or other address for service notified by, each Trustee.
- (b) If the Independent Chairperson is not present within 15 minutes of the commencement time of any meeting of the Trustees, then those Trustees present may choose one of their members to be Chairperson of the meeting.
- (c) The quorum shall be a majority of the Trustees.
- (d) The Trustees shall cause minutes to be kept of their meetings.
- (e) The Trustees may from time to time delegate any of their powers to committees consisting of not less than three members of the Trust and of such other persons (if any) as they think fit. Any committee so formed shall in exercise of the powers so delegated conform to any regulations that may be imposed on it by the Trustees.

- (f) The relevant provisions of the Standing Orders adopted by the Council shall apply to all meetings of the Trust and any of its Committees in so far as they are not inconsistent with the specific terms of this Deed.

11. Conflicts of Interest

It is acknowledged that because of the unique situation in Milford Sound and the size of the community there will be conflicts of interest which arise from time to time for a Trustee. Each Trustee may exercise the Trustee's own discretion, and notwithstanding the existence of an actual or potential conflict of interest of a non-pecuniary nature vote on any such matter before the Trust PROVIDED THAT the Trustee is satisfied that such a vote takes into account the best interests of the Trust and will result in an outcome that is most conducive to the Trust's obligations and responsibilities in Milford.

12. Financial Requirements

- (a) The Trustees shall ensure that full and correct accounts of all the financial transactions of the Trust and its assets, liabilities and funds are kept.
- (b) The Trustees shall, after the end of each Financial Year, have prepared financial statements including a balance sheet and income and expenditure account and notes thereto, giving a true and fair view of the financial affairs of the Trust for the Financial Year.
- (c) The Trust will prepare and deliver to the Council the "half-yearly report" and the "annual report" in terms of Sections 66 and 67 of the Local Government Act 2002.
- (d) The financial statements shall be audited by the Auditor-General.
- (e) The Auditor-General shall certify whether the financial statements are properly drawn up and give a true and fair view of the financial affairs of the Trust for the Financial Year.

- (f) The Trustees may only invest the Trust Fund in Council approved authorised investments.

13. Officers of the Trust

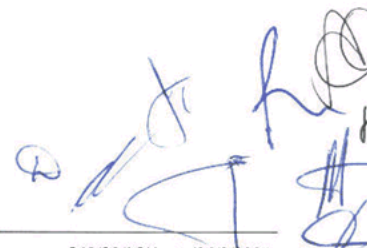
The Trustees may from time to time appoint such officers of the Trust as the Trustees may think fit. The Trustees shall prescribe the relevant duties and conditions of appointment for any such officers.

14. Powers of Trustees

The Trustees shall have and may exercise the following powers, authorities and discretions:

- (a) To use the whole or any part of the current net annual income derived by the Trustees in any Financial Year and to apply all or any part of such income, for any specified purpose if they should think fit.
- (b) To sell all or any part of the real or personal property or interest therein comprising the Trust Fund or any part thereof at such price on such terms and subject to such conditions as they in their absolute discretion think fit with power to allow the whole or any part of the purchase money to remain on mortgage of the property sold.
- (c) To lease or take on lease any freehold or leasehold property or interest therein with or without chattels for such period at such rent on such terms (including at the discretion of the Trustees a compulsory or optional purchasing clause) and subject to such conditions as they think fit and to accept or effect such renewals or surrenders of leases and tenancies as they think fit.
- (d) To borrow moneys on mortgage bank overdraft or otherwise howsoever for such reasons upon such security by way of mortgage or otherwise on such terms and subject to such conditions as the Trustees think fit.

- (e) To employ, pay and retain the services of any person, firm, company or corporation upon such terms as they think fit.
- (f) To permit any Trustee for the time-being engaged in any profession or business and any firm with which that Trustee may be associated to charge and be paid all proper professional or other charges for any business done by that Trustee or firm for the Trust.
- (g) To make such arrangements as the Trustees think fit for the operation of any bank accounts held by the Trustees, including specification of the signatures required for such operation.
- (h) To pay out of the Trust Fund all property costs incurred in the administration of the Trust including (without limiting the generality of the foregoing) rents, salaries, superannuation contributions for employees, accounting and audit fees, general office expenses and other outgoings.
- (i) Generally to maintain, repair, improve and develop any real or personal property which or an interest in which for the time-being forms part of the Trust Fund in such manner as the Trustees think fit and for that purpose to pay and apply such of the capital and income of the Trust Fund as they think fit.
- (j) The powers conferred by or under the Trustee Act 1956 on a Trustee will be in addition to the powers conferred on the Trustees under this Deed and shall apply to the extent that unless there is a contrary intention expressed in the Deed then the provisions of the Trustee Act 1956 apply.



(k) The Trustees may resolve to alter, amend any provisions of this Deed provided that:

(i) Any resolution to effect an alteration or addition must be passed by a majority of not less than three quarters of the Trustees one of whom must be the Trustee appointed under Clause 9(b)(iii) at a meeting of the Trustees where not less than twenty one clear days prior written notice of intention to move the amendment or alteration is given to all Trustees.

AND

(ii) No amendment or alteration may be made to the Trust Deed in any respect which would have the effect of causing the Trust to cease to be a charitable trust or to amend the objects of the Trust to include any objective which is not a charitable objective.

15. Liability of Trustees

- (a) No Trustee shall be liable for any loss not attributable to dishonesty of the Trustee or to the wilful commission by the Trustee of an act known to the Trustee to be a breach of trust.
- (b) No Trustee shall be bound to take any proceedings against a co-Trustee for any breach or alleged breach of trust committed by such co-Trustee.

16. Common Seal

The Common Seal of the Trust shall only be affixed pursuant to a resolution of its Trust Board or of a committee of the Trustees authorised by the Trust Board on their behalf and every instrument to which the Common Seal is affixed shall be signed by two Trustees.

17. Remuneration and Reimbursement of Trustees

- (a) The remuneration payable to the Trustees shall be paid at such rate as the Council from time to time approves in that behalf having regard to the policy of the Council.
- (b) The Trustees shall be entitled to be reimbursed for their expenses in accordance with the provisions of the Fees and Travelling Allowances Act 1951 as if they were members of a Statutory Board within the meaning of that Act.

18. Private Pecuniary Interests

Nothing expressed or implied in this Deed shall permit or allow the activities of the Trust or any business carried on by or on behalf or for the benefit of the Trust to be carried on for the private pecuniary profit of any individual.

19. Liquidation of Trust

- (a) If, in the opinion of the Trust, it shall become no longer possible or feasible to carry out the objects of the Trust then the Trust may, by resolution, liquidate the Trust. No resolution dissolving the Trust shall take effect unless it has been passed by a majority of the Trust and only after three months notice of intention to move such resolution has been given in writing to each Trustee.
- (b) Such dissolution shall not take effect unless at a subsequent meeting of the Trust called for the purpose (such meeting to be held not earlier than 28 days and not later than 42 days after the date of the meeting declaring such dissolution), such dissolution is confirmed by resolution to that effect carried by a majority of the Trust.

- (c) Should the Trust be dissolved, then any moneys and property remaining after the due settlement of the affairs of the Trust and the payment of all just debts and claims shall be handed to such charitable society, association, institution, organisation or corporation as in the sole and absolute opinion of the Trustees has objects similar to those of this Trust as may be specified in the said resolution.



SCHEDULE

<u>Name of Trustee</u> (and "Office" where applicable)	<u>Term of Office</u> [see Clause 6(b)]
1. <u>ANTOINETTE DIANE RIDLEY</u> Councillor for the Te Anau Ward	(not applicable as ex-officio)
2. <u>JASON DAVID STEELE</u> Milford Community Elected Trustee	Three years
3. <u>DEBORAH JANE TAYLOR</u> Independent Chairperson	Four years
4(a). <u>ROGER NEIL WILSON</u> Appointment in terms of Clause 9(b)(i) of Trust Deed	Two years
4(b). <u>HELEN ELIZABETH THOMAS</u> Appointment in terms of Clause 9(b)(i) of Trust Deed	Two years
4(c). <u>MICHAEL WILLIAM SCHUCK</u> Appointment in terms of Clause 9(b)(i) of Trust Deed	Four years
4(d). <u>JOHN ROY ROBSON</u> Appointment in terms of Clause 9(b)(i) of Trust Deed	Four years

Handwritten signatures and initials in blue ink, including a large signature that appears to be 'R. H. H.' and several other initials and marks.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
as Settlor was hereunto affixed in
the presence of:

)
)
)
)





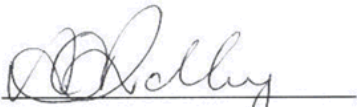
MAYOR



CHIEF EXECUTIVE

SIGNED by Antoinette Diane Ridley
as Trustee in the presence of:

)
)



Signature of Trustee

Witness Signature:



Print Full Name:

LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

Occupation:

Address:

SIGNED by Jason David Steele
as Trustee in the presence of:

)
)



Signature of Trustee

Witness Signature:



Print Full Name:

LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

Occupation:

Address:



SIGNED by Deborah Jane Taylor
as Trustee in the presence of:

)
) 
Signature of Trustee

Witness Signature:

Print Full Name:

Occupation:

Address:


LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

SIGNED by Roger Neil Wilson
as Trustee in the presence of:


)
) 
Signature of Trustee

Witness Signature:

Print Full Name:

Occupation:

Address:


LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

SIGNED by Helen Elizabeth Thomas
as Trustee in the presence of:

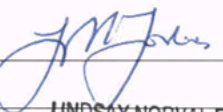
)
) 
Signature of Trustee

Witness Signature:

Print Full Name:

Occupation:

Address:


LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

SIGNED by Michael William Schuck
as Trustee in the presence of:


)
) 
Signature of Trustee

Witness Signature:

Print Full Name:

Occupation:

Address:


LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL

SIGNED by John Roy Robson
as Trustee in the presence of:

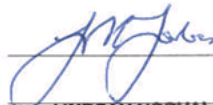
)
)
Signature of Trustee

Witness Signature:

Print Full Name:

Occupation:

Address:


LINDSAY NORVAL FORBES
SOLICITOR
INVERCARGILL



Minutes of the Community and Policy Committee Meeting dated 21 June 2017

Record No: R/17/8/18130
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Community and Policy Committee meeting held 21 June 2017 as information.

Attachments

- A Minutes of Community and Policy Committee Meeting dated 21 June 2017 (separately enclosed)

Minutes of the Finance and Audit Committee Meeting dated 3 May 2017

Record No: R/17/6/12855
Author: Fiona Dunlop, Committee Advisor
Approved by: Fiona Dunlop, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Finance and Audit Committee meeting held 3 May 2017 as information.

Attachments

- A Minutes of Finance and Audit Committee Meeting dated 3 May 2017 (separately enclosed)

Minutes of the Regulatory and Consents Committee Meeting dated 29 June 2017

Record No: R/17/8/18616
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Regulatory and Consents Committee meeting held 29 June 2017 as information.

Attachments

- A Minutes of Regulatory and Consents Committee Meeting dated 29 June 2017 (separately enclosed)

Minutes of the Otautau Community Board Meeting dated 15 June 2017

Record No: R/17/8/18965
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Otautau Community Board meeting held 15 June 2017 as information.

Attachments

- A Minutes of Otautau Community Board Meeting dated 15 June 2017 (separately enclosed)

Minutes of the Riverton/Aparima Community Board Meeting dated 19 June 2017

Record No: R/17/8/19322
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Riverton/Aparima Community Board meeting held 19 June 2017 as information.

Attachments

- A Minutes of Riverton/Aparima Community Board Meeting dated 19 June 2017 (separately enclosed)

Minutes of the Winton Community Board Meeting dated 6 June 2017

Record No: R/17/8/18468
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Winton Community Board meeting held 6 June 2017 as information.

Attachments

- A Minutes of Winton Community Board Meeting dated 6 June 2017 (separately enclosed)

Minutes of the Balfour Community Development Area Subcommittee Meeting dated 19 April 2017

Record No: R/17/8/19124
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rose Knowles, Committee Advisor/Customer Support Partner

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Balfour Community Development Area Subcommittee meeting held 19 April 2017 as information.

Attachments

- A Minutes of Balfour Community Development Area Subcommittee Meeting dated 19 April 2017 (separately enclosed)

Item 9.10

Minutes of the Colac Bay Community Development Area Subcommittee Meeting dated 30 May 2017

Record No: R/17/8/20214
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Colac Bay Community Development Area Subcommittee meeting held 30 May 2017 as information.

Attachments

- A Minutes of Colac Bay Community Development Area Subcommittee Meeting dated 30 May 2017 (separately enclosed)

Minutes of the Dipton Community Development Area Subcommittee Meeting dated 10 May 2017

Record No: R/17/8/19137
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rose Knowles, Committee Advisor/Customer Support Partner

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Dipton Community Development Area Subcommittee meeting held 10 May 2017 as information.

Attachments

- A Minutes of Dipton Community Development Area Subcommittee Meeting dated 10 May 2017 (separately enclosed)

Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017

Record No: R/17/8/19146
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rose Knowles, Committee Advisor/Customer Support Partner

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Lumsden Community Development Area Subcommittee meeting held 12 June 2017 as information.

Attachments

- A Minutes of Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017 (separately enclosed)

Item 9.13

Minutes of the Manapouri Community Development Area Subcommittee Meeting dated 25 March 2017

Record No: R/17/7/16279

Author: Jenny Labruyere, Committee Advisor/Customer Support Partner

Approved by: Jenny Labruyere, Committee Advisor/Customer Support Partner

☐ Decision

☐ Recommendation

☐ Information

Recommendation

That Council receives the minutes of the Manapouri Community Development Area Subcommittee meeting held 25 March 2017 as information.

Attachments

- A Minutes of Manapouri Community Development Area Subcommittee Meeting dated 25 March 2017 (separately enclosed)

Minutes of the Mossburn Community Development Area Subcommittee Meeting dated 22 May 2017

Record No: R/17/8/19128
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rose Knowles, Committee Advisor/Customer Support Partner

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Mossburn Community Development Area Subcommittee meeting held 22 May 2017 as information.

Attachments

- A Minutes of Mossburn Community Development Area Subcommittee Meeting dated 22 May 2017 (separately enclosed)

Minutes of the Nightcaps Community Development Area Subcommittee Meeting dated 18 May 2017

Record No: R/17/7/17328
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Nightcaps Community Development Area Subcommittee meeting held 18 May 2017 as information.

Attachments

- A Minutes of Nightcaps Community Development Area Subcommittee Meeting dated 18 May 2017 (separately enclosed)

Minutes of the Ohai Community Development Area Subcommittee Meeting dated 18 May 2017

Record No: R/17/7/17319
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Ohai Community Development Area Subcommittee meeting held 18 May 2017 as information.

Attachments

- A Minutes of Ohai Community Development Area Subcommittee Meeting dated 18 May 2017 (separately enclosed)

Minutes of the Orepuki Community Development Area Subcommittee Meeting dated 30 May 2017

Record No: R/17/8/17483
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Orepuki Community Development Area Subcommittee meeting held 30 May 2017 as information.

Attachments

- A Minutes of Orepuki Community Development Area Subcommittee Meeting dated 30 May 2017 (separately enclosed)

Minutes of the Riversdale Community Development Area Subcommittee Meeting dated 19 April 2017

Record No: R/17/8/19120
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rose Knowles, Committee Advisor/Customer Support Partner

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Riversdale Community Development Area Subcommittee meeting held 19 April 2017 as information.

Attachments

- A Minutes of Riversdale Community Development Area Subcommittee Meeting dated 19 April 2017 (separately enclosed)

Minutes of the Thornbury Community Development Area Subcommittee Meeting dated 11 May 2017

Record No: R/17/7/17274
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Thornbury Community Development Area Subcommittee meeting held 11 May 2017 as information.

Attachments

- A Minutes of Thornbury Community Development Area Subcommittee Meeting dated 11 May 2017 (separately enclosed)

Minutes of the Riverton Harbour Subcommittee Meeting dated 20 March 2017

Record No: R/17/7/16903
Author: Alyson Hamilton, Committee Advisor
Approved by: Alyson Hamilton, Committee Advisor

☐ Decision ☐ Recommendation ☒ Information

Recommendation

That Council receives the minutes of the Riverton Harbour Subcommittee meeting held 20 March 2017 as information.

Attachments

- A Minutes of Riverton Harbour Subcommittee Meeting dated 20 March 2017 (separately enclosed)

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Recommendation

That the public be excluded from the following part(s) of the proceedings of this meeting.

C10.1 Milford Sound Tourism Annual Report

C10.2 Rating Sale - 17 Hulme Street, Otautau

C10.3 Rating Sale - 3 Queen Street, Otautau

C10.4 Golden Bay Wharf Ownership

C10.5 Lease - Riverton Depot, 112-114 Havelock Street, Riverton

C10.5 Lease - Riverton Depot, 112-114 Havelock Street, Riverton

C10.6 Public Excluded Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017

C10.7 Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Milford Sound Tourism Annual Report	s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied. s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Rating Sale - 17 Hulme Street, Otautau	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Rating Sale - 3 Queen Street, Otautau	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons,	That the public conduct of the whole or the relevant part of the proceedings of the meeting would

	including that of a deceased person.	be likely to result in the disclosure of information for which good reason for withholding exists.
Golden Bay Wharf Ownership	<p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Lease - Riverton Depot, 112-114 Havelock Street, Riverton	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Public Excluded Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.