



TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL

Membership of the Planning and Regulation Committee:

Cr Murray Cox (Chairman)
Claire Barlow (Mayor)
Cr Noel Jackson
Cr Evan Williams
Cr Russell Armstrong
Cr James Leslie
Cr Graham Smith

Notice is given of the Meeting of the Planning and Regulation Committee to be held on Tuesday, September 2, 2014, following the completion of the Asset and Services Committee meeting.

VENUE: Council Chambers, Fairlie.

BUSINESS: As per agenda attached

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



PLANNING AND REGULATION COMMITTEE

Agenda for Tuesday, September 2, 2014

APOLOGIES

DECLARATIONS OF INTEREST

MINUTES:

Confirm and adopt as the correct record the minutes of the Planning and Regulation Committee Meeting held on Thursday, July 24, 2014, including those parts taken in public excluded.

REPORTS:

1. Planning and Regulation Manager's Activity Report (attached).
2. Submission on Plan Change 3 – Waitaki Water Allocation Plan (attached).
3. Review of Bylaws (attached).
4. Update on District Plan review (verbal).
5. Standing Reports – Verbal reports from the Water Zone committees.

PUBLIC EXCLUDED:

Resolve that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Discussion on the previous minutes of the Planning and Regulation committee on July 24, 2014.
2. Plan Change 13 (attached).

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
Discussion of previous minutes July 24.	Maintain legal professional privilege	48(1)(a)(i)
Plan Change 13	Maintain legal professional privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Discussion of previous minutes, and Plan Change 13 under section 7(2)(g).*

RESOLUTION TO RESUME OPEN MEETING

ADJOURNMENTS:

10.30am: Morning Tea
12.00pm: Lunch

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON THURSDAY, JULY 24, 2014, AT 3.30PM

PRESENT:

Mayor Claire Barlow (Acting Chair)
Cr Graham Smith
Cr James Leslie
Cr Evan Williams
Cr Russell Armstrong
Cr Noel Jackson

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Nathan Hole (Planning and Regulation Manager)
Arlene Goss (Committee Clerk)

APOLOGIES:

An apology was received from Cr Murray Cox and from senior policy planner Toni Morrison.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

MINUTES:

Resolved that the minutes of the meeting of the Planning and Regulation Committee held on June 12, 2014, including those parts taken in public excluded, be confirmed and adopted as the correct record of the meeting.

Graham Smith/Russell Armstrong

REPORTS:

PLANNING AND REGULATION MANAGER'S ACTIVITY REPORT:

The purpose of this report was to provide the committee with an activity report for planning and regulations for the period 5 June to 16 July, 2014.

Nathan Hole raised the issue of the Heslip Determination under the Building Act 2004, which is attached to this report.

He said the Heslip's believed they were exempt from needing a building consent in relation to some work they carried out. A determination from the Department of Building and Housing says they do need a building consent for this work.

Council has asked for a notice to fix or that the building be removed. If this is not responded to council has no option but to apply to the court to have the building removed.

Nathan Hole said he has brought this matter to the committee's attention because if the notice is not complied with the committee will need to make a decision on this matter at a future meeting.

Resolved that the report be received.

Russell Armstrong/Graham Smith

MEMORANDUM OF UNDERSTANDING WITH ECAN:

The purpose of this report was to seek ratification of a proposed Memorandum of Understanding between Environment Canterbury and the Mackenzie District Council on planning matters. This document has been revised since the agenda was sent out. At the meeting Nathan Hole handed around the latest version which shows minor tracked changes. This is attached to these minutes.

The chief executive said this MOU is designed to get the two organisations to work more closely together and sets out the intent and scope of the relationship. Council revised the MOU to spread the scope wider than the district plan review and include other areas of responsibility. Ecan are happy with this.

Resolved:

1. That the report be received.

Graham Smith/Evan Williams

2. That the Memorandum of Understanding between Environment Canterbury and Mackenzie District Council in relation to collaborative planning is ratified by the committee.

Claire Barlow/James Leslie

ANNUAL PLAN SUBMISSION FROM MCNEILLY:

Nathan Hole said this submission relates to an issue with two buildings in Twizel that don't have adequate set-back from the boundary. He said Mr McNeilly is correct in his observations and the issue has come up due to confusion regarding whether the distance from the boundary is measured to the wall of the building or to the eaves.

This matter has already been resolved in the district plan and council staff are aware of the correct procedure. They are careful to check this on new building consents.

Nathan Hole will write a letter to Mr McNeilly responding to his submission.

REPORTS FROM THE WATER ZONE COMMITTEES:

Due to Cr Cox being away and Cr Williams having just returned from leave there were no reports from the water zone committees at this meeting.

It was noted that Nathan Hole was planning to report to councillors at a later date to update them in relation to Plan Change 3.

PUBLIC EXCLUDED:

Resolve that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Discussion on the previous minutes of the Planning and Regulation committee on June 12, 2014.
2. Plan Change 13 Second High Court Appeal (attached).
3. Building Practitioners Board Complaint (attached).

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
Discussion of previous minutes June 12.	Maintain legal professional privilege	48(1)(a)(i)
Plan Change 13 Second High Court Appeal	Maintain legal professional privilege	48(1)(a)(i)
Building Practitioners Board Complaint	Protect the privacy of natural persons	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Discussion of previous minutes June 12, and Plan Change 13 Second High Court Appeal under section 7(2)(g). Building Practitioners Board Complaint under section 7(2)(a).*

Graham Smith/Evan Williams

The Planning and Regulation Committee continued in open meeting. The following resolutions relate to a matter discussed in the public excluded session that is to be confirmed in open meeting.

BUILDING PRACTITIONERS BOARD COMPLAINT:

Resolved:

1. That the report be received.

Graham Smith/Evan Williams

2. That the committee retains the delegation to make complaints to the Building Practitioners Board.

Noel Jackson/Graham Smith

3. That the resolutions regarding the delegation to make complaints to the Building Practitioners Board be confirmed in the public part of the meeting.

Noel Jackson/Graham Smith

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 4.33pm**

CHAIRMAN: _____

DATE: _____

Unconfirmed

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATION COMMITTEE

SUBJECT: GROUP MANAGER'S ACTIVITY REPORT

MEETING DATE: 2 SEPTEMBER 2014

REF: PAD 4/1

FROM: NATHAN HOLE, MANAGER PLANNING AND REGULATIONS

PURPOSE OF REPORT:

To provide the Committee with an activity report for planning and regulations for the period 17 July 2014 to 22 August 2014.

STAFF RECOMMENDATIONS:

1. That the report be received.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

Resource consent activity (below)

Application received: 6

Subdivision

- 140043 Glentanner Station Ltd
Subdivide Pt Run 89 into 7 allotments, Glentanner Station, State Highway 80
- 140046 Glentanner Station Ltd
Application under Section 226 of the RMA, separate allotments, Glentanner Station, State Highway 80
- 140050 S Skinner
Subdivide Lot 2 DP 63018 into two allotments and amalgamate one of the allotments with neighbouring property Lot 22 DP 52089, North West Arch, Twizel

Land use

- 140047 A & S Holtham
Locate six cattery units 5m from internal boundary, Rural Zone, Mt Nessing Road, Albury
- 140048 K & J Cassie
Locate garage with 2m setback from two internal boundaries, Gray Street, Fairlie
- 140049 University of Canterbury
Earthworks within a site of natural significance/geopreservation site/land over 900m in altitude to widen existing access to Mt John Observatory, Tekapo

Applications granted: 8

Land use granted

- 140036 P Rive
Reduced setback for visitor accommodation/holiday home (retrospective consent), The Drive, Twizel
- 140039 Pukaki Tourism Holdings Ltd
Farm building (frost fan) within Mackenzie Basin Subzone, State Highway 80
- 140041 Mackenzie District Council
Alterations to a heritage building Category Y (repair fire damage – Old Library), Fairlie

- 140042 M Spence
Non-farm building (garage/storage) within Manuka Terrace Rural-Residential Zone, Twizel
- 140044 A Ritchie
Staff accommodation for up to 6 people, Lake Ruataniwha Camping Ground, Twizel
- 140045 G & L Cotterrell
Locate garage/sleepout within 2m setback from western and southern boundaries, Simons Street, Twizel
- 140047 A & Holtham
Locate six cattery units 5m from internal boundary, Rural Zone, Mt Nessing Road, Albury
- 140048 K & J Cassie
Locate garage with 2m setback from two internal boundaries, Gray Street, Fairlie

CONSIDERATIONS:

Resource Consents	
Applications Received	Applications Granted
6	8
Building Consents	
Applications Received	Applications Granted
16	23
LIMs processed	
14	

The total estimated value of granted building consents was \$3.05M.

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATORY COMMITTEE

SUBJECT SUBMISSION ON PLAN CHANGE 3, WAITAKI WATER ALLOCATION PLAN

MEETING DATE 2 SEPTEMBER 2014

REF REG 6/1

FROM TONI MORRISON, SENIOR POLICY PLANNER

PURPOSE OF REPORT

To seek the retrospective approval of Mackenzie District Council's submission on Plan Change 3 to the Waitaki Water Allocation Regional Plan.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Committee approve the submission of the Mackenzie District Council on Plan Change 3 to the Waitaki Water Allocation Regional Plan, lodged on 22 August 2014.

ATTACHMENTS:

Mackenzie District Council's submission on Plan Change 3 to the Waitaki Water Allocation Regional Plan.

BACKGROUND

Plan Change 3 to the Waitaki Water Allocation Plan was notified for submissions on 28 June 2014, and submissions closed on 22 August. The closing date for submissions did not allow for the submission to come before the Planning Committee for formal approval prior to lodgement. The purpose of this paper is to seek the retrospective approval of the Committee to that submission.

Proposed Plan Change 3 was promulgated as a result of recommendations made by the Lower Waitaki-South Coastal Canterbury Zone Committee to Environment Canterbury (Ecan). It addresses a number of things: it deals with uncertainty in the Plan about the replacement of existing irrigation consents, provides for the altering of the level of Lake Pukaki in certain electricity- short situations, reserves water for mahinga kai enhancement and makes several minor amendments in response to an Efficiency & Effectiveness Review earlier undertaken by Ecan.

However the effects of the Plan Change will be felt not only in the Lower Waitaki but also involve interests in the upper Waitaki/Mackenzie. The Plan Change also includes a new rule making the

reconsenting of the hydroelectricity schemes a restricted discretionary activity, subject to compliance with other rules which contain requirement for flows and lake levels, and allocation to other activities. The rule provides that public notification will be required. It is this part of the Plan Change that is of interest to the Council in terms of potential implications for its communities.

The proposed Plan Change had undergone several changes as a result of pre-notification consultation by Ecan with several parties, including Mackenzie District Council, over a number of months. Following liaison with Ecan, and earlier consultation with the interested members of the community and parties such as the Tekapo Community Board, the Council decided to make a submission on the Proposed Plan Change. Informal discussions were held with Council as to the scope and content of a possible submission. Following that a submission was drafted and circulated to planning committee members. The submission was then finalised and lodged with Ecan at the closing date of 22 August. A copy of that submission is attached.

POLICY STATUS

There is no Council policy relevant to this decision.

SIGNIFICANCE OF DECISION

This item does not trigger Council's significance policy.

ISSUES & OPTIONS:

N/a.

CONCLUSION:

The Council has lodged a submission on Proposed Plan Change 3 to the Waitaki Water Allocation Regional Plan. The Committee's formal approval to that submission is now sought.

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE 3 TO THE WAITAKI
CATCHMENT WATER ALLOCATION REGIONAL PLAN**

Clause 6 First Schedule, Resource Management Act 1991

TO: Environment Canterbury
 Freepost 1201
 Plan Change 3 to the Waitaki Catchment Water Allocation Regional Plan
 P O Box 345
 Christchurch 8140

By email: mailroom@ecan.govt.nz

Name of Submitter: Mackenzie District Council

- 1 **This is a submission on a change proposed to the following plan (*the proposal*):**
 Plan Change 3 (PC 3) to the Waitaki Catchment Water Allocation Regional Plan (Plan).
- 2 **The Submitter could not gain an advantage in trade competition through this submission.**
- 3 **The specific provision of the proposal that this submission relates to is Rule 15A.**
- 4 **This submission supports the intent of Rule 15A and the requirement for public notice.**
- 5 **This submission opposes the particular form of Rule 15A.**
- 6 **The reasons for the support referred to at paragraph 4 above and the opposition referred to at paragraph 5 above include, but are not limited to, the following:**
 - 6.1 Mackenzie District Council accepts the rationale for Rule 15A. In particular, it is agreed that pivotal matters such as environmental flow and level regimes and allocations to activities should be decided in the course of planning processes rather than on a consent-by-consent basis.
 - 6.2 The Submitter supports the requirement for public notification of applications under this Rule, given the significance of hydro-electricity activities in the Catchment.
 - 6.3 The Submitter acknowledges the importance of hydro-electricity and the benefits associated with an appropriate degree of certainty being provided in respect of the consent replacement process.

Submission of Mackenzie District Council

Plan Change 3 to the Waitaki Catchment Water Allocation Regional plan

- 6.4 However, it has been almost 10 years since the original allocation framework was established. A broader review of the Plan is proposed to be undertaken in the near future and in the context of the current environment. Mackenzie District Council anticipates that changes to the flow and allocation provisions of the Plan will at least be considered, if not effected, during that review. Maintaining the currency of the flow and allocation provisions is critical to providing for social and economic wellbeing across the catchment community, the local community and New Zealand. It is therefore considered appropriate that Rule 15A only take effect in its proposed form once the upcoming, broader review is concluded.
- 6.5 The Submitter's requested amendments seek to avoid any suggestion in Rule 15A that amendments to the flow or allocation framework during a review process would in some way erode legitimately held expectations on behalf of the electricity generator. The section 32 Report notes that Rule 15A *[p]rovides greater certainty to hydro-electricity generators and the community about continued access to water for energy generation*. It also notes, as a cost, that the Rule *anticipates that continued access to flows for three named rivers is not certain*.
- 6.6 Having regard to that reasoning, the Submitter considers the Rule should also anticipate that continuance of the existing flow and allocation framework is not certain, given the imminence of a review. To this end, the Submitter simply seeks to achieve neutrality within Rule 15A so it is clear the certainty referred to as a benefit in the section 32 Report will not influence or impact upon a comprehensive review of the flow and allocation provisions.
- 6.7 Although not expressly discussed, the amendment suggested by the Submitter appears to be in accord with the intentions of the proposal in that it provides certainty and confirms the importance of plan-set limits, but only after those provisions have been re-considered as part of the review.
- 6.8 Such an amendment will not come at undue cost to the hydro-generator(s) as the relevant consents do not fall for replacement until 2025.
- 6.9 The benefit of the amendments sought are clarity and certainty that Rule 15A will have no bearing upon arguments advanced for or against changes to the flow and allocation provisions through the upcoming, broader review process. It is understood such an outcome would be unintended anyway.
- 6.10 Once the flow and allocation provisions have been re-established in the current environment in an integrated and sustainable way – whether they are in fact changed

or not – the Submitter is agreed that they should not be overturned through subsequent consenting processes.

7 The submitter seeks the following relief:

- 7.1 Amendment of Rule 15A so that it is effectively deferred in its operation until the relevant parts of Rules 2, 3, 6 and 7 have been reviewed concurrently with or after the public notification date of Rule 15A and the outcome of the review has been made operative. For example (or words to a similar effect)

Rule 15A

Any activity that complies with Rules 2, 3, 6 and 7 and is the subject of an existing consent to take, dam, divert or use water for hydro-electricity generation is a restricted discretionary activity, provided the relevant parts of Rules 2, 3, 6 and 7 have been reviewed concurrently with or after the public notification date of Rule 15A and the outcome of the review has been made operative....;

or, in the alternative but without prejudice to this relief

- 7.2 Amendment of Rule 15A so that discretion is retained for consideration of appropriate flows, levels and allocations, unless the relevant parts of Rules 2, 3, 6 and 7 have been reviewed concurrently with or after the public notification date of Rule 15A and the outcome of the review has been made operative. For example, insertion of a new paragraph X as follows (or words to similar effect):

X. Appropriate environmental flow and level regimes, minimum lake levels, annual allocation to activities or the provision of flows into the Lower Waitaki River, unless the relevant parts of Rules 2, 3, 6 and 7 have been reviewed concurrently with or after the public notification date of Rule 15A and the outcome of the review has been made operative.;

or, in the alternative but without prejudice to this relief

- 7.3 The inclusion of explanatory text in the Plan, potentially a footnote to Rule 15A and/or beneath the cross-referenced policies, which makes it clear that while the Rule provides a degree of certainty in respect of replacement hydro-electricity consents it is not intended to provide any certainty as to the outcome of any flow, level or allocation to activities reviews that may take place; and

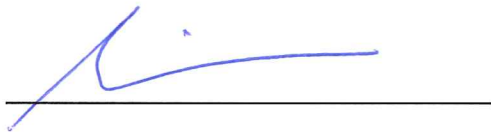
7.4 Retention of the requirement for public notification; and

7.5 Any consequential amendments necessary to give full effect to the relief sought and to address the matters raised in this submission.

8 **The Submitter wishes to be heard in support of its submission.**

9 **If others make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.**

Dated this 22nd day of August 2014



D C Caldwell / A C Limmer

Counsel for the Submitter

ADDRESS FOR SERVICE OF SUBMITTER:

Mackenzie District Council

P O Box 52

Main Street

Fairlie 7949

Tel: 03 685 8514

Fax: 03 685 8533

Email: wayne@mackenzie.govt.nz

Contact person: Wayne Barnett (CEO)

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATION COMMITTEE

SUBJECT REVIEW OF BYLAWS

MEETING DATE 2 SEPTEMBER 2014

REF REG 4/1

FROM JANE WHYTE, CONSULTANT PLANNER
TONI MORRISON, SENIOR POLICY PLANNER

PURPOSE OF REPORT

For the Committee to approve the attached draft bylaws for preliminary consultation with Community Boards and other interested parties and stakeholders.

STAFF RECOMMENDATIONS

1. That the report be received.
2. That the Committee agrees to preliminary consultation being undertaken with Community Boards and interested parties and stakeholders, on the draft Bylaws, Freedom Camping Strategy and Dog Control Policy attached.

ATTACHMENTS:

1. Draft Freedom Camping Strategy & Bylaw
2. Draft Dog Control Policy & Bylaw
3. Draft Mobile Shops and Traders Bylaw
4. Draft Liquor Ban Bylaw – Market Place
5. Draft Wastewater Bylaw
6. Draft Water Supply Bylaw
7. Draft Downlands Water Supply Bylaw

BACKGROUND

The Mackenzie District Council has a number of bylaws applicable to all or parts of the District. Once developed, the Council is required to regularly review its bylaws. A number of the existing Mackenzie District bylaws now need to be reviewed to ensure they are still relevant and necessary.

This report addresses four existing Council Bylaws that are presently being reviewed, as well as three potential new bylaws. A new Freedom Camping Bylaw is proposed to support the implementation of a new Freedom Camping Strategy for the District. Both of these draft documents are included for consideration and consultation. The Council's Dog Control Policy is also due for review, and will be done simultaneously with the Dog Control Bylaw.

The following drafts are attached:

1. Freedom Camping Strategy & Bylaw
2. Dog Control Policy & Bylaw
3. Mobile or Travelling Shops, Hawkers and Itinerant Traders Bylaw
4. Liquor Ban Bylaw – Market Place
5. Wastewater Bylaw
6. Water Supply Bylaw
7. Downlands Water Supply Bylaw

The recommendation seeks that these draft bylaws and policies be considered, and if agreed, then the drafts be consulted on with the relevant Community Boards and any other interested parties. This first stage of consultation is informal consultation. Further formal consultation will occur at a later time as part of the Special Consultative Procedure set out in the Local Government Act 2002.

This paper and the attached bylaws follow on from and reflect the discussions at the Planning Committee workshop held on 29 July 2014.

WHAT IS A BYLAW?

A bylaw is a regulation that a local authority can develop to address issues of concern within its own district, or part of a District.

The purpose of bylaws is generally to protect the public from nuisance and to minimise the potential for offensive behaviour in public spaces.

The process for the development and review of bylaws is set out in the Local Government Act. This identifies that a territorial authority may make bylaws for its district for one or more of the following purposes being:

- (a) protecting the public from nuisance:
- (b) protecting, promoting, and maintaining public health and safety:
- (c) minimising the potential for offensive behaviour in public places.

The Local Government Act sets out the formal process that must be followed and the matters that must be considered before and during the development of any bylaw. It also sets out the process to be followed when reviewing any bylaw.

PROCESS FOR MAKING OR REVIEWING A BYLAW

There is formally a three-stage process for making a bylaw under the Local Government Act. These stages are:

1. The first stage is that a local authority must consider whether a bylaw is the most “appropriate” way of addressing a perceived problem and whether there are any implications of making the bylaw under the New Zealand Bill of Rights (section 155 Local Government Act).
2. If a bylaw is appropriate then the second stage is consulting the community through the special consultative procedure when making, amending or reviewing a bylaw (section 156 Local Government Act).
3. Finally, after making a decision to adopt a bylaw, the local authority must give public notice of the date on which the bylaw comes into operation (section 157 Local Government Act). There

are also some limited circumstances where a bylaw must also be sent to a relevant Government Minister for confirmation such as under the Land Transport Act.

The consideration of these draft bylaws and the consultation process proposed will occur prior to any formal process under the Local Government Act Special Consultative Procedure. Following this initial consultation stage, feedback from the consultation will be put before the Committee and any changes resulting from consultation made. The final bylaws will then be put before Council to resolve whether or not to proceed with any or all of the Bylaws, and if the resolution is affirmative then the Special Consultative Procedure will be initiated under the Local Government Act.

MACKENZIE DISTRICT COUNCIL BYLAWS

The bylaws and policies under consideration and attached to this paper are:

1. Freedom Camping Strategy and Freedom Camping Bylaw

It is proposed that a new Freedom Camping Bylaw be developed along with a non-statutory strategy which would address wider issues than are contained in the Bylaw. The strategy would be the main document managing Freedom Camping in the District, seeking to promote appropriate freedom camping within the Mackenzie District.

The Bylaw would provide some regulatory control over areas where regulatory intervention may be justified. This would be a new bylaw, if introduced it could manage where people are able to Freedom Camp within the District, or parts of the District.

It would implement the Freedom Camping Act 2011 (FCA) which when introduced changed the way Freedom Camping is able to be addressed by local government and affected the legal status of any bylaws prepared prior to the FCA.

Any bylaw addressing freedom camping can identify areas where freedom camping is controlled, either through prohibiting camping or restricting it.

The area under consideration of a prohibition on freedom camping is the area around the Church of the Good Shepherd in Tekapo.

The areas under consideration for restriction of freedom camping are around Lake Opuha (3 areas) and Lake Ruataniwha (two areas). These would be subject to seasonal restrictions and would require camping be self-contained for toileting facilities.

2. Dog Control Policy and Dog Control Bylaw

This is a review of an existing bylaw which provides a regulatory framework and gives effect to the Mackenzie District Council Dog Control Policy. At the same time as the review of the Bylaw it is also proposed to review the Dog Control Policy to ensure both are consistent. A copy of both the Draft Bylaw and the Draft Dog Control Policy are attached.

The bylaw regulates the control of dogs in the District addressing matters including:

- the number of dogs that may be kept on an individual urban property
- the areas where dogs are prohibited and where they must be kept on a leash
- definition of dog exercise areas
- addressing general provisions relating to the control of dogs
- containing provisions relating to fouling by dogs

- containing provisions addressing circumstances where dogs may be impounded.

The proposed Bylaw is largely unchanged from the existing Bylaw. The only changes proposed to be included, prior to consultation occurring, is that the Tekapo Village Centre area be changed from a dog prohibition area to an area where dogs are allowed when controlled on a leash. In addition minor changes have been made to the definitions relating to leashed dogs to be consistent with the Draft Dog Control Policy.

3. Mobile or Travelling Shops, Hawkers and Itinerant Traders

This is a review of an existing bylaw that regulates the conduct of persons selling goods on streets, roads and pavements and persons using vehicles to sell goods and services.

The current bylaw requires that sellers and keepers of mobile or travelling shops obtain a licence from the Council prior to undertaking trade. The Council can impose conditions on any license including placing restrictions on:

- where the trading can occur, including in relation to existing shops
- time limits on trading, including hours of operation
- limiting musical chimes or use of other audible devices
- that if food is provided that the facility is appropriately licensed.

The bylaw identifies that any itinerant trading should not be undertaken within the Open Space Heritage Zone at Tekapo.

The changes proposed to the Bylaw prior to consultation simply to update the terminology used to describe mobile traders by deleting references 'hawkers' and 'itinerant traders' which are no longer in common use.

4. Liquor Ban – Market Place

This existing bylaw controls the bringing, possessing, and consumption of liquor within Market Place, Twizel.

The bylaw provides a ban at all times on the following actions:

- a) consumption of liquor (unless there is a licence for occupation);
- b) bringing liquor into the area;
- c) possessing liquor, excluding
 - i. taking unopened vessels from a bottle store, or to a 'byo', through the public place;
 - ii. taking liquor to or from a dwelling through a public place, where in either case the liquor is promptly removed from the public place;
- d) in conjunction with the activities prohibited under paragraphs (a) to (c), the presence or use of a vehicle.

The only change proposed prior to consultation occurring is that the Council have the ability to temporarily lift the bylaw to enable events.

5. Wastewater Bylaw

This would be a new bylaw which would enable proactive management of trade discharges into community wastewater systems and define and control the point of supply for wastewater systems.

The issue with the trade discharges is to clearly set out the expectations of trade activities discharging into the Community Wastewater System. The Bylaw would enable a more pro-

active appropriate to be taken prior to discharges occurring, rather than waiting until a problem arose.

The issue with the point of supply is that there is the potential for confusion as to where the point of supply is in relation to wastewater connections. The problem to be resolved by the bylaw would be to provide clear determination and understanding for all parties as to where the responsibility of the individual household is and where the responsibility of the Council is in relation to wastewater and wastewater connections.

6. Water Supply Bylaw

This would be a new bylaw defining different types of water supplies and detail the mechanisms for the recovery of costs associated with the provision of water.

A previous (1997) Water Supply bylaw has been revoked and so a new bylaw would be required to address any issues associated with water supplies.

The Bylaw would clearly set out the types of water supplies and the basis for providing water through these supplies. In addition it would clearly identify the point of supply for water.

The issue with the point of supply is that there is the potential for confusion as to be at the point of supply is in relation to water connections. The problem to be resolved by the bylaw would be to provide clear determination and understanding for all parties as to where the responsibility of the individual household is and where the responsibility of the Council is in relation to water connections.

7. Downlands Water Supply Bylaw

The Downlands Water Supply Scheme dates from 1937 and was transferred to local authority control in 1960. A Memorandum of Agreement with Timaru, Waimate and Mackenzie District Councils was signed in late 2007 for the governance of the Downlands Water Supply Scheme by way of a Joint Standing Committee.

The administration and enforcement functions of this Scheme have been delegated to Timaru District Council as Scheme Manager.

The bylaw will implement and give effect to the Downlands Water Supply Agreement. This bylaw by virtue of the agreement must be consistent with the Timaru District Council Water Supply Bylaw.

The bylaw sets the standards of supply, installation, and control of water within that area to ensure the maintenance of a healthy community. The bylaw provides for the:

- a Setting of requirements and procedures for applications, continuances and disconnections for water services within the area
- b Conditions and circumstances for the supply of public water.
- c Administrative mechanisms for the operation and enforcement of the Bylaw.

POLICY STATUS

There is a relevant policy in relation to Dog Control. Any Dog Control Bylaw would be consistent with the Dog Control Policy.

SIGNIFICANCE OF DECISION

This item does not trigger Council's significance policy. Any future formal adoption of any bylaw must follow the Special Consultative Procedure under the Local Government Act. This would occur at a later date and would be subject to a formal resolution of Council before proceeding to this step.

ISSUES & OPTIONS

The Planning Committee at its earlier workshop considered whether or not each of the proposed bylaws are the most appropriate method of manage the respective issues of relevance in the District. The promulgation of each of those bylaws is considered necessary for the reasons outlined above.

The Council could choose not to adopt bylaws to manage the issues raised. However, two of the bylaws are considered necessary to implement a strategy or agreement (in the case of Downlands water supply and Freedom Camping). The wastewater and water supply bylaws are required to provide clarity and efficiency around the management and regulation of Council assets, and the Liquor Ban in Twizel and the Mobile Shops/Itinerant Traders Bylaw remain an appropriate and efficient means of managing these issues in the relevant areas. The Dog Control Policy and Bylaw are required by law, to carry out Council's obligations under the Dog Control Act.

CONCLUSION

The draft Strategy, Policy and the draft bylaws attached to this paper are considered an appropriate means of addressing Council functions and responsibilities in those areas. The Planning Committee is asked to approve the draft bylaws, Freedom Camping Strategy & Dog Control Policy for consultation with the Community Boards and key stakeholders. Following that consultation, the Committee will be asked to consider any changes sought, before finalising the bylaws and policy for formal consultation under the Special Consultative Procedure.

Mackenzie District Council

Freedom Camping Strategy

August 2014

Status: Draft

Version 3 - 140814

Approach to Freedom Camping

Freedom camping is the use of public land for free overnight camping.

The Mackenzie District Council welcomes visitors to the District. The Mackenzie District is a great place to explore, with rare wildlife, awesome landscapes and fantastic walks and cycling routes. In the interests of protecting all this for the enjoyment of everyone, the Council is seeking that camping, including freedom camping in the District occurs responsibly.

We welcome visitors who:

- camp responsibly,
- have access to appropriate facilities to manage their waste
- respect public and private property
- respect the local environment and seek that our roadsides, lakes, rivers and townships remain clean and our public places be available for all to enjoy
- respect both residents of and other visitors to the Mackenzie District.

Background to this Strategy

Freedom camping is popular among some New Zealand residents and is an important part of New Zealand's tourism industry.

The Mackenzie District is popular for freedom camping. While some people do freedom camp all year round the peak time for freedom camping is in spring and summer. A variety of people freedom camp including:

- Mackenzie District resident who camp as part of their holidays
- New Zealand residents who camp as part of their holidays
- New Zealand residents who live and travel in mobile homes
- Visitors who rent purpose built mobile campervans for their holiday experience
- Visitors who rent or buy cars and vans which are used for camping
- Visitors who camp alongside their vehicle in a tent

There are a range of motivations for freedom camping including enabling people to experience some of the more remote and scenic parts of our district, providing for a simple camping experience, to campers seeking to save considerable money on accommodation in turn freeing up money to spend on other activities.

The Mackenzie District Council wishes to encourage campers to the District and welcomes all responsible freedom campers. Along with the right to freedom camp in the District comes the responsibility to respect the District and maintain the quality environment we all value.

Freedom camping does pose a number of issues for our communities. These include:

- Potential for pollution of waterways, roadsides, parks and gardens and other public places with human waste and rubbish
- Potential of a risk of fire being started by campers unaware of fire rules and risks.
- Loss of amenity and privacy for residents living nearby popular freedom camping hot-spots.

- Lost revenue for camping ground operators including theft of services (showers, power) by some freedom campers
- High cost of enforcement, signage, compliance and waste management.
- Poor image of campers sleeping and undertaking ablutions in streets and car parks.
- Loss of availability of parking for residents and workers
- Risk of crime against campers and associated impacts on tourism

This strategy seeks to manage freedom camping in the Mackenzie District through encouraging freedom camping to occur in appropriate areas. This strategy enables the Mackenzie District Council to encourage responsible freedom camping in the District and minimise the need to further control freedom camping by regulation.

This strategy works in conjunction with the Council Freedom Camping Bylaw which does introduce regulation to control Freedom Camping in some parts of the District.

Mackenzie District Council Strategy

Objective:

To encourage and facilitate appropriate camping, including freedom camping within the Mackenzie District.

Goals

Goal 1: Freedom campers know where they can camp and what is expected from them if they choose to freedom camp in the Mackenzie District.

Implementation Methods

1. Freedom camping is encouraged in appropriate locations where vehicles or camping is self-contained
2. Camping in non-self-contained vehicles or tents is encouraged in formal camping areas where appropriate facilities are available
3. Up to date information is maintained on the Mackenzie District Council Webpage, including:
 - a. Information on formal camping locations (including commercial camping grounds and Department of Conservation Camping sites)
 - b. Information on locations where freedom camping is encouraged in the Mackenzie District and any rules associated with the use of those freedom camping areas
 - c. Information and maps of dump stations
4. Information on freedom camping is provided to other appropriate agencies including
 - a. Visitor centres (within and adjacent to the Mackenzie District)
 - b. Vehicle hire companies
 - c. Information kiosks (if appropriate)
5. Signage (where appropriate) is installed in areas both where freedom camping is encouraged and discouraged

Goal 2 Facilities for freedom campers are easy to find and help protect the environment

Implementation Methods

1. In areas where freedom camping is encouraged to:

- a. Promote via all appropriate information channels a “carry-in, carry-out philosophy” in all camping areas, unless disposal services are provided
- b. Where appropriate provide and promote rubbish disposal and recycling options for visitors
- c. Provide information on the location of dump stations within the District
- d. Promote camping in these areas for self-contained vehicles
- e. Identify these areas through signage.

Goal 3 Freedom Campers meet the expectations of them for freedom camping in the District

Implementation Methods

1. Encourage freedom campers to adhere to the “camping our way approach¹” and the Mackenzie District Council Care Code (Schedule 1) including:
 - a. Leaving no trace of your visit
 - b. Not using the bush and natural environment as a toilet
 - c. Using formal and authorised dump stations
 - d. Camping in locations where it is encouraged and provided for
2. Encourage staff and local communities to monitor freedom camping areas and feedback information on any issues to the Mackenzie District Council.
3. Monitor ‘hot spots’ to determine whether the strategy approach is sufficient or whether a regulatory approach through additional areas with the Freedom Camping Bylaws are necessary

Goal 4: Maintain relationships with adjoining Councils and other organisations involved in, or interested in, issues associated with freedom camping.

Implementation Methods

1. Maintain or establish liaison with other organisations to ensure a best practice and where appropriate a consistent approach is being taken to freedom camping in the Mackenzie District including:
 - a. With adjacent local authorities
 - b. Department of Conservation,
 - c. New Zealand Transport Agency
 - d. Local holiday park operators
 - e. Local communities and
 - f. Other organisations as relevant.

Goal 5: Work with private organisations and persons with facilities that may be suitable for freedom camping in the District, and where appropriate facilitate the provision of information about these facilities to prospective campers.

Implementation Methods

2. Identify, in conjunction with landowners, additional areas that may be appropriate for freedom camping in the Mackenzie District
3. Facilitate the provision of information with the agreement of the landowners of the availability of the area and the conditions that apply to its use.

¹ www.camping.org.nz

Definitions:

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

Self-contained camping means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging any waste.

Table 1 – Areas Where Freedom Camping is Encouraged

Location (supported by maps)	Parameters/Restrictions
Lake Opuha (3 sites)	<ol style="list-style-type: none"> 1. No Camping allowed 23rd December to second Monday in January inclusive 2. Freedom camping is restricted to self-contained camping.
Patterson Ponds Council Reserve	<ol style="list-style-type: none"> 1. Freedom camping is restricted to self-contained camping.
Lake Wardell	<ol style="list-style-type: none"> 1. Freedom camping is restricted to self-contained camping.
Tekapo	
Lakeside Drive – dump station and carpark	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Gravel parking area by Tekapo River Bridge	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Hamilton Drive site	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Boat ramp domain car park	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles

Fairlie	
Allandale Road – Shearers carpark	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 2 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Carpark by swimming pool	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Twizel	
Wairepo Road	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Town Centre behind supermarket	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles
Lake Ruataniwha (North End)	<ol style="list-style-type: none"> 1. No Camping allowed 23rd December to second Monday in January inclusive 2. Freedom camping is restricted to self-contained camping.
Lake Ruataniwha (South End)	<ol style="list-style-type: none"> 1. No Camping allowed 23rd December to second Monday in January inclusive 2. Freedom camping is restricted to self-contained camping.

Some Freedom Camping areas are limited in the number of spaces available. Where limitations are imposed the maximum number of available spaces is identified in the parameters for each area. If these spaces are occupied, campers need to choose another camping sites or a camping ground.

Campers found outside the designated parking spaces or staying longer than overnight will be moved on by authorised officers.

Table 2 – Areas Where Freedom Camping is Prohibited

Location (supported by maps)	Parameters/Restrictions
Lake Opuha (3 sites)	No Camping allowed 23rd December to second Monday in January inclusive
Lake Ruataniwha (North End)	No Camping allowed 23rd December to second Monday in January inclusive
Lake Ruataniwha (South End)	No Camping allowed 23rd December to second Monday in January inclusive
Church of the Good Shepherd	No Camping at any time

Schedule: 1 - Mackenzie District Council Care Code

Mackenzie District Council land is for the benefit of all residents and visitors. Reserves and public areas are treasured by the community. Be considerate to other users.

Please:

- Help us treasure and protect the Mackenzie District's beautiful spaces and places.
- Keep vehicles to formed public tracks and parking areas. Keep clear of road ends with private gateways/thoroughfares as private landowners need access to their properties at all times.
- Use designated areas for rest stops or camping.
- Use public toilets or on-board facilities, and dump stations to empty campervan toilets and wastewater.
- Refrain from toileting on the ground or in the bush or forest.
- Take all rubbish with you when you leave.
- Place litter in rubbish receptacles or take it with you.
- Refrain from using waterways for bathing, washing clothes or dishes.
- Discharge black water (sewage) and grey water (sink and hand basin water) at designated wastewater dump stations only.
- Fires are prohibited unless in supplied BBQ areas and fireplaces and are not occurring in a restricted fire season.
- Respect our natural and cultural heritage.
- Treat all New Zealand's wildlife and plants with care. Many are unique and often rare.

Reporting problems

Mackenzie District Council
53 Main Street
PO Box 52
FAIRLIE

MACKENZIE DISTRICT COUNCIL

DRAFT FREEDOM CAMPING BYLAW 2014

1. SHORT TITLE

1.1 This bylaw is the "Mackenzie District Council Freedom Camping Bylaw 2014".

1.2 This bylaw comes into force on _____ 2014.

2. PROCEEDURE AND COMMENCEMENT

2.1 This Bylaw is made under:

- (a) The Local Government Act 2002; and
- (b) Section 11 of the Freedom Camping Act 2011.

2.2 This bylaw comes into force on _____ 2014.

2.3 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.

2.4 This Bylaw shall have the effect of repealing the Mackenzie District Council Camping on Roadways and Reserves Bylaw adopted in 2010.

3. INTERPRETATION

3.1 In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011

Campsite means a site used for freedom camping in a local authority area.

Council means the Mackenzie District Council or any Committee of the Council or officer delegated to exercise the authority of Council.

District means the territory of Council.

Enforcement Officer has the same meaning as contained in Section 4 of the Act.

Freedom Camp has the same meaning as freedom camp in Section 5 of the Act.

Local authority area is.

- (a) an area of land-
 - (i) that is within the District of the Council; and

- (ii) that is controlled or managed by the Council under any enactment; and
- (b) includes any part of an area of land referred to in paragraph (a); but
- (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Offence has the same meaning as contained in Section 4 of the Act.

Person includes a corporation and also a body of persons whether corporate or unincorporated.

Public notice means the same as in Section 2 of the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings.

Self-contained camping means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging any waste.

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

4. PURPOSE

- 4.1 The purpose of this Bylaw is to regulate and manage Freedom Camping in Local Authority Areas and its effects on the Mackenzie District community and environment to:
- (a) protect local authority areas;
 - (b) protect the health and safety of people who may visit local authority areas; or
 - (c) protect access to local authority owned or controlled areas.
- 4.2 This Bylaw is intended to encourage responsible Freedom Camping in the Mackenzie District. The principles by which Freedom Camping is regulated to meet the purpose of this Bylaw are set out below:
- (a) The District welcomes visitors who camp responsibly, respect public and private property and follow some simple rules to protect our community and our environment.
 - (b) Some controls on Freedom Camping are necessary to protect our community and environment.
 - (c) Freedom Camping carries with it the responsibility to respect the community by protecting the environment from harmful contamination or fouling.
 - (d) Freedom Campers are expected to remove all waste and not cause any damage to the areas they use.

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

- 5.1 Freedom Camping is permitted in any local authority area within the District unless restricted or prohibited in an area:
- (a) in accordance with this Bylaw; or;
 - (b) under any other enactment.

6. PROHIBITION ON FREEDOM CAMPING

- 6.1 No person may Freedom Camp in any Prohibited Freedom Camping Area within the Local Authority Area, as identified in Schedule 1 of this Bylaw.

7. RESTRICTIONS ON FREEDOM CAMPING

- 7.1 A person may Freedom Camp within the Local Authority Areas identified in Schedule 2 of this Bylaw but subject to the restrictions set out in that Schedule for any particular area.

8. PRIOR CONSENT FROM COUNCIL

- 8.1 The Council may grant consent to waive Freedom Camping restrictions in any of the areas identified in Schedule 1 and Schedule 2 of this Bylaw.
- 8.2 Any application for consent must be:
- (a) in writing to the Council at least two weeks in advance of the date planned for Freedom Camping within the relevant area; and
- 8.3 A person Freedom Camping in accordance with a consent granted under clause 8.1 must comply with any conditions of consent,
- 8.4 A Council Officer may revoke a consent granted under clause 8.1 by giving a direction for the person to leave the Camping Area where that person has:
- (a) acted in a manner likely to endanger the health and safety of other people;
 - (b) damaged or is likely to cause damage to the site;
 - (c) breached any of the conditions included in any consent

9. CLOSURE OF FREEDOM CAMPING AREA

- 9.1 The Council may close a freedom camping area.
- 9.2 The Council may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council to:
- (a) prevent damage to the local authority area or facilities in the area; or

- (b) allow maintenance to the local authority area or facilities thereon; or
- (c) protect the safety of persons or property.

10. OFFENCES

- 10.1 As specified by section 20(1) of the Act, every person commits an offence who:
- (a) freedom camps in a local authority area in breach of any prohibitions or restriction in this bylaw that applies to the area: or
 - (b) makes preparations to camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.
- 10.2 An Enforcement Officer may issue an infringement notice to anyone who the Enforcement Officer believes on reasonable grounds has committed or is committing an Infringement Offence as set out in section 20(1) of the Act.
- 10.3 Where any person is committing or has committed an offence under this Bylaw or the Act, that person must, on the request of an Enforcement Officer:
- (a) leave the relevant area immediately; and
 - (b) supply their full name, date of birth, full address, telephone number and occupation to the Enforcement Officer, as well as those same details for any other person connected in any way with the alleged offence.

11. PENALTIES

- 11.1 As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to an infringement fine of \$200.
- 11.2 The enforcement officer may also take such other action against the permit holder as authorised by this Bylaw or the Act as the enforcement officer deems necessary. It shall not be a precondition to taking such other action that a permit is revoked.

Schedule 1 – Prohibited Freedom Camping Areas

A person must not freedom camp in any prohibited area within the Mackenzie District, as identified in Schedule One: Prohibited Areas for Freedom Camping, without the prior written consent of the Council.

Church of the Good Shepherd, Tekapo

The Church of the Good Shepherd area is located within the Tekapo Township, on and adjacent to Pioneer Drive.

Freedom camping is prohibited in all parts of this area shown on diagram 1 highlighted blue, including the land to the north and east of Pioneer Drive.



Schedule 2 – Restricted Freedom Camping Areas

Freedom Camping is provided for subject to the restrictions specified for each area. Any restrictions must be complied with unless the prior written consent of the Council is obtained.

Lake Opuha (3 sites)

1. No camping is allowed 23rd December to second Monday in January inclusive.
2. Freedom camping is restricted to self-contained camping.

Lake Ruataniwha (North End)

1. No camping is allowed 23rd December to second Monday in January inclusive.
2. Freedom camping is restricted to self-contained camping.

Lake Ruataniwha (South End)

1. No camping is allowed 23rd December to second Monday in January inclusive.
2. Freedom camping is restricted to self-contained camping.

MACKENZIE DISTRICT COUNCIL

DOG CONTROL POLICY

1.0 INTRODUCTION

- 1.1 Section 10 of the Dog Control Act 1996 (the Act) requires the Council to adopt a policy on the control of dogs. The purpose of a Dog Control Policy is to:
- minimize the danger distress and nuisance that dogs can cause
 - avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children
 - enable the public to use streets and public amenities without fear of attack or intimidation by dogs
 - provide for the exercise and recreational needs of dogs and their owners.
- 1.2 This policy document is in three parts. Section 2 identifies issues relating to dog control in the District and Section 3.0 contains policy to address those issues. Section 4 contains the definitions used in the Policy, and Appendix A describes the areas identified for exercise purposes within the District, areas where dogs are to be leashed and areas where dogs are prohibited in the District.

2.0 ISSUES

2.1 Non-Registration

Every person who keeps a dog over the age of three months old is required to register that dog annually, and to advise the Council promptly of any change of address or ownership of the dog.

While non-registration is not considered a serious issue within the District, Council staff have on occasion found dogs that have not been registered. Unregistered dogs may be seized and impounded by a Dog Control Officer and infringement fines issued.

The other main issue associated with registration is that some people do not meet their obligation of ensuring Council records are kept up to date in respect of the location of dogs. This causes difficulties in finding owners of impounded and injured dogs and for the undertaking of property visits.

3.0 Barking Dogs

Council staff receive complaints about barking dogs. Continuous barking for long periods of time, or continually at night, is not acceptable to residents of the District. There is provision in the Dog Control Act for action to be taken against the owners of dogs causing a barking

nuisance, such as seizing these dogs and not releasing them until Council is satisfied that returning the dog will not result in the resumption of the nuisance.

3.1 Dogs Defecating in Public Places

There is a problem with dogs fouling private and public places in the urban areas. Not only is it unsightly and a nuisance, it is also a health risk.

3.2 Uncontrolled Dogs Causing Nuisance to Others

Dogs roaming free can cause a significant nuisance. Warnings have been issued to some owners about dogs roaming uncontrolled and being aggressive to members of the public. In addition, uncontrolled dogs that are exercised without proper control can be a nuisance to others.

3.3 Dogs Attacking or Biting People, their Pets or Property

This can potentially put lives in jeopardy. People can also feel threatened by aggressive behaviour. The public is entitled to feel secure and not be personally threatened. The Council has received a minor number of complaints about dog attacks that have resulted in action being taken.

Dogs that are left alone on properties with free access to public roads or walkways may be seized by officers. Dogs must be confined to their own properties with safe access provided for visitors to the property.

2.6 Stock Attacks

Dogs, if uncontrolled, can harm or kill farm stock. The land owner has the right to destroy any dog that has been found attacking stock. The Council has received a number of complaints about this issue.

3.4 The Risk of the Spread of Disease from Dogs

Dogs are potential carriers and distributors of true hydatids, sheep measles (*Taenia ovis*) and round worms (*Toxicara canis*). Sheep measles affects the quality of sheep meat, but the disease is not a human health hazard. True hydatids can cause death in humans and despite a national programme for many years, the disease is not yet eradicated. Round worms (*Toxicara canis*) can cause impaired vision or total blindness in humans. Eggs are passed out with the dog faeces. Humans may become infected if they ingest the minute sticky eggs. Officers can provide information on these diseases and a range of educational pamphlets are available.

3.5 Education

A lack of understanding of dog behaviour by owners and members of the public is an important issue. There is also a need to ensure dog owners know how to look after their dogs and make adequate provision for their needs and wellbeing.

Dog Control Officers have the right of entry on land if they have reasonable grounds to suspect a dog is without food, water or shelter. A dog may be held until the officer is satisfied adequate accommodation has been provided.

Dogs may be seized by Dog Control Officers for these reasons.

3.6 Exercise Areas

Dogs require exercise. However, there can be conflict between dog owners and non-dog owners. It is therefore important to identify public areas where it is appropriate for dogs to be at any time or on some occasions. There should also be reasonable provision made for areas where dogs can be exercised.

In the Mackenzie District dog owners must keep their dogs leashed while in the urban parts of the District. In rural areas dogs must be controlled at all times.

The owner of a dog must use or carry a leash at all times, while the dog is in a public place.

3.7 Aggravating Dogs

People are capable of inciting dogs to behave badly. Dogs have been known to bite or attack people because they have been teased. It is important to educate people about appropriate behaviour around dogs and to discipline people who cause dogs to act aggressively.

3.8 Prohibited Importation of Dogs

Schedule 4 of the Act prohibits the importation of any dog that belongs wholly or predominantly to one or more of the following breeds or types:

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- American Pit Bull Terrier
- Perro de Presa Canario

The prohibition does not apply to dogs trained or being trained to assist people with disabilities.

3.9 Menacing Dogs

A menacing dog is one which has not been classified as dangerous, but which the Council considers may pose a threat to any person or livestock. Dog breeds that are prohibited from importation (refer above list in 2.10) are automatically classified as menacing. The Council has the power to order the neutering of menacing dogs, although there is the right of objection to such classification by the owner.

3.10 Microchips

The Act states that “a dog registered for the first time on or after 1 July 2006 is to be implanted with a functioning microchip transponder”. Dogs classified as dangerous or menacing must be micro chipped from that date also and that includes those dogs classified since 1 December 2003.

4.0 POLICIES

This section describes the Council's discretionary policy on dog control. It also includes the mandatory requirements imposed by legislation on dog owners, for guidance.

4.1 General Policies

4.1.1 *Areas Where Dogs are Permitted or Prohibited*

3.1.1.1 *General Public Space*

The schedules contained in Appendix A identify specific control areas as:

- (a) Dog Exercise Areas
In these areas, dogs are permitted to be exercised at large (without a lead). However, the person exercising the dog must be able to control it and must have a lead in his/her possession.
- (b) Dog Prohibited Areas
Dogs are not permitted to be in these areas at any time
- (c) Temporary Prohibited Areas
Council may from time to time declare temporary prohibited areas.
- (d) Dog Leash Areas
In these areas dogs are only permitted provided they are controlled on a leash at all times

In all public places other than leash control, exercise and prohibited areas, all dogs are required to be under control.

3.1.1.2 *Conservation Areas*

Dogs are prohibited from the National Parks in the Mackenzie District in accordance with Section 26zs of the Conservation Act 1987, unless a special permit is granted.

4.1.2 *Fees and Charges*

Registration fees are set annually by Council. They shall be reasonable fees to cover the management and enforcement of the Dog Control Act and bylaw, and such issues as welfare, dog control, education, and to ensure dogs do not cause a nuisance in the community.

The Council fees are based on various categories. There are reductions for dogs which qualify under certain criteria. These are:

- Urban Dogs
- Urban dogs, responsible owner
- Urban dogs, neutered

- Rural Dogs

The Council wishes to encourage the de-sexing of dogs, in an endeavour to reduce the incidence of unwanted and straying dogs in the District. There is a reduction in the fees for dogs that have been de-sexed and for owners of more than one dog. Exemptions will be applied to guide dogs and hearing ear dogs.

Urban dog registration fees are charged to owners living in settlements that have the potential to generate a dog control problem for nearby residents or rural occupiers. Currently these are the urban areas of Fairlie, Albury, Kimbell, Lake Tekapo, Twizel and Burkes Pass. An urban dog fee will also apply in any rural residential or lifestyle type sections near townships or settlements.

Council also sets fees for the impounding of dogs and associated costs. Dogs will be required to be registered and microchipped prior to release from a pound.

4.1.3 Education Programmes

3.1.3.1 Advertising and Promotions

Every endeavour will be made by Council through education to promote responsible dog ownership. Council will use a variety of mechanisms to educate both dog owners and members of the public. These may include:

- (a) Public Advertising – using radio, newspapers
- (b) Information Pamphlets - A wide range of educational pamphlets are made available for, and distributed to dog owners to assist with problems such as wandering, aggression, fouling and roaming.
- (c) Obedience Training – Council encourages dog owners to utilise dog obedience clubs for new and problem dogs.
- (d) Development of an education kit for dog owners.

4.1.4 Property Visits

The District Council's policy is to check all properties for compliance with the Act and with the Council's Dog Control bylaw. Although it is not possible to visit every property annually, a programme will need to be developed to ensure that urban properties are visited annually and rural properties on a biannual basis. These annual visits include areas of highest risk (using criteria such as recorded dog problems, and non-registration).

Property visits are seen as an important way of providing contact between Council and its residents on dog control issues. For dog owners, it provides an opportunity to discuss relevant educational issues and for Dog Control Officers, it gives an opportunity to check on the dog's welfare, kennelling and registration status.

4.1.5 Appointment of Honorary Dog Rangers

From time to time, the Council may appoint honorary dog rangers. The role of the rangers will primarily be an educational one. It is considered that rangers will also be able to assist Council in general surveillance obligations, particularly with dog exercise and prohibited areas.

4.1.6 Uncontrolled Dogs

The Dog Control Officers will attempt to pursue all dogs roaming free in a public place with the intent of impounding them. The majority of complaints received are to do with roaming dogs. If Dog Control Officers are unable to capture a roaming dog, they will follow it home and speak to the owner. If the dog is unattended and has the ability to leave the property again it will be seized. If the dog is seen out a second time, an infringement notice will be issued.

Dog Control Officers will also impound any dog seized by a property owner or person in charge of any land or premises.

4.2 Classifications

4.2.1 Classification of Owners

4.2.1.1 Probationary Owner

The Council will classify a person as a probationary owner if they commit 3 or more infringement offences within a continuous 24-month period.

This classification of probationary owner will continue for a period of 24 months unless there are extenuating circumstances involved in any one particular case.

4.2.1.2 Disqualified Owners

A person may be disqualified from owning a dog in accordance with section 25 of the Act. Unless there are extenuating circumstances in any particular case, this classification will be imposed. Alternatively the Council may instead classify the person as a probationary owner (refer 3.2.1.1.above).

4.2.2 Classification of Dogs

4.2.2.1 Dogs Classified as Menacing

- (a) If the Council considers that a dog may pose a threat or has displayed aggressive and threatening actions towards any person, stock, poultry, domestic animal or protected wildlife, that dog will be classified as menacing.

The effects of classification as menacing are that the owner:

- (a) will be required to neuter the dog under the Council's Bylaw;
- (b) must ensure that the dog is muzzled at all times when in a public place;
- (c) must advise any person who has temporary possession of the dog of the requirements to use a muzzle in public areas.

3.2.2.2 *Dogs Driving Stock*

Working dogs driving stock in areas where dogs are required to be restrained on a lead, are exempt from this requirement.

4.3 **Infringement Notices and Fines**

Sections 65 and 66 of the Act allow Councils to issue various infringement notices. These notices may be issued for certain offences listed below. Fines not paid will be recovered through the courts as provided for in the Summary Proceedings Act 1957.

Unless there are exceptional circumstances in any particular case, an infringement notice will be issued.

4.4 **Dog Control Bylaw**

The Mackenzie District Council will amend its existing Bylaw following completion of the consultative process and adoption of its policy on dogs. The specific Bylaw will include the following provisions:

- (a) Identification of public places where dogs are prohibited either permanently or for specific periods.
- (b) Requirement for dogs, other than those classified as working dogs, to be on a leash in specified public places or in public places in specified areas or parts of the District.
- (c) Regulation and control of dogs in any other public place.
- (d) Designation of specified areas as dog exercise areas.
- (e) Requirement for the owner of any dog that defecates in a public place or land or premises other than that occupied by the owner to immediately remove the faeces.
- (f) Provision for the impounding of dogs, whether or not they are wearing a collar having the proper tag or disc attached, that are found at large or in breach of any Bylaw.
- (g) Requirement for diseased dogs to be kept on the owner's property.
- (h) Prohibition of dogs which are a nuisance or injurious to health.
- (i) Requirement for owners to ensure their dogs in a public place do not become restive or aggravated.
- (j) Penalties for people found to be aggravating dogs.
- (k) Authorisation for the Council to require a probationary owner to undertake a dog owner education programme.
- (l) Authorisation for the Council to disqualify a probationary owner convicted of serious offences.
- (m) Prohibition of the importation of dogs of specific breeds or types.
- (n) Requirement for dangerous dogs to be on a leash and muzzled in any public place.
- (o) Requirement for the implantation of microchip transponder.
- (p) Requirement for the owner of a dog to use or carry a leash at all times while with a dog in a public place.

Infringement Fees are specified in Schedule 1 of the Dog Control Act 1996.

4.5 Summary

There are mandatory requirements on the Council described in the Dog Control Act 1996. The Council, however, has powers of discretion derived from statute which will be legally enforceable by the adoption of a Dog Control Bylaw. This section summarises the Council's policy on discretionary options as follows:

- (a) At Council discretion there will be a reduced fee regime for special category dogs, e.g. guide dogs.
- (b) A late registration fee will apply.
- (c) The Policy describes:
 - Dog exercise areas
 - Dog prohibited area; and
 - Dog leash areas.
- (d) The Council will require a probationary owner to undertake a dog owner education programme or dog obedience course, at the owner's expense.
- (e) The Council will require the neutering of any dog classified as a menacing dog within one month of classification.
- (f) The Council may exempt any dog or class of dog from muzzling or control on a leash in any special circumstances, e.g. a dog show.
- (g) The Policy imposes penalties on the failure to remove dog faeces.

5.0	DEFINITIONS
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“Act”	Means the Dog Control Act 1996.
“Animal Welfare Inspector”	Means an officer appointed under the Animal Welfare Act 1999.
“Bylaw”	Means the Mackenzie District Council Dog Control Bylaw 2014.
“Continuous Control”	Means in any public place, a dog that is restrained by a leash.
“Control”	Means in any public place, where a dog is leashed or is responding to the commands of a person accompanying the dog.
“Council”	Means the Mackenzie District Council.
“District”	Means the area administered by the Mackenzie District Council.
“Dog Control Officer”	Means an officer appointed under Section 11 of the Act.
“Dog Ranger”	Means a ranger appointed under Section 12 of the Act and includes an honorary dog ranger.
“Dog Exercise Area”	Means any public place so defined within the District where a dog may be exercised off the leash.
“Dog Prohibited Area”	Means any public place so defined within the District where a dog is prohibited either generally or at specified times.
“Effective Control”	Means in any public place where a dog is leashed or is responding to the commands of the person accompanying the dog and is not more than 3 metres from that person.
“Leash”	Means an adequate restraint, not exceeding 2 metres in length and held by a person physically capable of restraining a dog.
“Leash Control Area”	Means any public place so defined in the District where a dog is required to be kept under continuous control by means of a leash.
“Owner”	In relation to any dog, means every person who either: <ul style="list-style-type: none"> (a) Owns the dog; or (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a

period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

- (c) The parent or guardian of a person under the age of 16 years who:
 - i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - ii) Is a member of the parent or guardian's household living with or dependant on the parent or guardian;

But does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 2003 or the Animal Welfare Act 1999.

“Public Place”

Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

APPENDIX A

Schedule 1 - LEASH CONTROL AREAS

The following locations are designated as areas where dogs are permitted provided they are controlled on a leash.

Fairlie

1. Fairlie Village Centre as defined by the District Plan, between State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
2. Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Rec P in the District Planning maps.
3. The peripheral area surrounding a sports field for a distance of up to 10 metres.

Lake Tekapo

4. Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of the Tekapo hotel and includes the land in front of the Village Centre to the water edge of Lake Tekapo.

Schedule 2 - DOG EXERCISE AREAS

The following locations are designated as areas where dogs are permitted to exercise provided they are controlled at all times.

Fairlie

Mount Cook Road green area;

McLean Park;

The road reserve from Gray Street South along the east side of State Highway 8

Lake Tekapo

The lake side from Pioneer Drive/State Highway 8 eastern inter-section to the Pines Picnic area

Twizel

The recreation land situated between the town boundaries of Twizel, namely: Glen Lyon Road and State Highway 8,

Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and

North West Arch green areas.

Schedule 3 - DOG PROHIBITED AREAS

At present the Council bylaw bans dogs from the following places:

Fairlie

Fairlie Domain

Strathconan Park recreational grounds

Fairlie Playground- Village Green

Twizel

Market Place shopping mall

In addition to the above named places, dogs are not permitted in:

1. Any premises used as a community Library;
2. Any public swimming pool owned or controlled by the Council;
3. The playing area of any sports field;
4. Any area used as a children's playing ground
5. Any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
6. Any cemetery

TEMPORARY PROHIBITED AREAS

The Council may from time to time declare certain areas, not being prohibited areas, to be prohibited areas for a specified time and shall give the public notice of its intention to declare an area as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the District.

Dog Control Policy

Adopted by: **Planning & Regulatory Committee**

Adopted date: **xx 2014**

Review date: **xx 2017**



DRAFT

**MACKENZIE DISTRICT COUNCIL DOG
CONTROL BYLAW 2014**

CONTROL OF DOGS

Introduction

This Dog Control Bylaw replaces Council's 2006 bylaw and gives effect to the Dog Control Policy which was adopted by Council on (date to be inserted).

It contains some general provisions relating to the control of dogs in the District and also deals with fouling by dogs and circumstances where dogs may be impounded.

The bylaw defines certain areas where dogs are prohibited and where they must be kept on a leash. Other areas have been set aside for dog exercise areas. These areas are defined in the schedules of the bylaw.

The bylaw also generally limits the number of dogs that may be kept on urban land to two per property unless special permission has been obtained from the Council.

THE MACKENZIE DISTRICT COUNCIL DOG CONTROL BYLAW 2014

ANALYSIS

1. *Short Title*
 2. *Commencement*
 3. *Object of Bylaw*
 4. *Interpretation*
 5. *Dog Control*
 6. *Fouling of Dogs*
 7. *Impounding of Dogs*
 8. *Convictions and Fines*
 9. *Amendments and Revocations*
-

Pursuant to the powers vested in it by the Local Government Act 2002 and the Dog Control Act 1996 the MACKENZIE DISTRICT COUNCIL makes this Bylaw.

1. SHORT TITLE

This bylaw may be cited as the Mackenzie District Council Dog Control Bylaw 2014.

2. COMMENCEMENT

This bylaw shall come into force on (date to be inserted).

3. OBJECT OF BYLAW

The object of this bylaw is to control the keeping of dogs in the Mackenzie District.

4. INTERPRETATION

In this Bylaw, unless the context otherwise requires,

“Act”	Means the Dog Control Act 1996.
“Animal Welfare Inspector”	Means an officer appointed under the Animal Welfare Act 1999.
“Bylaw”	Means Mackenzie District Council Dog Control Bylaw 2006
“Control”	Has the same meaning as Section 52 and 52A of the Dog Control Act 1996.
“Council”	Means the Mackenzie District Council.
“District”	Means the area administered by the Mackenzie District Council.
“Dog Control Officer”	Means an officer appointed under Section 11 of the Act.
“Dog Ranger”	Means a ranger appointed under Section 12 of the Act and includes an honorary dog ranger.
“Dog Exercise Area”	Means any public place so defined within the District where a dog may be exercised off the leash.
“Dog Prohibited Area”	Means any public place so defined within the District where a dog is prohibited either generally or at specified times.
“Effective Control”	Means in any public place where a dog is leashed or is responding to the commands of the person accompanying the dog and is not more than 3 metres from that person.
“Leash”	Means an adequate restraint, not exceeding 2 metres in length and held by a person physically capable of restraining a dog.
“Leash Control Area”	Means any public place so defined in the District where a dog is required to be kept under continuous control by means of a leash.
“Owner”	In relation to any dog, means every person who either: <ul style="list-style-type: none"> (a) Owns the dog; or (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or (c) The parent or guardian of a person under the age of 16 years who: <ul style="list-style-type: none"> i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and ii) Is a member of the parent or guardian’s household living with or dependant on the parent

or guardian;

But does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

“Public Place”

Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

5. DOG CONTROL

1) Dogs on streets or public places

(a) Prohibited Areas

No person shall cause, permit, suffer or allow any dog of which that person is the owner to enter onto or remain within the following places;

- (i) Any of the areas specified in the first schedule of this bylaw.
- (ii) Any premises used as a Public/Community Library.
- (iii) Any public swimming baths owned or controlled by the Council.
- (iv) Any area used as a public children's playground, or on the playing area of any sportsfield.
- (v) Any land or premises used as a school, kindergarten, play centre, public hall or community centre, unless specific approval has been obtained from the Controlling Authority of that land or those premises.
- (vi) Any cemetery.

(b) Other public Places

No person shall cause, permit, suffer or allow any dog of which that person is the owner to enter or remain in any public place within the district of the Council which is not covered by clause 2(a) or 2(c) hereof unless the dog is kept under continual and sufficient control; which means that the dog is under the continual surveillance and immediate control (by carrying a leash at all times) of a responsible person over the age of nine years.

(c) Leash Control Areas

No person shall allow dog(s) to wander without leash control in any area as defined by the fourth schedule of this bylaw. Any person found with a dog(s) in the mandatory leash control areas commits an offence under the bylaw.

2) Control of Dogs

- (a) The owner of every dog shall at all times keep and prevent the dog(s) from wandering or being at large, in or upon any public place, without being under effective control in accordance with Section 52 and 52A of the Dog Control Act 1996.
- (b) The owner of any dog shall at all times keep and prevent the dog(s) from being at large on any land or premises, without the consent (express or implied) of the occupier or person in charge of that land or premises.

NOTE: Working dogs driving stock are exempt from these provisions providing they are under control by the person directing the dogs.

3) Number of Dogs

- (a) No occupier of land in any areas listed in the Third Schedule, shall allow or cause to remain or keep for any period exceeding seven days, more than 2 dogs over the age of three months on the premises unless the occupier shall be the holder of a licence from the Council.
- (b) A licence may be issued upon or subject to such terms, conditions, and restrictions as the Council may think fit. Any breach of the terms, conditions or restrictions of the licence shall be a breach of this bylaw. Without limitation, the Council may impose conditions and restrictions relating to, requiring or governing:
 - (i) Drainage from the kennel and run.
 - (ii) The siting of such kennels.
 - (iii) The maximum number of dogs to be kept.
 - (iv) Fencing and control of the dog(s) on the property.
- (c) Any person desiring to allow or cause to remain or keep two or more dogs over the age of three months on any premises shall make written application to the Council for a licence in the form as may from time to time be prescribed by the Council and shall give to the Council information in respect of the application as may be required by the form or as the Council may reasonably require.
- (d) For every licence there shall be paid to the Council a fee as set from time to time by Council resolution. The licence shall remain in force until 30 June next following its issue, provided that the licence may during its currency be cancelled by the Council for breach of any of its terms, conditions or restrictions.

- (e) The fee for the licence shall be payable in addition to current registration fees payable under the Act and is not refundable where the licence is cancelled by Council.

4) Dog Exercise Areas

- (a) The Council may from time to time set aside areas where dogs are permitted to roam free for the purpose of training or exercising. These areas shall include those set out in the Second Schedule. Dogs in exercise areas shall be under the control of the owner at all times.

5) Mangy or diseased dogs

- (a) Mangy or diseased dogs shall not enter onto or remain within any public place. The owner of any dog which is found in contravention of this clause commits an offence against this bylaw.

6) Bitches on heat

- (a) Bitches on heat shall be confined to the owner's property and shall not enter onto or remain within any public place while on heat. While so confined the owner shall make adequate provision for the exercise of the dog in season. The owner of any dog which is found in contravention of this clause commits an offence against this bylaw.

7) Nuisance or likely to be injurious to health

- (a) The owner of any dog or the occupier of any premises where any dog or dogs are kept, either permanently or temporarily, shall take adequate precaution to prevent the dog or dogs, or the keeping thereof, from being an actual or potential nuisance or an actual or potential injury to the health of itself or themselves, other dogs, people or animals.
- (b) If, in the opinion of a duly authorised officer of the Council, any dog or dogs or the keeping thereof has or is likely to become a nuisance or injurious to the health of either itself or themselves, other dogs, people or animals the occupier, by notice in writing, shall be required to do all or any of the following;
 - (i) Reduce the number of dogs on the premises.
 - (ii) Construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs.
 - (iii) Require such dog or dogs to be tied up or otherwise confined during specified periods.
 - (iv) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

- (c) Any person to whom notice is given under the proceeding provisions of this clause and who fails to comply with such notice within the time therein specified shall commits an offence against this bylaw.

8) Accommodation of Dogs

- (a) The minimum standards for shelter of any dog are;
 - (i) A weatherproof kennel or place of confinement,
 - (ii) The kennel shall have a floor and be constructed on dry ground,
 - (iii) Any kennel, other than a motel unit or one with a run, shall have fixed to it a chain which allows the dog free movement about the kennel,
 - (iv) The kennel shall have sufficient room for the dog to freely move, stretch out and recline,
 - (v) Such kennel or place of confinement shall allow access to clean water at all times,
 - (vi) The kennel or place of confinement shall be kept clean, and in a sanitary condition, so as to prevent the accumulation of faeces, food, hair or other organic matter,
 - (vii) The area immediately around the kennel shall be kept clean, tidy and in a sanitary condition.
- (b) No owner of any dog shall permit any dog to be kept beneath the floor of any building.

9) Disposal of dogs

- (a) The owner or person having charge of a dog shall, within 24 hours of the death of that dog, bury the dog below the surface of the ground and with at least 750 mm of cover or placed in an offal pit of a depth of 2 metres or more below ground level.

6. **FOULING BY DOGS**

No person being the owner or a person having charge of any dog shall permit the dog to foul in a public place with droppings or on land or premises other than that occupied by the owner.

- (a) Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the droppings immediately after the dog has deposited them.
- (b) Any person having charge of any dog shall at all times while exercising the dog whether within a designated exercise area or any public place carry a suitable receptacle to remove and dispose of dog droppings immediately after the dog has deposited them.

- (c) Plastic bags, paper bags or acceptable pooper scoopers are examples of suitable receptacles.
- (d) Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

7. IMPOUNDING OF DOGS

- (a) Any dog ranger, dog control officer or constable may impound a dog which is found at large or not under control in any public place contrary to this bylaw.
- (b) The provisions of Sections 67 - 72 (inclusive) of the Dog Control Act 1996 shall apply to the impounding of any dog pursuant to subclause (1) of this clause.
- (c) The costs of sustaining the dog while impounded shall be payable by the owner or custodian of the dog to the Council.

8. CONVICTIONS AND FINES

Any person in breach of any provisions of this bylaw may be subject to enforcement action in accordance with the Dog Control Act 1996.

9. AMENDMENTS AND REVOCATIONS

The Mackenzie District Council Dog Control Bylaw 2006 is hereby revoked.

FIRST SCHEDULE

DOG PROHIBITED AREAS

Dogs are prohibited from the following places:

Fairlie

1. Fairlie Domain
2. Strathconan Park recreational grounds

Twizel

1. Market Place shopping mall

Dogs are also prohibited from:

1. Any premises used as a community Library;
7. Any public swimming pool owned or controlled by the Council;
8. The playing area of any sports field;
9. Any area used as a children's playing ground
10. Any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
11. Any cemetery

TEMPORARY PROHIBITED AREAS

The Council may from time to time declare certain other areas to be prohibited areas for a specified time and shall give public notice of its intention to declare such areas as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the District.

SECOND SCHEDULE

DOG EXERCISE AREAS

The following locations are designated as areas where dogs are permitted to be exercised provided they are controlled at all times.

Fairlie

1. Mount Cook Road green area;
2. McLean Park;
3. The road reserve from Gray Street South along the eastern side of State Highway 8

Lake Tekapo

1. The lake side from Pioneer Drive/State Highway 8 eastern inter-section to the Pines Picnic area

Twizel

2. The following areas of recreation land situated within the town boundaries of Twizel, namely:
 - a) Glen Lyon Road and State Highway 8,
 - b) Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and
 - c) North West Arch green areas.

THIRD SCHEDULE

CONTROLLED DOG OWNERSHIP AREAS

- Fairlie: The areas within the Fairlie Community constituted Boundaries and zoned "residential" in the operative District Plan, and the Area known as "Eversley Reserve"
- Burkes Pass: The area zoned "residential" in the operative District Plan.
- Kimbell: The area zoned "residential" in the operative District Plan.
- Albury: The area zoned "residential" in the operative District Plan.
- Tekapo: The area zoned "residential" in the operative District Plan or any Village Centre, Tourist, Tourist Accommodation, Residential One, Residential Two and Industrial zones.
- Twizel: The area zoned "residential" in the operative District Plan or any Village Centre, Tourist, Tourist Accommodation, Residential One, Residential Two, Residential Three, Residential 4 and Industrial zones.

FOURTH SCHEDULE

MANDATORY DOG LEASH AREAS

Dogs are permitted in the following areas provided they are controlled on a leash.

Fairlie

5. Fairlie Village Centre as defined by the District Plan, between State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
6. Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Rec P in the District Planning maps.
7. The peripheral area surrounding a sports field for a distance of up to 10 metres.

Lake Tekapo

4. Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of the Tekapo hotel and includes the land in front of the Village Centre to the water edge of Lake Tekapo.

MACKENZIE DISTRICT COUNCIL

DRAFT MOBILE SHOPS AND TRADERS BYLAW 2014

1. SHORT TITLE

The Title of this bylaw shall be "The Mackenzie District Council Mobile Shops and Traders Bylaw 2014".

2. COMMENCEMENT

This bylaw shall come into force on the ____ day of _____ 2014.

3. OBJECT/SCOPE OF BYLAW

The object of this bylaw is to regulate the conduct of persons selling goods on streets, roads and pavements, persons using vehicles to sell goods or services and to impose conditions on persons who come to sell goods direct to the public on a casual basis.

4. INTERPRETATIONS

DIRECT SELLER – any person who transports and makes available for sale any item without invitation and includes a pedlar or similar but does not include any person who uses any vehicle as a mobile or travelling shop.

HOURS OF DARKNESS –

- (a) Any period of time between half an hour after sunset on any day and half an hour before sunrise on the next day; or
- (b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.

ITINERANT TRADER – means any person who, has not been continuously residing in the Mackenzie District for a minimum period of six calendar months immediately preceding, or not owning, or not having entered into a binding lease in writing of his/her business premises in the District for at least six calendar months, is involved in any business in the District involving the sale of items, by himself/herself or by any other person employed by him/her;; and shall not include any licensed direct seller or any licensed keeper of a mobile or travelling shop or any bona fide commercial traveller.

KEEPER – in relation to any mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

MOBILE SHOP – means a vehicle, whether self-propelled or not, from which saleable items are available for sale in the road; but does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise pursuant to a prior order placed for the delivery of the goods, wares or merchandise.

5. EXEMPTIONS

5.1 The provisions of this Part of this bylaw as to direct sellers and keepers of mobile or travelling shops shall not apply:

5.1.1 To sellers of printed books, pamphlets, magazines or newspapers.

5.1.2 Upon application Council may also exercise its discretion to exempt any community orientated individual or organisation from the provisions of this bylaw relating to stands and stalls

6. DIRECT SELLERS & KEEPERS OF MOBILE SHOPS

6.1 Licence required

No person, on his/her own account, or as the servant of another person, shall engage in the trade or calling of or carry on business in any shop with respect to goods or articles of any description whatsoever (except as provided in the preceding clause), without having first obtained a licence from Council.

6.2 Application

Every person wishing to obtain a direct sellers or keepers licence shall apply to the Council in the required manner with appropriate details.

6.3 Sale of food for human consumption

6.3.1 If food is to be sold for human consumption this must be stated and details provided of any motor vehicle associated with the sale of such food.

6.3.2 All additional licenses or permits applicable to the sale of food are to be obtained and details provided before seeking a direct sellers or keepers license.

6.3.3 Before issuing any licence for a direct seller or keeper of a mobile or travelling shop, Council shall satisfy itself that any motor vehicle to be used in connection with hawking or selling food for human consumption, and that any premises to be used for the storage of such food, are suitable for the purpose.

6.3.4 Every licensed direct seller or keeper of a mobile or travelling shop or any person operating on behalf of such direct seller or keeper providing food for sale shall keep and maintain all associated facilities in a thoroughly clean and sanitary condition to the satisfaction of the local authority's Environmental Health Officer.

6.4 Fees and expiry of licence

6.4.1 Council may issue licences to trade and carry on business as direct seller or keepers of mobile or travelling shops for such periods of time as it sees appropriate along with fees or other conditions as Council may require.

6.5 Form of licence

Any licence shall be in the form as prescribed by the Mackenzie District Council.

6.6 Production of licence

Every licensed direct seller or keeper of a mobile or travelling shop shall at all times when hawking, or selling from his/her mobile or travelling shop, carry a licence and shall show the licence to any police officer or Council Officer who may demand production of the licence.

6.7 Name to appear on vehicle

Every licensed direct seller or keeper of a mobile or travelling shop shall whilst engaged in business activities, show on the exterior of any vehicle or container in which he takes or carries his goods or wares, his/her name legibly displayed.

6.8 Moving on

6.8.1 When requested by a police officer or duly authorised officer of Council every licensed direct seller, or keeper of a mobile or travelling shop shall move as directed.

6.8.2 Any person who fails to comply with any request made by any police officer, or authorised officer of Council pursuant to Clause 6.8.1 hereof commits an offence against this bylaw.

6.9 Local authority may prescribe conditions

6.9.1 Keepers of mobile or travelling shops shall not carry on business on roads, streets or reserves or other properties owned or administered by the Council except with the written permission of the Council in each particular case.

6.9.2 The Council may from time to time limit operations by location, time or other means in addition to the limits of each individual licence.

6.9.3 Every such limit shall take effect from a defined date with such limits shall to be endorsed on every new licence and every renewed licence issued thereafter, but such prohibitions and restrictions may not apply in respect of the unexpired portion of the term of any licence currently in force.

6.9.4 Council may, either upon the issue of any licence to any direct seller or keeper of a mobile or travelling shop or at any time by notice in writing

- (a) Prescribe any condition or conditions in compliance with which such direct seller or keeper of a mobile or travelling shop must carry on their trade or business, and any contravention of such requirements commits an offence against this Part of this bylaw; or
- (b) Require such direct seller or keeper of a mobile or travelling shop to discontinue the use of any vehicle so employed by him/her.

6.9.2 It shall be a condition of the licence where a vehicle is to be used for the sale of food for human consumption that no vehicle other than that specified in that licence shall be used for the purpose without the approval of the Council.

NOTE: The Council resolves no itinerant or mobile trading shall be undertaken in the Open Space Heritage Zone at Tekapo.

6.10 No trading during hours of darkness

No mobile or travelling shop shall be operated for business on any street between the evening hours of darkness, and 8:30am the following morning.

6.11 Musical chimes

Musical chimes or other audible devices for attracting customers to a mobile or travelling shop may be operated in a reasonably modulated manner. No such chimes or other audible device shall be operated within 300 metres of any place of public worship while a service is in progress or any hospital or similar institution licensed under the Health Act 1956 or any amendments thereto.

6.12 Mobile shop not to trade near commercial outlets

No mobile or travelling shop shall operate within 200 metres of any shop, open for sale of similar goods. This clause shall not apply to mobile shops located on reserves or private land and operating as a fixed stall, without the shop owner's agreement.

6.13 Licence not transferable

This license is not transferable.

6.14 Cleanliness of vehicle

All vehicles, baskets, packs or other containers used to carry any article of food for sale shall keep and maintain such in a thoroughly clean and sanitary condition to the satisfaction of a Council Officer.

7. TRADERS

7.1 Licence required

7.1.1 No trader shall sell or offer or expose for sale any goods, wares, or merchandise whatsoever without having first obtained a licence from Council authorising him/her to do so.

7.1.2 Such application shall be in the form as the Council may require and shall furnish such evidence of good character as the Council may require.

7.1.3 Every trader's licence shall be in the form as Council may require.

7.1.4 Every licence issued may be subject to any condition the Council may impose.

7.2 Licence fee

For every such licence there shall be paid to Council before the issue of such licence such amount by way of licence fee as is prescribed by Council.

8. STANDS & STALLS

8.1 Permit required

No person shall without having first obtained a permit from Council:

8.1.1 Stand in or occupy any public place with, or place or maintain any structure within a public place.

8.2 Application

Every application for a permit shall be in such form as the Council may require.

8.3 Conditions of permit

8.3.1 Every permit issued by Council shall be subject to such conditions as Council may impose and shall state the term of expiry, the location, the hours and a description of the article or goods they are allowed to sell. No person shall stand or sell except in conformity with the terms of such permit.

8.3.2 Permits for stalls selling or providing food shall meet the general standards set out in the Food Hygiene Regulations.

8.4 Fee

8.4.1 For every such permit there shall be payable to Council such fee as Council may prescribe, except where upon application Council may exercise its discretion to any community orientated individual or organisation to waive such a fee.

8.5 Rental sites

Council may for a defined period, rent space for siting of stalls in accordance with this bylaw provided that the 200 metres requirement from commercial premises shall not apply to mobile shops while they are sited on such rental sites.

8.6 Transfer

This permit is not transferable.

9. PENALTIES

Every person found to be in breach of this bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242 (4) of the Local Government Act 2002 which provides for a fine not exceeding \$20,000.00.

10. REVOCATIONS

The Mackenzie District Council Mobile or Travelling Shops, Hawkers and Itinerant Traders Bylaw 2007 is hereby revoked.



MACKENZIE DISTRICT COUNCIL

DRAFT

LIQUOR BAN BYLAW 2014

MARKET PLACE, TWIZEL

Pursuant to the powers contained in the Local Government Act 2002, and any other authority enabling the Council in that behalf, the Mackenzie District Council proposes to create the following bylaw:

1. SHORT TITLE AND COMMENCEMENT

This bylaw shall be known as '**Mackenzie District Council Market Place Liquor Ban Bylaw 2005**' and shall come into force on 30 August 2005.

2. SCOPE:

The Bylaw is made under the authority of Section 147 of the Local Government Act 2002.

The purpose of this bylaw is to enhance public safety, lessen petty crime, to minimize the potential for offensive behaviour in public places, and to reduce the incidence of alcohol related offences of a violent and/or destructive nature by providing for liquor control in Market Place.

3. INTERPRETATION

In this bylaw unless the context otherwise requires:

"Act" means the Local Government Act 2002.

"Council" means the Mackenzie District Council.

"Liquor" has the meaning given to such term in the Sale of Liquor Act 1989.

"Public Place" means:

- a) any place that is:
 - i. under the control of the council; and
 - ii. open to, or being used by the public, whether or not there is a charge for admission; and
- b) includes:
 - i. a road, whether or not the road is under the control of the Council
- c) does not include:
 - i. any part of a place for which a liquor licence has been issued in accordance with the Sale of Liquor Act 1989; or
 - ii. any place in any building that is owned or occupied by the Council.

"Offence" has the same meaning given to such term in Section 169(1) of the Act.

4. APPLICATION OF THIS BYLAW

- 4.1 This liquor ban bylaw applies to the public place known as Market Place, Twizel. The area includes the Tasman Road car park, the skateboard park, the children's playground and events centre.
- 4.2 This ban applies at all times.
- 4.3 The following acts are prohibited in Market Place:
 - a) consumption of liquor (unless there is a licence for occupation);
 - e) bringing liquor into the area;
 - f) possessing liquor, excluding
 - i. taking unopened vessels from a bottle store, or to a 'byo', through the public place;
 - ii. taking liquor to or from a dwelling through a public place, where in either case the liquor is promptly removed from the public place;
 - g) in conjunction with the activities prohibited under paragraphs (a) to (c), the presence or use of a vehicle.
- 4.4 This bylaw does not prohibit the activities described in section 147 (3) of the Local Government Act 2002.

5 Exemptions

- 5.1 Any person may apply to the Chief Executive (or their nominated representative) for an exemption by prior written permission for any activity that would be in breach of any prohibition under this bylaw.
- 5.2 Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the Chief Executive's (or their nominated representative) discretion.

6 PENALTIES

- 6.1 Any person convicted of an offence against this Bylaw is liable on summary conviction for a fine not exceeding \$20,000.

7 REVOCATIONS

- 7.1 The Mackenzie District Council Liquor Ban Bylaw 2005 is hereby revoked.

Schedule One : Twizel Liquor Ban Zone, is attached hereto.

Liquor Ban Bylaw - Market Place, Twizel
DRAFT 29 July 2014



MACKENZIE DISTRICT COUNCIL

DRAFT WASTEWATER NETWORK BYLAW 2014

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is made pursuant to section 146 of the Local Government Act 2002.
- 1.2 This bylaw is the Mackenzie District Council Wastewater Network Bylaw 2014.
- 1.3 This bylaw comes into force on _____ 2014.
- 1.4 This bylaw is intended to be read in conjunction with the following documents:
- Council Annual Fees and Charges
 - Application form for connection to the District Sewerage Scheme
- 1.5 This bylaw does not remove responsibilities for applicants or contractors in relation to the following Acts and Regulations:
- Health (Drinking Water) Amendment Act 2007
 - Local Government Act 2002
 - Resource Management Act 1991
 - Building Act 2004 and associated Codes
 - Local Government Rating Act 2002
 - Drainage and Plumbing Regulations 1978
 - Toxic Substances Act 1988 and Regulations 1983
 - Hazardous Substances and New organisms Act 1994
- And for aspects relating to shared services and access for reticulation:
- Transit New Zealand Act 1989
 - Telecommunications Act 1987
 - Electricity Act 1992
- 1.6 All permits, approvals or licenses issued under any revoked bylaw will, after the coming into force of this bylaw, be deemed to have been issued under this bylaw and be subject to the provisions of this bylaw.

2. OBJECTIVES

2.1 The objectives of this bylaw include:

- The appropriate management and regulation of connections to and discharge into the wastewater network.
- Minimising the potential for the discharge of any contaminant from the wastewater network.

3. DEFINITIONS AND INTERPRETATION

3.1 These definitions are provided to clarify terms used specifically in the Wastewater Network Bylaw and the Specifications.

3.2 In this bylaw, except where inconsistent with the context:

Act means the Local Government Act 2002, plus any amendment or re-enactments that may be put in place from time to time.

Applicant means the owner or occupier of a property or their agents within or adjacent to an urban area wastewater network, seeking to secure a new connection or modify an existing connection and to discharge wastewater into that network, which is owned and/or operated by Council on behalf of network consumers.

Application Fee means the fee[s] approved by Council from time to time, which are payable on making an application for approval, extending to cover application fees, new connection fees, objection hearing fees, annual charges for connection, transfer fees and such like.

Approval means permission given by the Council to connect or vary a wastewater discharge under the bylaw and that may be subject also to sub-division or building consent(s) and approval for works from other authorities or institutions and extends to include any conditions of the same discharge approval.

Approved means as approved by the Council by ordinary resolution or approved in writing by an officer of the Council, acting within the proper limits of any delegated authority.

Appurtenances means all devices, structures and fittings connected to a sewer between the wastewater source and the Treatment or Disposal site that includes manholes, flow meters, junctions, inspection points, rodding eyes, pump stations, drop structures, interceptor traps and monitoring points.

Bylaw refers to this Mackenzie District Council Wastewater Network Bylaw 2014.

Conditional Discharge means any discharge, other than controlled or standard that, due to volume and or strength, may or may not be accepted for connection, as described more fully in clause 3.4 of this bylaw.

Connection means any premises connected to a public sewer, with approval to do so, with approved hardware and discharging wastewater in accordance with one of the descriptions in clause 3.4 of this bylaw.

Consumer means the owner or occupier of any premises from which wastewater is discharged into a network and extends to include any person who has obtained the right to make a discharge into the network by Council authorisation and from any premises.

Consumer Equipment means all apparatus and equipment, not necessarily on the consumer's premises but upstream of the point of discharge, that are owned and maintained by the consumer and used to collect and convey wastewater from the premises to the public sewer.

Contractor means any contractor engaged by an applicant to carry out works in respect of a connection to a network or to a contractor engaged by Council to carry out minor reticulation work. The responsibilities noted for a contractor shall be those of the applicant who engages that contractor.

Controlled Discharge means non-domestic or non-standard discharge that is allowed, but with conditions set, as described more fully in clause 3.4 of this bylaw.

Council means the Mackenzie District Council.

District means the Mackenzie Territorial Authority Area.

Drain, in the context of this document, may be used as an alternative term for sewer and does not include storm-water piping or open drains, unless specifically stated as such.

Fees and Charges means those fees and charges approved by Council in respect of the connection to a network for discharge of wastewater.

Hearing Panel means the panel, which may be formed to hear objections associated with connection to the network, as described in the bylaw.

Infiltration means water that enters any sewer through cracks or faults in the pipe, from joint failure or into manhole structures from groundwater, surface drains and/or water table variations.

Inflow means water discharged directly into any sewer from non-complying activities, includes unauthorised direct storm-water connections to sewers, low gully traps, sub-soil drain connections to sewers and low lying manholes or poor fitting sump/manhole covers.

Levels of Service refers to the standards adopted by the Council and Asset Management Plan in respect of the collection, removal and safe disposal of wastewater.

Network means each of the separate and recognised reticulated wastewater facilities through which the Council collects, removes and safely disposes of wastewater.

Network Equipment means apparatus and equipment making up the network downstream of the point of discharge and extends to include, without limitation, any drain, pipe, valve, pump, pump chamber, electrical connection, flow meter, flush tank electronic apparatus, power supply, manhole, rodding eye, inspection point, junction, interceptor trap or treatment facility and disposal site or point.

Person means the persons, parties, a company, incorporated body, and a corporation sole relating specifically to a wastewater discharge.

Point of Discharge means the location on the wastewater collection and removal system at which responsibility for maintenance and repair passes from the Council to the consumer (refer to Schedule 1 of this bylaw).

Premises mean land and/or buildings on which network equipment or consumer equipment is located or proposed to be located.

Private Drain means any private sewer, irrespective of location, distance or number of connections that does not become network equipment as a result of approval conditions or agreements with Council and may be either a gravity line or pumped rising main and which ends at the point of discharge to the public sewer. Referred to also as consumer equipment.

Public Sewer means network equipment that acts as a collection main for individual service laterals to connect into up to the point of discharge and includes manholes, rodding eyes, junctions, inspection points, pumping stations as well as pipe-work. referred to also as network equipment.

Service Laterals has the same meaning as private drain.

Sewage means the same as wastewater, but more specifically domestic and human waste as compared to industrial or agricultural waste.

Sewer means pipe and in-line appurtenances used to convey and handle wastewater from the point of collection to the treatment or disposal area (including all appurtenances and pumped rising lines) and inclusive of consumer and network equipment.

Specifications means the details, approved by the Council from time to time by ordinary resolution, which specify or describe, inter alia, approved methods of, and procedures for connection to the network and installation of both consumer and network equipment (sub-divisions and contract works included).

Standard Discharge means domestic scale, strength and character discharges, accepted as of right in urban areas as described more fully in clause 3.4 of this bylaw.

Wastewater means all liquid waste that is to be discharged into the sewer and treated and disposed of as part of the Network, irrespective of its origin and characteristics.

Working Days means any day other than Saturday, Sunday, and public holidays.

3.4 The three categories of connection and discharge are:

Standard:

All domestic dwellings, whether permanently habitable or not, owner occupied or rented, intended for private occupation, whether separate houses or multiple units and where peak discharge does not exceed 2l/sec and with a maximum daily discharge volume of 2m³ and where the strength and characteristics of the wastewater is typical of that for dilute human sewage combined with grey-water and light kitchen waste (not limited by dual function use of premises like offices and trade depots).

Controlled:

All non-standard discharges where the waste stream from activities within the premises is equivalent or similar in strength and character to a standard discharge, does not contain toxic materials and can be measured with confidence as population equivalents, and where peak discharge does not exceed 5l/sec and a maximum daily volume of 7.5m³ (examples are schools, tourist accommodation, light processing, food outlets and commercial).

Conditional:

All discharges where processing methods, size (including all swimming pools and spa pools above 5m³ in capacity), chemical or organic residues, settleable fines, concreting substances, explosive or flammable materials, concentrated acid/alkali, oils fats or greases, compounds toxic to treatment processes, non-degradable materials, objectionable colour or odour, heavy metals, radioactive materials, materials with known health risk associated, presence of volatiles and scum or foam causing compounds and floatable inert material that may render collection unacceptable or treatment limited, whether or not it is a permanent or temporary discharge.

- 3.5 Council will only accept conditional discharges where it can be shown that the discharge will have no adverse impact on approval conditions on the discharge, treatment processes in place, the receiving environment, the serviceability of the reticulation, or the public, and will not pose a danger to operators, contractors or others who have access to wastewater facilities, and will not increase charges and fees set for existing connections or situations here on-site pre-treatment can render the waste-stream as acceptable.
- 3.6 Acceptance by the Council remains discretionary for conditional discharges activities and may be discretionary (with respect to conditions) to some controlled discharges.
- 3.7 As at the commencement of this bylaw, there are no Trade Waste Bylaws in place but the Council's discretion in clause 3.6 may include imposing charges and specific fees for recovering treatment costs or additional operational provisions from Conditional dischargers with respect to accepting such waste.

4 PENALTIES AND OFFENCES

- 4.1 Every person commits an offence under this bylaw who:
 - Makes unauthorized connection to any sewer pipe or tampers with any sewer pipe within a network.
 - Makes a connection to a sewer line at any point on the network (consumer or network equipment) that allows for collection and discharge of storm-water, sub-surface drainage water or any other liquid that is not deemed to be wastewater, unless it has been approved by Council.
 - Discharges any wastewater into a sewer without approval or continues to discharge any wastewater into a sewer after written warning from Council to cease or reduce the rate of discharge into the sewer.
 - Alters the nature or scale of the discharge where such a variation is deemed to have altered the description of the discharge (clause 3.4) and where this is carried out without an approval in writing issued by Council or without all charges and fees having been paid.

- Places a structure adjacent to or over a public sewer pipe or undertakes any developments or tree planting that has the potential to interfere with future maintenance or repair of the sewer or will cause damage or nuisance to the safe operation of the sewer network and to dimensions indicated in this bylaw and associated specifications.
- Opens the ground so as to uncover any network equipment or excavates within a minimum distance of a sewer without first giving the Council at least 5 working days' notice in writing of the intention to do so.
- Connects any pipe to a public sewer without first giving the Council at least 3 working days' notice in writing of the day and hour when such work is proposed and without first obtaining the written approval of any person acting under the authority of this Council in that regard.
- Places fill or any structure over a manhole or inspection point on network equipment or impedes access to these points and the property owner or occupier (who is responsible for such action) must meet the cost of clearing or opening access to these points.
- Connects any pipe to a public sewer, except in accordance with an approval.
- Connects any pipe to a public sewer, which is not of a type approved by the Council.
- Exposes or (arising from any activity or work) renders any network equipment liable or prone to damage (without approval or authority from the Council). - Alters the index of, or in any other manner tampers with, any flow meter or electronic device.
- Damages, tampers with or interferes with any network equipment.
- Otherwise fails or refuses to do any act or thing that person is required to do under the Local Government Act (2002), section 266, this bylaw or the specifications.

4.2 Upon an offence being committed under clause 14.1 or upon the issuing of notices the Council may take all or any of the following steps:

- Seek to recover the costs incurred by the Council in repairing any damage done to any part of the network and/or recovering costs associated with any offence committed to any part of a network, in addition to or instead of any penalty for the offence.
- Seek legal action to secure the debt owing onto the title of the property, which may or may not necessitate a forced sale of that property.

4.3 Where action is to be taken to recover unpaid money, the consumer will be given adequate notice of the breach, offence or money owing before any external action is set in place.

4.4 The maximum penalty on summary conviction of an offence against this bylaw is \$20,000.

5 RIGHT TO CONNECT

- 5.1 No person (or party) may make any connection, alter any connection or discharge to the sewer network, except in accordance with an approval to do so and upon payment of an approval fee and any required capital or connection charges.
- 5.2 To avoid misunderstanding, for any premises connected to a network, prior to the bylaw commencement date and where all charges and fees have been paid for such a connection, an approval is deemed to have been given, notwithstanding the absence of any written documentation evidencing that approval.
- 5.3 Connection will only be allowed where the discharge and connection complies with one of the descriptions in Clause 3.4 of this bylaw and this proviso will include existing connections at the date of commencement of this bylaw, where all terms and conditions have been complied with.
- 5.4 Where an applicant is within an urban area that is serviced by a public wastewater network, as shown in an operative or notified District Plan, or where Council gives specific approval for a connection for applicants outside an urban area, or where a conditional discharge is deemed as being acceptable (with conditions), Council will accept such a discharge.

6 APPLICATION TO CONNECT TO A NETWORK AND DISCHARGE

- 6.1 All applications to connect to a wastewater network or vary the description of a discharge must be made on the appropriate Council generated application form. The application must be lodged with a deposit. If approval is granted, the payment of fees and charges must be made in full prior to the connection being made.
- 6.2 All site plans and drawings that may be required for an application must be clear and show distances from existing and proposed boundaries, buildings, existing and proposed tree plantings and other site features. These plans will apply to sub-divisions and larger scale connections that are either conditional or controlled discharges.
- 6.3 All sub-divisional and non-standard applications (new works or alterations) shall require as-built plans to be supplied after the approved works have been carried out and these plans shall include:
 - Location of all pipes from boundaries, proposed and existing structures, proposed and existing tree plantings and roads, access-ways and other services.
 - Location and positioning of all manholes, pumping stations, inspection points, rodding eyes and consumer connections (where known).
 - Depth of pipe (where less than 600mm cover and more than 1200mm cover) and depth of manholes.
 - Operating manuals for pumping stations (that are to be Network Equipment) which shall also include product information and location of servicing agents.
 - Ground measurements are to be shown for all bends, angle or changes in grade so that Council can accurately map and record data.

- 6.4 Application to connect to a network may be made by applicants whose properties lie outside the recognised network on the same basis as those within the network area. Any decision to allow connection is discretionary. Council reserves the right to decline any application where it is not feasible or economic to make such a connection.
- 6.5 In most instances where application to connect is made, the applicant shall meet the costs for all new reticulation and associated works to connect to the network, irrespective of the distance between the applicants' property and the nearest point of connection.
- 6.6 In addition to clause 5.3, Council reserves the right to determine the final pipe route, size, class and material type for any new network equipment, but shall meet all costs in excess of the minimum reticulation and associated works required to make such a connection.
- 6.7 Where application is made to connect to the network and any new reticulation passes through or adjacent to potential consumers en-route to the applicants' point of supply [and the distance is considered significant], Council may choose to contribute a proportion of the minimum reticulation costs noted in clauses 5.5 and 5.6 with any such proportion being negotiated between the applicant and Council.
- 6.8 Upon satisfactory installation of any new reticulation up to the applicants' point of discharge that lies within the urban boundaries and with completion of all subdivision requirements, Council shall take ownership of these assets and shall subsequently maintain, operate and upgrade these.
- 6.9 The applicant will ensure that any structure that requires a building consent complies with all conditions that are set on that consent where these may relate to public sewers and provision of access by Council for operating, maintaining and upgrading sewer pipes, manholes and other appurtenances.
- 6.10 In addition to clauses 8.6 and 8.7 of this bylaw, the following shall also apply:
- No building or structure, whether or not it requires a building consent shall be built over a public sewer, manhole or any other network equipment.
 - No minor building, whether or not it requires a building consent shall be built closer than 1.5 m from a public sewer, manhole or other network equipment.
 - Where deemed necessary by Council or by request from an applicant, the applicant or their agents, may need to meet the cost of relocating the sewer line or other network equipment to facilitate works planned by the applicant.
 - Where the above points in this clause or those of 8.6 and 8.7 are deemed impractical and the applicant has no reasonable alternatives in which to avoid complying with these, Council may grant the applicant specific variations that may allow works to proceed but with measures required to be taken by the applicant to protect network equipment. Such measures may include (not exclusively) strengthening sewer pipes, new manholes, ducting, re-locatable constructions, diverting sewers or additional foundation support.
- 6.11 Ownership of pumped connections and multiple private services shall be discretionary as stated in clauses 9.7, 9.9 and 10.3 of this bylaw.
- 6.12 No applicant shall be requested to contribute to network reticulation upgrading in addition to the application fee, in order to obtain a connection where an application is within the urban area at the time of application being made. This does not cover new pipework to link the applicant to the existing network.

- 6.13 Where application is made to connect to a network that requires new or additional pumping facilities, the applicant(s) will be required to meet the full capital cost of these facilities or where other or future connections may benefit from the pumping facility, Council may meet a proportion of the capital costs where this has been negotiated and agreed to in writing before work commences.
- 6.14 If a connection is not made to the district sewerage scheme within 24 months of approval being granted, then the approval is deemed to have lapsed and a new application must be initiated, including the payment of associated fees.
- 6.15 Application fees for new connections or for a variation in the description of the discharge and where the physical connection has not been made to the property may be refunded at the discretion of Council where the applicant wishes to withdraw the application. No refund given shall include the initial deposit. The request must be made to Council in writing by the applicant, within 6 calendar months of the date of approval for the connection.
- 6.16 Capital contributions [where these apply] are not refundable within urban areas.
- 6.17 Undeveloped titles within an urban area that lie within 30m of a public sewer line shall incur annual connection charges [unless specifically exempt] as quantified in the Local Government Rating Act (2002) such time that a connection is made and where full sewage charges shall commence.
- 6.18 Approved applications may contain the following relevant information:
- Obligations such as upgrading the network equipment, share costs of the connection or any other obligations in respect to the application
 - Any conditions set on the application that the applicant will need to action or comply with, which are not standard conditions.

7 EFFECT OF MAKING A CONNECTION

- 7.1 Every person who makes connection or continues connection to a network after the date of commencement of this bylaw is deemed to have agreed to be bound by this bylaw.
- 7.2 With a change of owner of any premises, acceptance of an existing connection constitutes an agreement between the owner or the occupier and Council for the new owner or occupier to comply with this bylaw
- 7.3 Where any premises connected to a sewer network changes use, purpose or activity and this change alters the description of the discharge (as set out in Clause 3.4), such a change will render the connection as an unauthorized connection and the owner or occupier must make application to Council for a new connection.
- 7.4 No person connected to a public sewer may allow materials to be mixed with the authorized discharge stream that have the potential to alter the character of the discharge in such a manner that it fails to meet the connection and discharge approved to by Council.
- 7.5 No person connected to a public sewer may allow a daily volume or peak flow rate that has the potential to alter the discharge in such a manner that it fails to meet the connection and discharge approved by Council.

- 7.6 No Person connected to a Public Sewer may allow an intentional or avoidable ingress of groundwater, storm-water or any other water that is not wastewater into the Public Sewer or private sewer unless it has been approved by Council.
- 7.7 Council cannot guarantee to receive wastewater without interruption but any such interruption will be kept to a minimum.
- 7.8 Where premises to which a wastewater connection is made are owned or occupied by more than one person, those persons will be jointly and severally liable in relation to the connection and discharge.

8 APPLICATIONS, APPROVALS AND OBJECTIONS

- 8.1 Every Person requiring a connection or seeking a change to the description of their discharge for an existing connection must make an application to the Council.
- 8.2 Every application must be in writing, on the approved form and contain such relevant information as may be required by the Council, including a detailed plan (to scale or with measurements shown) of any proposed work.
- 8.3 For any application (and for requests by any party for information on network equipment), Council will provide plans and drawings for the location of equipment, which are available from Council's Fairlie Offices during normal working hours and may recover the actual costs for the supply of these documents.
- 8.4 The Council will consider all applications and may either:
- Decline the application in writing and clearly set out the reasons for that decision; or
 - Approval of the application, which will be subject to the terms and conditions of this bylaw, or a specific agreement (if any), as the Council considers fit, provided the agreement is consistent with the discharge descriptions in Clause 3.4.
- 8.5 The Council may, in the case of any connection where special conditions are necessary, require the applicant to enter into a written agreement to supplement or vary the conditions in relation to that connection.
- 8.6 If an application is declined or any condition imposed is considered by the applicant to be unreasonable, the applicant may within 20 working days of notification of the Council's decision, give written notice to the Council objecting to the decision and specifying the grounds for that objection and in that case:
- The applicant is deemed to have waived any other remedy, which may have been available at law to the applicant.
 - The Council will convene an objection hearing panel to hear and rule upon the objection with all due speed.
 - The decision of the objection hearing panel will be final and binding upon the applicant and the Council.
- 8.7 The hearing panel will consist of 3 persons, being:

- The Mayor or Deputy Mayor (who will take the Chair).
- A Councillor for the Ward in which the premises of the applicant are located. In the event of a Ward Councillor not being available the Mayor or Deputy Mayor shall appoint an alternative Councillor, with the approval of the applicant.
- A third person nominated by the applicant at the time of giving notice of objection or within 5 working days of a request in writing from the Council to do so, which third person must be either:
 - o A Mackenzie Councillor
 - o A Community Board Member
 - o A member of the Ward Committee (if any) for the area or wastewater network to which the application relates
 - o A legal representative, consultant or agent who has no vested interest in the outcome of the hearing with regard to the connection

9. CONSUMER AND APPLICANT RESPONSIBILITIES

- 9.1 The applicant will ensure that all connections made to the network are in accordance with the approval granted by Council and any applicable legislative requirements including, without limitation, the requirements of the Building Act 2004 and Building Codes.
- 9.2 The applicant will pay all fees and charges promptly as they fall due and meet all obligations when applying for a connection or variation to an existing connection.
- 9.3 The consumer will maintain consumer equipment in good serviceable and operational condition at all times, in accordance with the specifications and in a manner which minimises potential for blockage, pipe degradation, overflows or entry of groundwater or rainwater into the public sewer. The consumer shall promptly action any repairs required to correct defects that have been identified.
- 9.4 Consumer equipment includes sewer pipes, gully traps, inspection points, private pumping stations and other equipment up to the point of discharge.
- 9.5 Consumers, applicants or any other party that is proposing works that include excavation or soil loading about buried network equipment and for any purpose whatsoever, are to inform Council of such activities and take all reasonable steps to locate, mark and avoid and damage to, risk of undermining, weakening or exposing network equipment. To determine the location of buried network equipment, the consumer shall advise the contractor to or, if undertaking the work themselves, shall initiate an enquiry to the Mackenzie District Council. Where network equipment may be damaged or compromised by activities, Council may require specific protection measures to be taken.
- 9.6 With respect to clause 8.5, any piling, drilling or deep excavation (more than 1.2m deep) that is closer than 3.6m to any Network Equipment shall require Council approval (with conditions, if deemed necessary) before such work begins.
- 9.7 With respect to standard dwellings and minor structures, the separation distance from the centreline of the pipe or manhole and the structure foundation shall be 1.5m.

- 9.8 Council requires a minimum of 2 full working days' notice of works noted in clause 8.5 to mark location of buried services and provide specific requirements to an applicant.
- 9.9 Where any damage occurs to network equipment, the persons or parties responsible are to report this to Council and will be liable to meet costs of repair or replacement.
- 9.10 The consumer will allow the Council access to their premises or onto their land at any time between 7:30am and 6:00pm, upon a minimum of 24 hours' notice where this is considered necessary by the network operator (except in the case of an emergency) for the purpose of:
- Inspecting network equipment located on the consumer's premises.
 - Inspecting consumer equipment where faults or overflow may be occurring.
 - Undertaking any work related to the installation, inspection, replacement, repair, maintenance, renewal, upgrading or testing of any network equipment located or to be located on the consumer's premises.
- 9.11 The consumer will:
- Provide reasonable access to any network equipment, which is required to be located on their premises.
 - Not allow any person other than the Council or their authorised agents/contractors to work on or interfere with network equipment located on their premises.
 - (Where they are not the owner of the premises to which supply is made) obtain the owner's consent prior to acceptance of a connection and/or the installation of any network equipment and will indemnify the Council from any loss or cost arising from their failure to obtain the owner's consent.
- 9.12 With respect to trees and shrubs, the following will apply:
- The consumer will not plant any trees or shrubs in a location whereby the roots or branches of those trees or shrubs will interfere with any network equipment. this shall apply to consumers and non-consumers where network equipment crosses private premises. Any remedies will be consistent with the Local Government Act 2002.
 - Council reserves the right to request removal or thinning of trees/shrubs where these have interfered or are likely to interfere with, including access to network equipment. Costs of removing trees will be met by the property owner[s] concerned unless otherwise agreed in writing with Council.
 - Spacings to be observed using the centre of the tree trunk for reference, are:
 - Large trees >10m mature height, shelter belts greater than 4m deep and plantations 4m spacing from any network equipment.
 - Shelter trees less than 4m deep, smaller trees <10m mature height and shrubs 2m spacing from any network equipment.
- 9.13 The Consumer will notify the Council promptly if:

- Any network equipment located on or about their premises is clearly damaged or leaking, or where they otherwise suspect that a fault has occurred in the network equipment.
 - There is any obvious blockage or any indication or reasonable suspicion that the public sewer may be blocked or congested.
 - Where their wastewater flow is slow in exiting their premises and is not remedied after their own equipment has been cleaned or cleared.
 - There are any objectionable or "sewage" odours about their premises
- 9.14 Any consumer who suspects a blockage or fault and takes action to clear the blockage (contractor or self) shall be liable for the costs of clearing a blockage in a public sewer where it can be reasonably determined that the consumer has pushed the blockage out of the consumer equipment and caused a fault to occur in the public sewer or has been discharging non-acceptable wastewater and Council will subsequently invoice the consumer to recover actual costs of any action to clear the public sewer.
- 9.15 Where a person (or party) connected to a wastewater network sells a property connected to a network, it shall remain the responsibility of the seller to ensure that all apportionment for connection charges and fees are effected from the date of sale.
- 9.16 Where a person (or party) connected to a wastewater network demolishes a property connected to a network, it shall remain the responsibility of the seller to ensure that at least 5 working days' notice is given to Council of these changes and to make sure that the connection is disconnected from the network before demolition starts. Disconnection may be carried out by Council or a qualified plumbing or drain layer however payment of the cost of this disconnection is the responsibility of the landowner. Council inspection of the disconnection may be required and, if so, a disconnection fee may apply.
- 9.17 No refunds of capital contributions or application fees shall apply to voluntary disconnections from wastewater networks.
- 9.18 Where consumer equipment is faulty, worn or altered or plantings above public sewer lines cause nuisance to the degree where blockages or constriction of pipes prevents quick removal of wastewater, the consumer shall be issued a defect notice (warning). Where the warning is not heeded, Council shall impose penalties as specified in the annual fees and charges.
- 9.19 Where a consumer wishes to discharge the content of a spa pool into the sewer network, the pool outlet or pump must be fitted with a flow limiting device or measure that prevents the flow from exceeding the conditions as set out in section 3.4 of this bylaw.
- 9.20 Swimming pool discharge and discharge of spa pools where the capacity is greater than 5m³ are controlled activities and may only be carried out with permission from Council or in compliance with any conditions set on the approval or agreement to discharge.

10. SEPARATION OF CONSUMER AND NETWORK EQUIPMENT

- 10.1 Network equipment refers to any sewer pipe or appurtenance downstream of the point of discharge, for any connection. Council shall be responsible for clearing any blockage, removing pipe build-up, pipe failure, repair or replacement on these
- 10.2 Consumer equipment refers to any sewer pipe upstream of the point of discharge, for any connection or connections (shared private sewer). The Consumer shall be responsible for clearing any blockage, removing pipe build-up, pipe failure, repair or replacement on these assets where these sewer assets fail to adequately remove wastewater from the premises.
- 10.3 Consumer equipment must comply with the Building Act 2004 and Building Codes and Council will not require any action or work that is not consistent with these statutory documents. Consumers with premises not covered by the Building Act (pre July 1992) shall have equipment compliant with the building codes and bylaws at the time of construction.
- 10.4 Where work is carried out on premises that were approved prior to 1 July 1992, any subsequent work that is required on the consumer equipment, either directly or as a result of change of use for the premises, discharge description or from a defect notice from Council, will require that consumer equipment to meet the requirements of the building codes and the specifications.
- 10.5 For individual service connections draining to public land areas or onto "sewage" easements in favour of Council, the point of discharge shall be at the connection of the consumer service lateral to the main collection sewer.
- 10.6 Private shared sewers shall only have one point of discharge. Where the number of connections is greater than 3, Council may consider ownership of the assets and where necessary to comply with this bylaw and the specifications, make alterations to the equipment. All reasonable costs will need to be met by the owners or occupiers of the connections.
- 10.7 For private pumped discharge sewer lines (multiple or individual), the point of discharge shall be where the discharge line connects to a manhole or junction in the sewer main.
- 10.8 Private pumped sewers shall only have one point of discharge. Where the number of connections is greater than 3, Council may consider ownership of the assets and where necessary to comply with this bylaw and the specifications, make alterations to the equipment. All reasonable costs will need to be met by the owners or occupiers of the connections.
- 10.9 Council reserves the right to make discretionary judgments as to responsibility for connections and sewer lines where this bylaw does not cover the configuration of non-standard types referred to in this document. Such discretion shall also apply to shared private sewer lines where debate ensues over whether they are shared private lines or public sewers on private title.

11. APPURTENANCES

- 11.1 There shall be no appurtenances connected to the wastewater network at any point on consumer equipment without express approval from Council, other than interceptor traps (grease/oil/silt retention) and pumping stations.
- 11.2 In appropriate instances, Council reserves the right to require an existing consumer or new applicant to install a suitable interceptor trap prior to discharge into a sewer line where it is expected the discharge may impact on pipe integrity and/ lead to congestion. This may include a chamber or inspection point for Council to sample the waste stream.

- 11.3 Private pump stations will be accepted where there are no practical alternatives to gravity flow and any application for pump stations servicing 3 standard connections or less, unless agreed to by Council in writing prior to any installation, shall remain a private facility and be approved where the design and installation complies with the Building Act and Building Codes and shall include annual building warrants of fitness, if these apply.
- 11.4 Pipes, connections, gully traps, inspection points, rodding eyes, manholes and junctions are part of the sewer reticulation works and are discussed under the specifications.

12. BREACH AND DISCONNECTION

12.1 If the consumer:

- Fails to pay connection charges, capital contributions (where these apply) and wastewater charges.
- Is otherwise in breach of any other obligation imposed upon the Consumer by this bylaw.
- Is in breach or considered to be in breach, but does not allow Council access to the premises as in clause 8.10 of this bylaw.

Then, Council may give written notice to the consumer of the alleged breach, the steps which Council requires the consumer to take to remedy that breach and stating the period, being not less than 7 days, within which Council requires that breach to be remedied.

- 12.2 If the consumer fails to comply with any notice issued under clause 11.1, Council shall be entitled to seek such remedy or payment of unpaid monies under other statutory or legal provisions without further notice, and without prejudice to any other remedy, which it may have.

- 12.3 If following the unlikely event of disconnection [disconnection will apply only to controlled and conditional discharges], the Council agrees to restore connection, and may first require payment of all or any of the following:

- All outstanding fees and charges (except for any sum genuinely in dispute)
- Such sum which reimburses Council for the reasonable legal and administrative costs or expenses incurred by Council in issuing the notice under clause 11.1
- Such costs incurred in disconnecting the connection and carrying out repairs or adjustments under this clause
- Fees and charges that apply

The Council may also require the consumer to agree to such additional conditions for the future connection to the network as are reasonable with consideration of all circumstances relevant to the connection in question.

13. PROHIBITION OR RESTRICTION OF CONNECTION

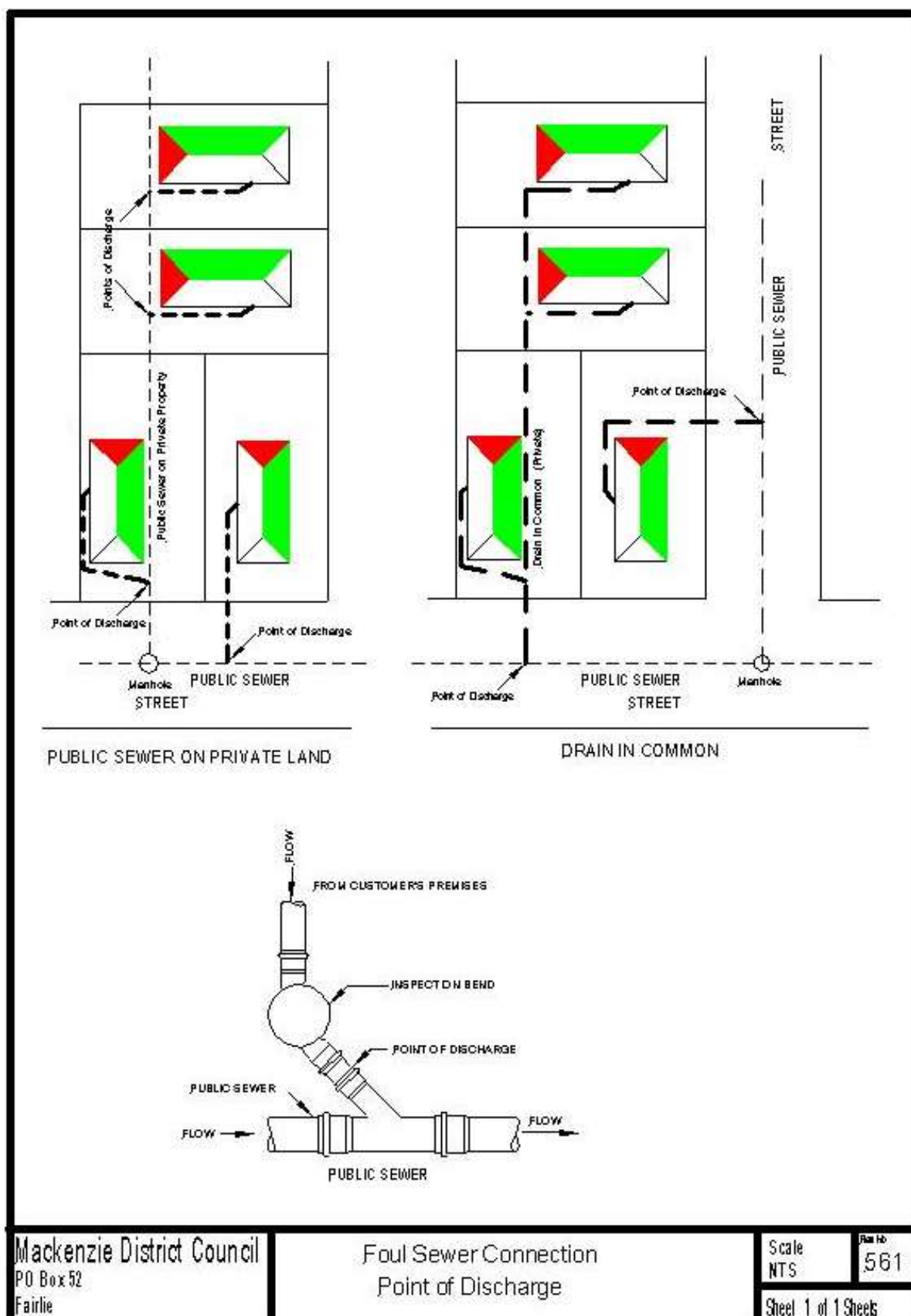
- 13.1 There will be no prohibition or restriction of discharge to a connection unless a discharge type is altered without approval (Clause 6.3) or where the rate of flow exceeds allowable maximum values allowed (Clause 3.4). Where such a discharge continues, without application to change the approval and without subsequent permission, or where the

Consumer fails to manage flows after written warning from Council to seek correction, the continued discharge is deemed to breach this bylaw and be an offence under this bylaw.

14 DISPUTE RESOLUTION

- 14.1 In any case where a dispute arises between Council and any consumer(s), the parties are to agree to meet and work together in good faith to resolve promptly any dispute arising under this bylaw and the associated specifications.
- 14.2 Failure to resolve disputes will require mediation using the same panel structure as in this bylaw or through conventional legal avenues for resolving such disputes.

Schedule One – Point of Discharge



MACKENZIE DISTRICT COUNCIL

DRAFT WATER SUPPLY BYLAW 2014

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002.
- 1.2 This Bylaw is the Mackenzie District Council Water Supply Bylaw 2014.
- 1.3 This Bylaw comes into force on _____ 2014.
- 1.4 This Bylaw is intended to be read in conjunction with the following documents:
- Specifications
 - Council's Annual Fees and Charges
 - Water Supply Application Forms (Note: still to be developed)
- 1.5 This Bylaw does not remove responsibilities for applicants or contractors in relation to the following Acts and Regulations:
- Health (Drinking Water) Amendment Act 2007
 - Local Government Act 2002
 - Resource Management Act 1991
 - Building Act 2004 and associated Building Code
 - Local Government Rating Act 2002
 - Drainage and Plumbing Regulations 1978
 - Toxic Substances Act 1988 and Regulations 1983
 - Hazardous Substances and New organisms Act 1994
- 1.6 All permits, approvals or licenses issued under any revoked Bylaw will be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.

2. INTERPRETATION AND DEFINITIONS

- 2.1 In this bylaw, except where inconsistent with the context:

Applicant means the owner of a property within or adjacent to a water supply Network, seeking to secure a connection, to take water or to vary an existing connection from that Network, which is owned and/or operated by Council on behalf of all Consumers in that Network

Application Fee means the fee[s] which are payable on the granting of an approval and extending to cover application fees, new connection fees, objection hearing fees, unit water charges, transfer fees and such like. (Note: Any application fee would be set as part of the Local Government Act fees and charges process)

Approval means approved given by the Council under the Bylaw and extends to include any conditions of that approval.

Approved means as approved by the Council by ordinary resolution or approved in writing by an officer of the Council, acting within the proper limits of any delegated authority.

Appurtenances means all devices, structures and fittings connected to a water network between the water source and the outlet that includes manholes, flow meters, junctions, inspection points, rodding eyes, pump stations, drop structures, interceptor traps and monitoring points.

Backflow prevention device means a device to prevent backflow as defined in the NZ Water Guidelines and Code of Practice.

They include:

- dual check valves
- air gap devices
- double check valves
- reduced pressure zone devices

Bylaw refers to the Mackenzie District Council Water Supply Bylaw 2014.

Connection means any premises connected to the public water supply to receive water, with approval to do so using approved hardware.

Consumer means the owner of any premises to which water is supplied and extends to include any person who uses, or has obtained the right to use or direct the manner of use of water supplied by the council to any premises.

Consumer Equipment means all apparatus and equipment on the consumer's premises downstream of the point of supply which is used, or designed to be used, for the reticulation, storage or dispensing of water on the consumer's premises.

Contractor means any contractor engaged by an applicant to carry out works in respect of a connection to a network or to a contractor engaged by Council to carry out minor reticulation work.

Controlled Catchment Area means all or part of a water catchment for a water supply area, designated in accordance with this bylaw.

Council means the Mackenzie District Council.

District means the Mackenzie territorial authority Area.

Extraordinary Supply means all water connections to on-demand consumers other than those of ordinary supply connections, which may be subject to specific conditions as notified to such consumers. Without limiting the definition, these shall nominally apply to:

- Large commercial operations (normally 150m³/day or more)
- High rate industrial users (normally 700m³/day or more for Fairlie and Tekapo and 1400m³ per day for Twizel)
- Farms and holdings (stock) greater than 4 hectares
- Non domestic connections out of the urban boundary
- Temporary supply connections to non-domestic users

Fees and Charges means those fees and charges approved by Council in respect of the supply of water or any other sources associated with the supply of water and supplied by Council.

Hearing Panel means the panel which may be formed to hear objections associated with the network, as described in the bylaw.

Level of Service refers to the measurable and/or defined performance standards adopted by the Council and Asset Management Plan in respect of the supply of water.

Modelling means mathematical computer modelling of the water network. This is used to analyse the network's hydraulic behaviour to determine the effects of a new connection.

Network means each of the separate and recognised reticulated water supply systems through which the Council supplies water.

Network equipment means apparatus and equipment forming part of the network upstream of the point of supply and extends to include without limitation any dam, reservoir, weir, culvert, drain, pipe, gate, tap, valve, pump, water meter, restrictor, electronic apparatus, power supply and ballcocks connected to supply reticulation, whether elevated above or set below the point of supply.

On-demand network means the supply of water to premises where the connection is a direct feed from the mains into the consumer equipment, past the point of supply and which may or may not be metered for charging. Generally this applies to urban areas.

Ordinary Supply means the supply of water for domestic and light commercial purposes from on-demand networks to the consumers' premises including:

- All flows from permanent plumbing fixtures
- Use of hand held hoses for washing and garden watering
- Stock trough water for blocks equal to or less than 4 hectares
- Fixed fire fighting hose reels and sprinkles
- Temporary supply connections to domestic users
- Garden irrigation by portable or fixed sprinkler devices
- Restrictions imposed on use of hoses / garden sprinklers at times where the supply is unable to meet anticipated demand

Person means persons, a company and a corporation sole.

Point of Supply means the location on the water supply system at which responsibility for maintenance and repair passes from the Council to the consumer (refer to Appendix 3 of this bylaw).

Premises means land and/or buildings on which network equipment or consumer equipment is located or proposed to be located.

Restricted Network means a network where the supply of water is to a consumer's tank, at a pre-determined rate through a restrictor flow controlling insert. Generally this applies to rural areas.

Restrictor means a device fitted which regulates the flow of water from a network to the consumer on a restricted network.

Specifications means the details, approved by the Council, which specify or describe, approved methods of and procedures for connection to the network.

Shutdowns means the water supply is temporarily turned off, either for planned maintenance or in an emergency due to system failure.

Water Committee means a committee established by the Council for the purposes of supervising a particular network in a water supply area and to facilitate consultation with users in that network.

Water Meter means a device, electronic or mechanical fitted onto a pipe and used to quantify the amount of water passing through it and recording volumes as standard units [litres, cubic metres].

Water Supply Area means an area as named and outlined in the map shown in Appendix 1.

Water Supply Risk Levels means high, medium or low hazards, defined as follows:

High hazard

Any condition, device or practice which, in connection with the potable water supply system, has the potential to cause death. High Hazard may include but not necessarily be limited to:

- Autoclaves and sterilizers
- Systems containing chemicals such as anti-freeze, anti-corrosion, biocides or fungicides
- Beauty salon and hairdresser's sinks
- Boiler, chiller and cooling tower make-up water
- Car and factory washing facilities
- Chemical dispensers
- Chemical injectors
- Chlorinators
- Dental equipment
- Direct heat exchangers
- Fire sprinkler systems and fire hydrant systems that use toxic or hazardous water
- Hose taps associated with High hazard situations like mixing of pesticides
- Irrigation systems with chemicals
- Laboratories
- Mortuaries
- Pest control equipment
- Piers and docks
- Sewage pumps and sump ejectors
- Sluice sinks and bed pan washers
- Livestock water supply with added chemicals

- Veterinary equipment

Note: the examples given are not an exhaustive list. Where there is doubt comparison must be made to the hazard definitions.

Medium Hazard

Any condition, device or practice which, in connection with the potable water supply system, has the potential to injure or endanger health. Medium hazard may include but not necessarily be limited to:

- Appliances, vehicles or equipment
- Auxiliary water supplies such as pumped and non-pumped fire sprinkler secondary water
- Deionised water, reverse osmosis units and equipment cooling without chemicals
- Fire sprinkler systems and building hydrant systems
- Hose taps and fire hose reels associated with Medium hazard
- Irrigation systems with underground controllers
- Irrigation without chemicals
- Livestock water supply without added chemicals
- Untreated water storage tanks
- Water and steam cleaning
- Water for equipment cooling
- Drink dispensers with carbonates
- Swimming pools, spas and fountains

Note: The examples given are not an exhaustive list. Where there is doubt comparison must be made to the hazard definitions.

Low hazard

Any condition, device or practice which, in connection with the potable water supply system would constitute a nuisance by colour, odour or taste, but not injure or endanger health. Low hazard may include but not necessarily be limited to:

- Drink dispensers (except carbonators)

Note: The example given is not an exhaustive list. Where there is doubt comparison must be made to the hazard definitions.

Working Day means any day other than Saturday, Sunday, and public holidays.

3. FEES

Fees and charges are set out in the Council's fees and charges schedule and are reviewed annually.

4. PENALTIES AND OFFENCES

4.1 Every person commits an offence under this bylaw who:

- Carries out any act whereby any waters intended for supply within a network are drawn off or diminished in quantity and does not immediately on receiving notice in writing from Council or the Regional Authority restore those waters to the state they were in, in all respects, before that act.
- Directly or indirectly pollutes or causes to be polluted, any waters supplying a network, in such a manner as to make the water a danger risk to human health or cause it to become

offensive or unpalatable including, without limitation, allowing any animal or livestock to trespass into any such waters or to cause the pollution of any catchment area.

- Unlawfully takes, draws off or diverts water from a network from the intake area or past the intake.
- Uses any water in contravention of any prohibition or restriction under this bylaw.
- Wilfully or negligently allows any consumer equipment to be out of repair so that water may be wasted from the network or to be polluted or to fail to flow in the network equipment.
- Takes any water from the supply furnished to another person, without authorisation.
- Takes water from a network and supplies that water to another person or permits that person to take such water, whether for reward or otherwise, without Council approval.
- Opens the ground so as to uncover any network equipment without first giving the Council at least 5 working days' notice in writing of the intention to do so.
- Connects any pipe to a network without first giving the Council at least 3 working days' notice in writing of the day and time when such work is proposed and without first obtaining the written approval of any person acting under the authority of this Council in that regard.
- Connects any pipe to a network except in accordance with the water supply risk level and approval to do so.
- Connects any pipe to a network which is not of a type approved by the Council.
- Exposes or (arising from any activity or work) renders any network equipment liable or prone to damage without approval or authority from the Council.
- Alters the index of, or in any other manner tampers with, any water meter, electronic device or restrictor.
- Alters the location of any water meter or restrictor without giving the Council at least 5 working days' notice in writing of the intention to do so.
- Damages, tampers with or interferes with any network equipment, including disconnection to their own supply or supply to other parties.
- Otherwise fails or refuses to do any act or thing that the person is required to do under Parts 8 and 9 of the Local Government Act 2002 and its amendments, the specifications, or this Bylaw.

4.2 Upon an offence being committed under clause 4.1 the Council may, in addition to prosecuting that offence, take all or any of the following steps:

- Limit the supply of water to the premises or property of that person or persons in such manner as the Council thinks fit and is consistent with public health protection and animal welfare provisions under the Local Government Act 2002, Health Act 1956 and Animal Welfare Act 1999 and any amendments to these Acts and prevent that person from using the full supply of water until the particular default or failure has been remedied to the Council's satisfaction
- Recover costs for damage and consequences of unlawful actions as provided for in the Local Government Act 2002 (Sections 175 and 176) and any amendment to that Act.
- Impose penalties as specified in the annual fees and charges which may include an estimate of water consumption.

5. STANDARD AND TEMPORARY CONNECTIONS AND WATER ALLOCATIONS

- 5.1 Approved connections to any Network will be installed according to the specifications or as otherwise approved in writing to the applicant [by Council] or described separately in contract documents taking into account the water supply risk level.
- 5.2 All urban boundaries shall be those identified in the operative or proposed Mackenzie District Plan.
- 5.3 Any variation to standard connection types or allocations of water must be made as a separate application to Council with a full description as to why a non-standard connection or allocation is required. Council reserves the right to approve or decline the application.
- 5.4 Standard and Temporary connections shall be approved as:
- a) On-demand networks [with meters on metered networks]
 - Domestic/residential applications within the urban area - one 20mm connection to the point of supply.
 - Domestic/residential applications [all property sizes] outside the urban area - one restricted connection into a tank [located on the title or otherwise to obtain suitable operating elevation].
 - Commercial, industrial or institutional applications within the urban area – one or more connection(s) of a size required for the anticipated water demand arising from the applicants activities and as agreed with Council plus one non-metered connection of a size agreed with Council for a dedicated fire-fighting supply [sprinklers only]. Hoses are to be connected to the metered consumer plumbing.
 - Commercial, industrial or institutional applications outside the urban area - one or more restricted connection(s) into tank(s) [located on the title or otherwise to obtain suitable operating elevation].
 - Where a zone has been changed as a consequence of a District Plan review or plan change, existing consumers within the previous zoning and on the same network may re-apply to obtain a connection type for any new zone created. Where the original application is less than five years old, Council may reduce the connection fees applying to the new connection, on a pro-rata basis, by

rebating 10% of the new fee for each year of age of the old connection, up to and including five years. The maximum rebate will be 50% of the new connection fees.

- b) Restricted supply networks - one connection [or more as approved by Council for properties over 100 hectares or commercial, industrial or institutional applications] to a tank [located on the title or otherwise to obtain suitable operating elevation].
- c) Temporary Connections – these shall include all water tankers/carriers that connect and take water from the public water supply shall only connect where there is a backflow prevention device that is compliant to the AS/NZ 2845.1 standard for high risk.

5.5 Standard allocations for supply of water on any Network (shown in Appendix 2) shall be approved as:

- a) On-demand networks [metered and non-metered] with no hardware set restriction on the supply of water under conditions of normal supply.
- b) Restricted supply networks having a unit supply rate of 1800 litres/day:
 - All non-commercial urban/residential properties and holiday homes within urban areas - one half unit.
 - All separate title rural properties, up to and including ten hectares - one full unit.
 - Properties over ten hectares - one full unit for the first ten hectares plus one additional unit for [up to] every 25 hectares of land area on the title or within the applicants holding.
 - Additional dwellings on properties - one additional unit per dwelling.
 - Commercial, industrial or industrial application – unit rate supplied will be determined, and approved on the anticipated and substantiated daily demand for the connection as provided by the Applicant.
 - Minimum allocation - one unit urban for properties and rural properties.
- c) Part units can be allocated in lieu of full units above the minimum unit allocations and up to the maximum standard allocation, but only as part units corresponding to VFM [restrictor device] inserts available.
- d) Additional units [or part units] may be available above the standard allocation, where excess capacity is available in the network and the allocation of additional units [or part units] does not disadvantage supply to other users or potential users. Application for these additional units must be made to Council on the appropriate application forms and will incur the same fees and charges as standard units.

5.6 Community facilities may require specific connections to ensure that stored water does not stagnate. Any such connection variation will be agreed with Council but shall not apply to private dwellings, stock water or private commercial consumers.

5.7 Some networks may be configured as part on-demand and part restricted supply.

6. RIGHT TO CONNECT

- 6.1 No person may make any connection, alter any connection or take water from the network except:
- From within a water supply area
 - In accordance with the approval
 - On payment of the approval fee
- 6.2 To avoid misunderstanding, for any premises that have been connected to the network prior to the commencement date of this bylaw and where all charges for the supply of water to those premises have been paid, an approval is deemed to have been given, notwithstanding the absence of any written document evidencing that approval and a requirement to fit a backflow prevention device.

7. APPLICATION TO CONNECT TO A NETWORK AND TAKE WATER

- 7.1 All applications to connect to a network, to take water and/or vary the rate of supply and/or point of supply must be made on the appropriate Council generated application form for each network (refer to the map in Appendix 1). The application must be lodged with a deposit that will cover the cost of modelling. If approval is granted, the payment of fees and charges must be made in full prior to the connection being made.
- 7.2 Application to connect to a network may be made by applicants whose properties lie outside the recognised network on the same basis as those within the network area.
- 7.3 Where an application is made to Council to connect to a network, a modelling assessment of the hydraulic capacity of the network will be made, to determine whether water can be supplied to the consumers (proposed) point of supply.
- 7.4 A fee will apply for the assessment. No refund of this fee will be made where the application is declined or the applicant withdraws the application, whether prior to or after the decision granting (or declining) the application has been reached.
- 7.5 Council reserves the right to decline any application where it is not feasible or economic to supply water to a (proposed) point of supply.
- 7.6 For applications to connect and take water from a restricted supply network in rural areas (excluding urban titles), the applicant shall meet costs of any new reticulation between the point of supply and the nearest serviceable network pipe. This will be limited to the minimum pipe size and class (refer to the specifications) required to deliver only the units purchased.
- 7.7 For applications to connect to an on-demand network or urban section of a restricted supply network (excluding rural sections), Council shall meet the cost of connecting to the point of supply where the network equipment is within four metres of the proposed point of supply. Where the network supply line is on the opposite side of the road reserve to the network line, Council shall provide reticulation to a corresponding point on the applicant's side of the road. This shall remove any disadvantage due to the placement of the network reticulation along a road reserve.

- 7.8 The applicant shall meet the costs for all new reticulation where the network equipment is greater than four metres from the proposed point of supply, but only for the minimum size and class of pipe required to deliver the anticipated demand.
- 7.9 The Council reserves the right to determine the final pipe route, size, class and material type for any new network reticulation, but shall meet all costs in excess of the minimum reticulation required in these clauses.
- 7.10 Where an application is made to connect to the network and any new reticulation passes through or adjacent to potential consumers en-route to the applicants point of supply (and the distance is considered significant), the Council may choose to contribute a proportion of the minimum reticulation costs up to but not exceeding 50% of the total costs of the minimum reticulation.
- 7.11 Upon satisfactory installation of any new reticulation (urban and rural) up to the applicant's point of supply and completion of all sub-division requirements, Council shall take ownership of these assets. The costs for all work during the specified maintenance period will be the responsibility of the developer. Subsequently Council shall maintain, operate and upgrade these assets at their cost.
- 7.12 No applicant on the _____ rural water network shall be requested to contribute to network upgrading in addition to the application fee, in order to obtain a connection unless stipulated otherwise by Council. This does not cover new pipework to link the consumer's tank to the existing network. Sub-divisions and multiple applicants on this network seeking connection collectively may be required to share costs of new pumping facilities.
- 7.13 If a connection to the network to take water is not made within 24 months of the approval being granted, the approval is deemed to have lapsed and a new application process must be initiated, including the payment of associated fees.
- 7.14 Application fees for new connections or for a variation in allocation or point of supply and provide where the physical connection or variation in allocation has not been made to the property, may be refunded at the discretion of council where the applicant wishes to withdraw the application. The request must be made to Council in writing by the applicant, within 6 calendar months of the date of approval for the connection. No refund given shall include the cost of the modelling fee and / or the initial deposit.
- 7.15 Capital contributions where these apply are not refundable within urban areas for both restricted and on-demand network supplies. Undeveloped titles within an urban area shall incur annual water charges unless specifically exempt as quantified in the Local Government Rating Act (2002) until such time that water is connected and where full charges shall commence.
- 7.16 Approved applications will contain the following relevant information:
- The type of connection approved [on-demand connection/restricted connection]
 - The size of the connection
 - Obligations such as upgrading the network equipment, share costs of the connection or any other obligations in respect to the application
 - Any conditions set on the application that the applicant will need to action or comply with, which are not standard conditions

- Water supply risk level

8. EFFECT OF TAKING SUPPLY

- 8.1 Every consumer who accepts a supply of water from the Network is deemed to have agreed to be bound by this bylaw.
- 8.2 Where there is a change of owner or occupier (new consumer), acceptance of an existing supply constitutes an agreement between the new consumer and Council for the new consumer to comply with this bylaw.
- 8.3 Where premises to which water is supplied are owned or occupied by more than one person, those persons will be jointly and severally liable for compliance with this bylaw.

9. APPLICATIONS, APPROVALS AND OBJECTIONS

- 9.1 An application for approval must be made to the Council for:
- A new connection to the network
 - Supply from an existing but unused connection to the network
 - In the case of a restricted supply network, a greater or smaller allocation of water
- 9.2 Every application must be in writing, on the approved form, and contain relevant information as may be required by the Council, including a detailed plan (to scale or with measurements shown) of any proposed work.
- 9.3 The Council may, in the case of any supply where special conditions are necessary, require the applicant to enter into a written agreement to supplement or vary the conditions in relation to that supply.
- 9.4 If an application is declined, the applicant may within 20 working days of notification of either Council, Water or Ward Committees' decision, give written notice to the Council objecting to the decision and specifying the grounds for that objection. If the applicant makes an objection under this clause:
- The applicant is deemed to have waived any other remedy which may have been available to the applicant.
 - The Council will convene a hearing panel to hear and rule upon the objection with all due speed.
 - The decision of the hearing panel will be final and binding upon the applicant and the Council.
- 9.5 The hearing panel shall consist of 3 persons, being:
- The Mayor or Deputy Mayor (who shall take the Chair).
 - A Councillor for the Ward in which the premises of the applicant are located. In the event of a Ward Councillor not being available the Mayor or Deputy Mayor shall appoint an alternative Councillor, with the approval of the applicant.

- A third person nominated by the applicant at the time of giving notice of objection or within 5 working days of a request in writing from the Council to do so, which third person shall be either:
 - o A Mackenzie Councillor; or
 - o A Community Board Member; or
 - o A member of the Water Committee or Ward Committee (if any) for the network or area to which the application relates.
 - o A legal representative, consultant or agent who has no vested interest in the outcome of the hearing with regard to the connection

10. CONSUMER'S RESPONSIBILITIES

- 10.1 The consumer will ensure that all connections made to the network are in accordance with an approval granted by Council and any applicable legislative requirements.
- 10.2 The consumer will pay all applicable fees and charges promptly as they fall due and meet all obligations when applying for a connection or variation to an existing connection.
- 10.3 The consumer will maintain the consumer equipment in a good serviceable and operational condition at all times in accordance with the specifications and in a manner which minimises the potential for wastage of water through leakage. The consumer shall action any repairs promptly, to minimise wastage of water
- 10.4 The consumer will allow the Council access to their premises or onto their land:
- At any time to permit the reading of any water meter.
 - At any other time upon a minimum of 24 hours' notice where this is considered necessary by the water operator (except in the case of an emergency) for the purpose of:
 - o Inspecting network equipment located on the consumer's premises.
 - o Inspecting consumer equipment where faults or wastage may be occurring.
 - o Undertaking any work related to the installation, inspection, replacement, repair, maintenance, renewal, upgrading or testing of any network equipment located or to be located on the consumer's premises.
- 10.5 The consumer will:
- Provide a safe, secure and accessible location for any network equipment which is required to be located on their premises.
 - Not allow any person other than the Council or their authorised agents/contractors to work on or interfere with network equipment located on their premises.
 - Not alter or configure consumer equipment to where it may allow [potentially] contaminated water to backflow into the consumer's tank or network reticulation without adequate backflow prevention measures being implemented and that have been approved in writing by Council.
 - Before driving stakes, cultivating or excavating on their premises, first determine the location of any underground network equipment and take such reasonable steps

as are necessary to ensure that network equipment is not damaged, undermined, weakened or exposed as a consequence of any activity. To determine this, the consumer shall advise the contractor to or, if undertaking the work themselves, initiate an enquiry to the Mackenzie District Council

- Where they are not the owner of the premises to which supply is made, the owners' consent must be obtained prior to acceptance of supply and/or the installation of any network equipment and will indemnify the Council from any loss or cost arising from their failure to obtain the owner's consent.
- Not plant any trees or shrubs in a location whereby the roots or branches of those trees or shrubs will interfere with any network equipment. This shall apply to consumers and non-consumers where network equipment crosses private premises.

10.7 Council reserves the right to request removal or thinning of trees/shrubs where

these have interfered or are likely to interfere with, including access to, network equipment. Costs of removing trees will be met by the property owner[s] concerned unless otherwise agreed in writing with Council.

10.8 Spacings to be observed (using the centre of the tree trunk for reference) are:

- Large trees >10m mature height, shelter belts greater than 4m deep and plantations 3m spacing from any network equipment.
- Shelter trees less than 4m deep, smaller trees <10m mature height and shrubs 1.8m spacing from any network equipment.

10.9 The consumer will notify the Council promptly if:

- Any network equipment located on or about their premises is damaged or leaking, or they otherwise suspect that a fault has occurred in the network equipment which is or may cause injury to people or damage.
- There is any interruption in the supply of water.

10.10 Where a consumer sells a property connected to a network, it shall remain the responsibility of the seller to ensure that all apportionment's for water charges are affected from the date of sale.

10.11 Where a consumer is not selling, but wishes to disconnect supply, they must notify Council to (for on-demand supplies) arrange a final water meter reading. No refunds of capital contributions or application fees shall apply to voluntary disconnections from either on- demand or restricted supply networks.

10.12 Where a final water meter reading is requested, the consumer may be liable for a charge for this reading.

10.13 Where a consumer (including tenants) requires an uninterrupted or priority supply of water for medical health purposes, they are advised to discuss these matters with Council to see if priority supply or register of priority users can be arranged. The Council cannot guarantee priority supply within a network or to meet the costs of providing a priority supply. In most instances, Council may advise consumers to provide additional on-site storage (at their own cost) to assure continuity of supply.

- 10.14 Where consumer equipment is faulty, worn or configured to allow waste or misuse of water, the consumer shall be issued a warning and allowed a reasonable time (not more than one calendar month) to correct the faults. Where any fault is not corrected after the warning has been issued, the consumer shall be held responsible for any costs or damages from actions of tenant's leasees or occupiers. An estimate of excess water consumption for up to 12 months may be made by Council and charged for, where faults are not corrected following a written warning.
- 10.15 Where any persons commits an offence with a connection (bypassing or damaging a restrictor, flow meter or reticulation), Council shall impose penalties as specified in the fees and charges. This may include an estimate of water consumption.

11. APPURTENANCES

- 11.1 Water meters, restrictors and pressure control equipment shall be supplied installed and maintained by the Council and remain the property of the Council at all times.
- 11.2 A customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested. The actual and reasonable cost of such testing:
- Will be paid by the consumer, if the meter or restrictor clearly meets the measurement requirements.
 - Will be paid by the Council (along with costs of repair or replacement) if the meter or restrictor fails the test.
- 11.3 Where a meter fails the test, Council may in the case of oversupply and under supply re-estimates the Consumer's consumption. Any re-estimation so made must be fair and reasonable and:
- Have due regard to average consumption over previous billing cycles, for such period as Council considers fit
 - Be adjusted as necessary for any variation in consumption due to seasonal or other causes

In no circumstances will the Council be required to undertake such re-estimation over a period greater than 12 months.

- 11.4 Back-flow prevention devices installed in accordance with the water supply risk level assessment as part of connections to commercial, industrial or institutional facilities connected to on demand networks will not become the property of Council. Such devices shall have a compliance schedule and a current warrant of fitness carried out annually by an approved person (IQP), responsibility for which rests with the owner of the facility. Where routine testing is requested by Council (as a condition of any approval granted) verification of the device tests shall be forwarded to Council within 30 days of the consumer having received the results of the tests. Backflow prevention on restricted networks shall be considered to be the maintenance of an air gap in the tank, no less than 50mm under all conditions of use.
- 11.5 Applicants and existing consumers shall fit and meet all compliance costs of fitting, testing and maintaining a backflow prevention device where this has been requested by Council, in order to protect the integrity of the supply from risks associated with activities carried out by the consumer, or on the consumer's premises.

- 11.6 Fire-fighting connections within consumers premises (such as sprinklers and hose reels) are to be approved as a separate application to connect to an on-demand network [no provision exists for direct fire-fighting connections on restricted networks]. Council cannot assure consumers of supply at a minimum pressure or flow at all times.
- 11.7 Fire-fighting water is provided without charge. Where this water passes through a water meter, the consumer shall estimate the quantity of water used and apply to Council to have this quantity credited [where charging is based on water used] to their water charges. Council reserves the right to limit or challenge any such claim made.
- 11.8 Where consumers on any on-demand network share a point of supply or water meter, Council shall meet the cost of separating the connections, creating a new point of supply (and meter if required) and reinstating works, where this has been requested by the consumers affected or determined by Council.

12 BREACH AND DISCONNECTION

- 12.1 If the consumer:
- Fails to pay any fees and charges within the due period for payment.
 - Fails to repair any leak in the consumer equipment or continues to allow water to be wasted or misused after being warned in writing by Council of such wastage.
 - Interferes with or damages any network equipment.
 - Fails to construct, maintain or operate the consumer equipment in accordance with any legislative requirement or requirement of the specifications or approval.
 - Refuses to allow Council access to the consumer's premises in accordance with this bylaw.
 - Is otherwise in breach of any other obligation imposed upon the consumer by this bylaw.
- 12.2 Council may give written notice to the consumer of the alleged breach, the steps which Council requires the consumer to take to remedy that breach and stating the period, being not less than 7 days, within which Council requires that breach to be remedied.
- 12.3 If the consumer fails to comply with any notice issued Council shall be entitled to restrict the consumer's supply without further notice, and without prejudice to any other remedy which it may have.
- 12.4 If following disconnection Council agrees to restore supply, Council may first require payment of all or any of the following:
- All outstanding Fees and Charges (except for any sum genuinely in dispute)
 - Such sum which reimburses Council for the reasonable legal and administrative

costs or expenses incurred by Council in issuing the notice

- Such costs incurred in disconnecting the supply and carrying out repairs or adjustments under this clause
- Fees and charges that may apply.

12.5 Council may require the consumer to agree to additional terms and conditions for the future supply of water as are reasonable with consideration of all circumstances relevant to the connection in question.

13. PROHIBITION OR RESTRICTION OF SUPPLY

13.1 If at any time the Council considers that:

- Because of adverse climatic conditions, or any other reason, the supply of water in any network or part of a network is not sufficient to allow for the water demand for all premises connected to that network
- Emergency, unplanned work where a water pipe or related infrastructure is in need of urgent repair
- Extraordinary measures are necessary or desirable to conserve the available water supply in the public interest

13.2 Or the Council is requested to:

- Take fair, reasonable but necessary steps to comply with water restrictions that arise from district and regional plan rules, approval conditions and/or water protection measures imposed on it by or through the Regional Authority, the Council may issue a public notice to impose restrictions or prohibitions upon the use of water for any specified purpose and/or for any specified period, or a notice of non-supply (for restricted networks), provided this does not compromise the Council's obligation to provide an adequate supply of drinking water as defined and required by the Health (Drinking Water) Amendment Act 2007.

13.3 The powers of the Council may be exercised by:

- Ordinary resolution; or
- Any member or officer of the Council acting with duly delegated or recognized authority.

13.4 No person is entitled to any payment or compensation whatsoever arising directly or indirectly out of the lawful imposition of any such restriction or prohibition relating to the supply or use of water.

14 CONTROLLED CATCHMENT AREAS

14.1 The Council may designate any part of the district as a controlled catchment area.

14.2 When designating a controlled catchment area the Council may resolve:

- To prohibit entry to the controlled catchment area by any person, except those

specifically authorised or permitted in writing by the Council; and/or

- Specify those activities which may not be undertaken by any person, within the controlled catchment area, except those specifically permitted in writing by the Council. These activities may include, but are not limited to:
 - o Camping
 - o Taking or allowing to stray, any livestock or dog within the controlled catchment area
 - o Bathing or washing anything
 - o Depositing any dirt, rubbish or foul material of any kind
 - o Hunting, trapping, shooting or fishing
 - o Damaging, removing or destroying any trees, shrubs or other existing cover or interference with any property
 - o Using any pesticide chemical compounds or toxic substances for any purpose whatsoever

14.3 Where a permit is required to enter a controlled catchment area, and a permit has been granted to a person to enter that controlled catchment area, that person must:

- Upon demand, produce their permit for inspection by the Council, or its authorised officer, when requested to do so.
- Not transfer or purport to transfer that the permit to another person.

14.4 The Council may at any time, by notice in writing delivered to the holder of a permit, revoke or suspend the permit.

15 DISPUTE RESOLUTION

15.1 In any case where a dispute arises between Council and any consumer(s), parties are to agree to meet and work together in good faith to resolve promptly any dispute arising under these terms and conditions (including specifications).

15.2 Failure to resolve disputes will require mediation using the same panel structure as in clause 9.5 or through conventional legal avenues for resolving such disputes.

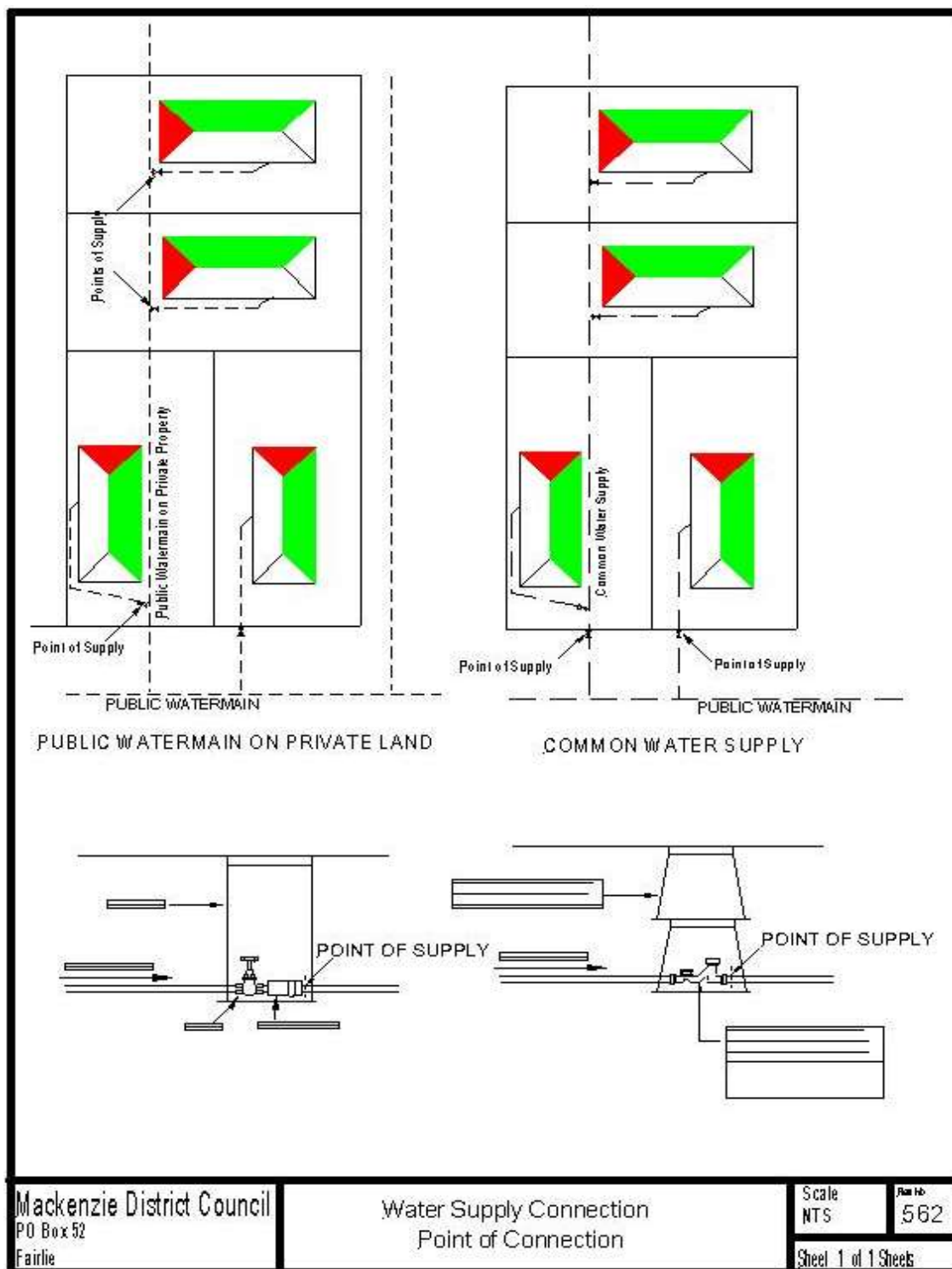
16. WATER SUPPLY AREAS

16.1 These are as named and outlined in the map included in Appendix 1(to be completed)

Appendix 1 - Water Supply Areas

(Map if appropriate)

Appendix 3 – Point of Supply Diagram



MACKENZIE DISTRICT COUNCIL

DRAFT DOWLANDS WATER SUPPLY BYLAW 2014

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002.
- 1.2 This Bylaw is the Mackenzie District Council Downlands Water Supply Bylaw 2014.
- 1.3 This Bylaw comes into force on _____ 2014.
- 1.4 This Bylaw is intended to be read in conjunction with the following documents:
- Council's Annual Fees and Charges
- 1.5 This Bylaw does not remove responsibilities for applicants or contractors in relation to the following Acts and Regulations:
- Health (Drinking Water) Amendment Act 2007
 - Local Government Act 2002
 - Resource Management Act 1991
 - Building Act 2004 and associated Building Code
 - Local Government Rating Act 2002
 - Drainage and Plumbing Regulations 1978
 - Toxic Substances Act 1988 and Regulations 1983
 - Hazardous Substances and New organisms Act 1994
- 1.6 All permits, approvals or licenses issued under any revoked Bylaw will be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.

2. INTERPRETATION AND DEFINITIONS

- 2.1 In this bylaw, except where inconsistent with the context:

Air Gap Separation means a minimum vertical air gap between the outlet of the water supply fitting which fills a Water Storage tank, and the highest overflow water level of that Water Storage Tank.

Approval means approval in writing by Council.

Approved means approved by Council or by any officer of Council authorised in that behalf.

Approved form means a form which has been approved by Council for use to make application for any licence, certificate, authority, consent, approval, inspection or other service provided by Council.

Authorised officer means any person appointed by Council to act on its behalf and with its authority and includes contractors or any person appointed especially or generally to enforce the provisions of this bylaw.

Backflow means a flow of water or other liquid through any supply pipe in a reverse direction to the normal flow.

Consent means a consent in writing given and signed by an authorised officer of Council to discharge to or for a service connection to any of the network infrastructure services.

Council officer means any officer of the Mackenzie District Council, or in the case of any function delegated to the Timaru District Council means any officer of the Timaru District Council delegated by Council to take action in relation to any particular bylaw, or to undertake the duties of a Council Officer under the bylaw and any person appointed especially or generally by Council to enforce the provisions of this bylaw.

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

Disconnection means the physical cutting and/or sealing off of any network infrastructure service for use by any person.

Local Authority means Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

Network infrastructure services means the services provided by Mackenzie District Council, or in the case of any functions delegated to the Timaru District Council means the Timaru District Council in the supply of water services.

Occupier in relation to any Premises or Residential Premise means any person occupying the premises

Owner of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include their attorney or agent.

Person includes a corporation sole and also a body of persons, whether corporate or unincorporated.

Point of supply is the boundary between the water network infrastructure and a private supply pipe.

Potable means water which complies with the health criteria of the Drinking Water Standards for New Zealand.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.

Private supply pipe means that section of pipe between the point of supply and the premises.

Public notice shall have the meaning assigned to it from time to time by the Local Government Act 2002.

Restrictor means a device fitted to the flow control device on a restricted flow supply to regulate the flow of water to a property.

Scheme means the Downlands Water Supply Scheme.

Service connection means that section of pipe between a network infrastructure service and the point of supply or point of discharge. This section of pipe is owned and maintained by Council and may include other fittings and equipment.

Service opening means a manhole or other opening for gaining access for inspection, cleaning or maintenance, of a network infrastructure service.

Water network infrastructure means the water treatment and conveyance systems including but not limited to land, buildings, machinery, pipes, pipe fittings and appurtenances, and any treatment work owned, operated or maintained by Council.

Water services means water supply services provided by the network infrastructure services.

Water storage tank means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation or through an approved backflow prevention device.

Water race shall have the same meaning as that provided in section 5 of the Local Government Act 2002.

Water supply means the provision of drinking water to communities via the water network infrastructure.

Waterworks includes all waterworks as defined in section 5 of the Local Government Act 2002.

3. GENERAL MATTERS

Content of Bylaw

- 3.1 Every schedule and policy note to this bylaw shall be deemed to form part of this bylaw provided that any such schedule or policy note may be altered from time to time by Council resolution.

Officers to continue in office

- 3.2 All officers appointed by Council under or for the purpose of any repealed bylaw, and holding office at the time of the coming into operation of this bylaw, shall be deemed to have been appointed under this bylaw.

Serving of orders and notices

- 3.3 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw, that an order may be made upon or notice be given to any person requiring them to do or abstain from doing anything, or any notice is required by this bylaw to be given or sent to any person, such order or notice shall be delivered to such person, and may be delivered to them either personally or by sending the same, by messenger or post, to them at their last-known place of abode or business.
- 3.4 If such person is absent from New Zealand the order or notice may be sent to their agent instead of to such person, in any manner mentioned in the last preceding sub clause.
- 3.5 If such person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building the order or notice, addressed to the owner or occupier of such building or land, as the case may require, may be served on the person in occupation thereof, or left with some resident of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.
- 3.6 Where an order or notice is sent by registered post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

Powers of delegation

- 3.7 In all cases where this bylaw provides for the issue of any order, notice or licence, such order notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by any officer of Council authorised by Council for that purpose.
- 3.8 Where pursuant to this bylaw any powers or duties are imposed on a Council Officer that officer may with the consent of Council delegate any of those powers or duties either generally or particularly to any other officer of Council.

4. Offences and breaches

- 4.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this bylaw without first obtaining that licence or approval, and the failure to do so shall constitute a breach of this bylaw.
- 4.2 No application for a licence or authority from Council, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.
- 4.3 Any person commits a breach of this bylaw who:
- a. Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw; or

- b. Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
- c. Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
- d. Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- e. Refuses or neglects to comply with any notice duly given to him/her under this bylaw; or
- f. Obstructs or hinders any officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him/her by this bylaw; or
- g. Fails to comply with any notice or direction given under this bylaw.

- 4.4 Where Council considers a breach of this chapter of the bylaw, or statutory or any other legal requirements is such that it is necessary to alter, disconnect, reduce or limit the network infrastructure service for environmental or health or safety considerations or where there is unacceptable risk of consequential damage to Council assets, Council may take immediate action necessary in order to make good the breach, and recover all reasonable costs.

5 Power of entry and removal of works

- 5.1 Any appropriately warranted officer or person contracted to supply services to Council, may enter onto any land and enter into any building (not being a dwelling house) for the purpose of inspecting all or any of the fittings, pipes, and other apparatus connected directly or indirectly with the network infrastructure services.
- 5.2 If any such Council officer or contracted person is refused entry or obstructed by any person in the course of undertaking such an inspection; that person commits an offence under this bylaw.
- 5.3 Without prejudice to Council's ability to prosecute any person for refusing entry to or obstructing an appropriately warranted officer or contracted party, Council may also restrict the water supply to the property for which inspection has been denied.
- 5.4 If any inspection conducted in accordance with sub clause 5.1 discloses any fitting or works that contravene the provisions of this chapter of the bylaw, then the said fitting or works may be altered or removed by the Council officer or contracted party in order to achieve compliance with this chapter of the bylaw. Notice of such alteration or removal shall be given to the owner or occupier of the property as soon as is reasonably practicable.
- 5.3 The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such work, material or thing.

6 Penalties for breach of bylaws

- 6.1 Every person who commits a breach of this bylaw is liable to a fine as specified in Section 242 of the Local Government Act 2002.
- 6.2 Council may, after a conviction for the continuing breach of any chapter of the bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

- 6.3 The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause and/or the provisions of the Local Government Act 2002.

7 Dispensing power

- 7.1 Where in the opinion of Council a full compliance with any of the provisions of this bylaw, would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to, any person without any corresponding benefit to the community, Council may, on the special application of that person dispense with the full compliance with the provisions of this bylaw.

Provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by such person as aforesaid.

8 Installation, etc, not otherwise provided for

- 8.1 If, after the coming into force of this bylaw, any person desirous of installing or using in the district any article or thing which had not been introduced into the district prior to the coming into force of this bylaw and which, while not complying entirely with the provisions of this bylaw, may, in the opinion of Council be properly installed, and put into use, Council may either generally or specifically authorise the installation and use of such article or thing, and they may impose such conditions as they deem necessary.

9 Forms

- 9.1 Wherever throughout this bylaw forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them.

10 Fees and charges

- 10.1 Council may at any time by resolution passed after consultation as part of the Long Term Council Community Plan or the Annual Plan prescribe fees that may be charged in respect of any licence, certificate, authority, approval, consent given, inspection made or service given by Council under the provisions of the Local Government Act 2002 or any other enactment where that enactment contains a provision for Authorizing Council to charge a fee.
- 10.2 Where any inspection or service for which a fee has been paid (under the provisions of clause 114.1 hereof) has not been given or made, Council may refund any such fee or portion thereof as it may determine.

11 Scope of Bylaw

- 11.1 The purpose of this chapter of the bylaw is to enable Council to meet its statutory duties and obligations and to set standards of supply, installation, and control of water associated with the Downlands Water Supply to ensure the maintenance of a healthy community.
- 11.2 This bylaw provides for the

- a. Setting of requirements and procedures for applications, continuances and disconnections for water services associated with the Downlands Water Supply Scheme.
- b. Conditions and circumstances of supply of public water from the scheme.
- c. Administrative mechanisms for the operation and enforcement of this bylaw

12 Application

- 12.1 This chapter of the bylaw applies to areas serviced by the Downlands Water Supply Scheme network infrastructure services throughout the Mackenzie District.

13 Application for supply of service

- 13.1 Every person who proposes to:
- a. Draw water from the Water Network Infrastructure; *or*
 - b. Vary the conditions of consent or approval that has previously been granted; *or*
 - c. Vary the location of the point of supply that has previously been granted; *or*
 - d. Disconnect from any network infrastructure service.

shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.

- 13.2 Council may approve or decline any application.

14 Continuity of supply of service

- 14.1 Council does not guarantee an uninterrupted or constant level of service (flow, pressure, quantity or quality), or that an existing service which is in excess of minimum operating parameters is not altered.

15 Liability

- 15.1 Council will endeavor to provide network infrastructure services in accordance with minimum operating parameters, but shall not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in, or interruptions to any network infrastructure service.

16 Transfer of rights and responsibilities

- 16.1 No person may transfer to any other person the rights and responsibilities provided under this chapter of the bylaw.
- 16.2 No person shall extend any network infrastructure service by hose, pipe, or any other means beyond the customers property.
- 16.3 No person shall provide any network infrastructure service to any other party without approval from Council.

17 Demand management

17.1 All persons shall comply with any supply and usage restrictions and prohibitions which may be imposed from time to time by Council in order to manage supply or demand issues. Such restrictions may be publicly notified.

17.2 No person shall in case of any such restriction or prohibition be entitled to any payment or compensation.

18 Wastage of water

18.1 A person who is supplied with water by, or on behalf of, Council shall not waste the water or allow it to be wasted.

19 Flow metering

19.1 Council reserves the right to require a water meter to be installed and may set water supply and wastewater discharge fees and charges accordingly, where it considers that water use is or is likely to be excessive. A water supply deemed to be an extraordinary supply shall normally be metered and charged for.

19.2 Water meters shall be supplied, installed and maintained by Council at the Customers expense. Ownership of the meter is retained by Council. Installation of the meters shall be in accordance with Councils requirements.

20 Disconnection of service

20.1 A customer who proposes to disconnect from any network infrastructure service shall complete an application on an approved form for such disconnection, including an intention to demolish or remove a building. The demolition or removal shall not commence until the property has been disconnected to the approval of Council.

21 Approval to connect, disconnect or interfere

21.1 No person other than an authorised agent of Council, shall without approval make any connection or disconnection to or otherwise repair, alter, modify, tamper or interfere with any part of any network infrastructure service.

22.2 Without prejudice to its other rights and remedies, Council shall be entitled to estimate and charge for any additional network infrastructure service allowed to pass or not recorded where a meter or flow control device has been tampered with, and may recover from the customer any costs incurred by Council.

24 Vegetation

24.1 In the event of any vegetation causing or being likely to cause interference to the flow of water within, or block or damage to a network infrastructure service, Council may require the customer to remove the vegetation at the customer's expense with no compensation payable by Council.

25 Protection of network infrastructure services

- 25.1 Building over or adjacent to network infrastructure services:
- a. No structure shall be located over a network infrastructure service, whether on public or private land.
 - b. The minimum horizontal separation distance between the structure and the service shall be 1 metre from the nearest face of the service.
 - c. Subject to approval, a building developer may meet the cost of diverting the network infrastructure service in accordance with Council standards.
 - d. Where compliance with (a), (b) and (c) above is found to be impracticable and the structure cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed structure to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These requirements may include the provision of access manholes, pipe strengthening, ducting, additional support of the structure's foundations and relocatable construction. The network infrastructure service shall be registered by the property owner by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title of the property.

25.2 **Loading or material over a network infrastructure service**

- a. No person shall cause the crushing load imposed on a network infrastructure service to exceed that which causes damage to the service.
- b. No person shall without approval place any additional material over or near to a network infrastructure service so that the network infrastructure service is further buried.
- c. A point of supply and service openings to a network infrastructure service shall be maintained free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by Council or its appointed contractor or agent. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

25.3 **Excavation near network infrastructure services**

- (a) No person or owner or occupier shall without approval from Council allow or carry out excavation, or use of trenchless technology, or carry out piling or similar type work closer than 2 metres from the nearest face of any network infrastructure service.

In granting any approval, Council may impose conditions on the carrying out of any such work. Damage occurring to a network infrastructure service as a result of any such works shall be reported to Council immediately by the person undertaking and/or in charge of such work. Council shall be entitled to recover any costs incurred as a result of such damage.

25.4 **Excavation in a road reserve or public place**

- a. No person shall carry out excavation work in a road reserve or public place without approval from Council.

26 Fees and charges

- 26.1 Council may from time to time set fees or charges for the supply and services of network infrastructure services.
- 26.2 Council may, under the provisions of Section 175 and Section 176 of the Local Government Act 2002, recover any cost incurred by Council in remedying any damage arising from a wilful or negligent breach of this chapter of the bylaw.

27 Types of Supply

27.1 Rural tank or trough supply

- a. A rural tank or trough supply is defined as one where a flow is supplied across an air gap separation into an approved on-site water storage tank or approved trough from which the supply of water is drawn. Sufficient storage shall be provided by the customer to meet demand fluctuations.
- b. Rural tank or trough supplies may be required for properties within designated areas, or under special conditions, set by Council from time to time.

27.2 Restricted flow supply

- a. A restricted flow supply is defined as a water flow which is supplied through a flow control device, and where storage is provided by the customer to cater for demand fluctuations. The supply shall be provided on the basis of the number of units of water allocated to the connection, supplied at a relatively uniform flow rate.
- b. Restricted flow supplies may be required for properties within designated areas, or under special conditions, set by Council from time to time.

27.3 Categories of supply

The two categories of rural water supply are defined as:

(a) Ordinary Supply

- i) Stock - Stock water supplied on a calculated entitlement as set by Council from time to time.
- ii) Domestic - Water supplied which is used exclusively for domestic and household requirements (subject to the provisions of this chapter of the bylaw), and approved at the sole discretion of Council, at an allocation as set by Council from time to time.

(b) Extraordinary Supply

All other purposes for which water is supplied other than ordinary supply shall be deemed to be an extraordinary supply and may be subject to conditions and limitations.

27.4 Change of use

Where the supply category changes from an ordinary to an extraordinary type or vice versa and/or where a change in the use of water supplied is proposed, a new application for supply of service is required.

28 Flow control device

- 28.1 Flow control devices for restricted flow supplies shall be supplied and installed at the customers cost. Maintenance of the filter and frost plugs shall be the responsibility of the customer. These devices shall remain the property of Council.

29 Modification, tampering or interference

- 29.1 Any owner or occupier of a property serviced by a flow control device that is found to be modified, tampered or interfered with, without the authority of Council or its authorised agent, commits an offence under this chapter of the bylaw.
- 29.2 It is a defence to any charge prosecuted by Council in relation to clause 29.1 hereof if the defendant establishes, on the balance of probabilities:

- a. The modification, tampering or interference to the flow control device was necessary for firefighting purposes and was reasonable in the circumstances; or
- b. That the modification, tampering or interference to the flow control device was due to an event beyond the control of the defendant, including mechanical failure or sabotage, and in each case the intervening event could not have been reasonably foreseen or been prevented by the defendant.

30 Backflow prevention

- 30.1 All supply connections shall be fitted with an approved backflow prevention system.
- 30.2 Every tank used for the storage of water for any purpose other than flushing a water closet shall be provided with an overflow warning pipe of not less than 12mm internal diameter which shall be designed and installed so that the overflow is easily able to be seen and so that the discharge is not into any gutter, down-pipe or drainpipe or inside any building.

31 Frost Protection

- 31.1 No person shall reduce the cover over any water network infrastructure so as to make it more susceptible to frost damage.

32 Water storage

- 32.1 The customer shall be responsible for maintaining water storage in an efficient, watertight and potable condition.

33 Fire fighting

- 33.1 Where it is necessary to obtain water for firefighting purposes it shall be allowable for the restrictor to be removed from the flow control device. The customer shall notify Council within 24 hours of such action being taken.