
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Thursday 24 September 2020 at 1.00 pm.

PRESENT

Chairperson	Cr J F G Mason
Members	Cr D A Allan
	Cr S J R Jennings
	HWTM B P Wanden (ex Officio)

IN ATTENDANCE

Reporting Officer	Mr K Peel	(Group Manager – Infrastructure Operations)
	Mrs A Crawford	(Water & Waste Services Manager)
	Mr A Hoffman	(Water Services Engineer)
	Mr P Gaydon	(Special Projects Engineer)
	Mrs K J Corkill	(Meeting Secretary)

ALSO IN ATTENDANCE

<u>Submitters</u>	Mr S Ferguson	
	Mr C Hartwell	(C & M Contracting Levin Ltd)

MEDIA IN ATTENDANCE

	Ms R Moore	(“Manawatū Standard”)
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1 Apologies

An apology was recorded for Cr Tukapua.

MOVED by Cr Jennings, seconded Cr Allan:

THAT the apology from Councillor Tukapua be accepted.

CARRIED

2 Declarations of Interest

There were no declarations of interest.

3 Announcements

Opening the hearing, Cr Mason introduced the Hearings Panel and Council Officers in attendance and advised, for the record, that the meeting was being recorded.

4 Reports

4.1 Draft Water Supply Bylaw 2020 - Hearing of Submissions

Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Draft Water Supply Bylaw 2020 (**Bylaw**) and to make a subsequent recommendation to Council in respect of the Bylaw.

MOVED by Cr Jennings, seconded Cr Allan:

THAT Report 20/392 Draft Water Supply Bylaw 2020 - Hearing of Submissions be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Cr Mason gave a background to the process, noting that six submissions had been received, with three submitters indicating they wished to speak. She welcomed the submitters in attendance and explained the process, which would include hearing from submitters and with the Hearings Panel having the opportunity to ask questions. The Hearings Panel had read the submissions and submitters could clarify any points and provide emphasis; it was not an opportunity to introduce new information.

Submission 1 – Sam Ferguson

Mr Ferguson said he was wanting to bring a number of lenses to this process to ensure they were considered as, with a growing district, there would be water supply issues going forward.

One was an environmental lens, with all resources being finite. People were aware, with such things as electricity, that they were metered and would receive a bill. With the water supply, that was not necessarily the case. There was quite a disconnect between use of the resource and the supply of the resource. He used to live at Waitarere Beach, where they had water tanks. As a family they were very conscious of water consumed as there would be a cost if the water ran out and they had to buy more.

When looking at water meters, there was the opportunity to bring more awareness of consumption. He was aware that in Kāpiti there had been a lot of political pushback

on this, but he supported what was being proposed here which was a good approach involving new houses being built and where there was substantial reconfiguration to existing connections.

Affordability was another lens, as water use was part of everyday activities and the cost could be an issue for larger families. He did not want to see a situation where people in the community could not afford enough water to just go about their daily lives. He suggested Council should consider some mechanism for larger families perhaps to be able to apply for a higher threshold, or something similar.

Another consideration was where people were renting properties and the effect water metering and paying the extra cost of water consumption would have on them. Mr Ferguson said he understood that Kāpiti had seen a 25% reduction in water consumption since the introduction of meters. Whilst what was proposed here was different, it did go to the point about awareness of demand. When thinking about the management of resources, he suggested a further lens needed to be applied around human health, public health and water supply services. That was part of a civilised society. Concluding, Mr Ferguson reiterated that the lenses of affordability, the fair distribution of costs and the environmental impact needed to be considered.

Mr Ferguson was thanked for his submission, with the issues he raised around the impact of water meters on larger families and renters being something for Council to consider in terms of mechanisms for mitigation.

Submission 2 – Chris Hartwell, C&M Contracting Levin Ltd

With Mr Hartwell indicating he had not seen the Officer comment to items in his submission, he was given a copy to peruse.

Mr Hartwell then provided further comment, noting:

- the definition of 'extraordinary users' was a new definition; it was not in the current Bylaw. It was, therefore, much wider than it had been historically.
- there would be some aspects that would be difficult to monitor, particularly around spas and collapsible pools, etc.
- with it appearing that the objective was to reduce water consumption, then the amount of water used in some of those activities would be quite small compared to other large water users.
- there had been some actions put in place to reduce the inlet water pressure. From work done in Australia, it had been revealed that zone inlet pressure reduction of 35% saw a 71% reduction in mains breaks and a 35% reduction in service breaks, so over the overall network zoning pressure reduction could have a significant impact on reducing water losses.
- a Water NZ members survey undertaken in 2010 had indicated that even properties with meters still had quite a high water consumption and the survey did indicate that there was little correlation in water consumption between areas that were metered and those that were not.
- that raised the issue of cost of the infrastructure as purchasing, installing and reading the meters was quite costly for the ratepayer.
- being on a meter for some time (20 or so years) in a rural area, over that time, apart from a few errors, they had not had to pay for any additional water consumption so the presence of a meter had not gained Council any additional revenue but had added costs.
- in terms of volume, the meat industry was a very large user of water. Livestock Australia had done some work around reducing water consumption within the industry and also recycling of water which had been successful so there were opportunities there to make significant reductions.
- as well as cost, another issue was around the interval between readings. They were allocated 91 cubic metres of water per quarter and had found the quarter could vary quite significantly in length with 91 days sometimes becoming 105. This had necessitated some visits to Council to get that corrected, which added to the cost associated with the process.

Responding to a query as to his views as to whether metering made a difference in terms of consumption and around the issue of leakage, Mr Hartwell said that the work that had been done suggested if metering was used, the inlet needed to be metered as well so the mass balance was done. He presumed Council had done some of that work. Another important aspect was the speed of remediation when a fault, whether through damage, blow out, etc, was found.

In terms of his concern re the definition of Extraordinary Users, Mr Hartwell said one issue of the potential increase in meters was the cost versus the benefit. There were significant costs in buying and installing the meters and then having them read quarterly. The actual benefit may be somewhat questionable, certainly based on work that had been done by the Water Users Group which would suggest that metering by itself had very little effect. Therefore, education of consumers needed to be top priority, as well as the ability to make remedial works happen quickly.

Another big one was pressure reduction, which Council had been working on.

Providing further clarification, Mr Hartwell said he did not think many of those defined as extraordinary users had a direct link with water consumption, such as some the home-based commercial activities identified, as the net impact of water consumption would not be cost effective for the ratepayer.

In terms of the comment that KCDC had achieved a 25% reduction in water usage following universally implementing water meters, Mr Hartwell said he was not sure what other actions they may have taken. If they had put in inlet pressure reduction controls, they may have seen a significant reduction in leakage through the system. Unless the data was available that the amount of water coming in was being monitored as well as the amount of water being consumed, it would not be possible to do a correct correlation of the two.

Mr Roger Truebridge, the third submitter who had requested to speak, was not yet in attendance. The meeting adjourned briefly to await his arrival (1.30-135 pm).

With Mr Roger Truebridge still awaited, Council's Water & Waste Services Manager, Mrs Crawford, joined the table to speak to the report and she, together with Mr Peel, responded to queries as follows:

- in terms of affordability for renters and large families, as raised by Mr Ferguson, that lay beyond the scope of the draft Bylaw and was for a subsequent forum;
- the cost of installing a meter was \$70; however that could depend on whether it was a new toby box or whether it was a replacement; and it could vary depending upon the number;
- at this stage it was not possible to provide advice on what could be done to address the water allocation for larger family groups or people on one site as it had not been investigated. It was, however, something that would be looked at.

Having heard the two verbal submissions, the other submissions were considered.

Submission 3 – Alice Falloon – Fire and Emergency New Zealand (FENZ)

This submission had brought to Officers attention a change in the Act, which had been noted and the reference to the 'Fire Service Act 1975' had been replaced/updated in the Bylaw to refer to the "Fire and Emergency New Zealand Act 2017'.

Submission 4 – Amanda Coats – FRP Investments

Ms Coats had opted not to come and submit in person. Her submission generally supported the Bylaw, but noted some reservations in relation to the changes and interpretation of Sections 15, 18 and Subdivision, but did not provide any further detail. She had requested a tracked changes version of the draft Bylaw, and when she had been contacted she had been provided with the summary of changes that were posted on the website.

That had raised the potential need for documents with tracked changes being

available for any future consultative process.

Submission 5 – Horowhenua New Zealand Trust

This submission was in relation to commercial activity and the requirement for the interface of the Building Code and the Fire Fighting Code.

As a point of clarification, it was noted that there had been some discussion with Officers around this prior to the hearing. It was understood that the definition around the level of service in the Bylaw would essentially be a separate policy decision by Council and that could happen sometime in the future. If Council was to change its level of service around FW2 there would need to be a further conversation and analysis around costs and impact in terms of infrastructure. Also, if Council was seeing greater demand around larger buildings or particular types of buildings in particular areas, that level of service could be revisited.

Mrs Crawford said that was correct. This Bylaw covered a level of service, FW2, for residential dwellings. It did not cover commercial buildings and there would need to be a further decision on how commercial users could be serviced. There was FENZ and there was the Building Act and they did not quite speak to each other.

Submission 6 – Roger Truebridge – Truebridge Associates Limited

This submitter raised concerns in relation to using resource consent conditions imposed under the RMA for upgrading existing infrastructure as those conditions were for the purpose of mitigating or minimising the effects of a subdivision on the environment. Mr Truebridge suggested such a condition in a resource consent would be ultra vires and that paragraph 15.7 of the draft Bylaw needed to be reconsidered or modified to require water meters in a subdivision for new lots only.

With further clarification requested by Panel members with regard to the 'ultra vires' issue raised by Mr Truebridge, Mrs Crawford advised that section 15.4 stated that "The Council may fit a meter to any connection on any property at any time for the purposes of determining water consumption". To give some background, she noted that the water supply for the Levin township was sourced from the Ohau River. That activity was consented by Horizons Regional Council. During the dry summer period the water flow in the river decreased, so to protect the ecology of the river there was a restriction on how much water Council could draw, which reduced the water abstracted from the river. Also, during the summer period demand went up. On top of that, as part of the water intake consent, there was also a water demand management condition. Council had been going through a process in terms of identification of leakages, having pressure zones, and doing remedial pipe works. That had meant since March Council had detected and remediated approximately 62 household leakages (about 350,000 litres of water per day).

In summary, Mrs Crawford said there was a condition that Council had to meet to manage the water demand and all practical steps were being taken to do that. If that condition was not met, then the next step would involve section 15.4, where meters could be required on any property at any time for the purpose of determining water consumption.

With it confirmed that it was routine practice for Council to mandate the installation of water meters for new subdivisions or new lots created by subdivision, the issue raised by Mr Truebridge was discussed in more detail, with it suggested that in terms of 15.4, the Bylaw itself would not be ultra vires, it was potentially the Bylaw's implementation.

Mrs Crawford noted that under section 108 of the RMA it was possible to put conditions in a consent and one of those conditions could be with regard to the environment so it would be possible use s108 of the RMA during the consent process.

Mr Peel added that the draft Bylaw had been checked from a legal perspective prior

to going out for consultation and certainly that issue had not been raised by the lawyers.

The Chair noted that if Members would be more comfortable to have a further legal opinion, it would be possible to adjourn the meeting to seek more information.

Covered in discussion:

- for clarity, it was confirmed that the Bylaw did not mandate universal metering at this time.
- meters were typically placed on Council-owned land outside the boundary of a property, but in some circumstances it could be placed within the boundary of a private property but this would be done in agreement with the landowner or by powers available to Council under the LGA.
- in terms of a scenario where someone objected to a meter being placed on their property in terms of this Bylaw, Council's approach would initially be to try to work with the property owner to secure their agreement, with the exercise of powers to mandate that being a last resort.
- as part of this process, education was important so that people understood what a valuable resource water was and care was needed in its use.
- Section 11 – Fire hydrants and the inclusion of clauses in terms of privately-owned fire hydrants, that was in terms of preventing cross-contamination and also people may access them illegally.

In terms of process, with the agreement of the Committee clause 15.7 was parked to await a legal opinion, and the meeting moved into public debate to consider the other clauses and intent of the draft Water Supply Bylaw 2020 and to make any subsequent recommendations.

Other than the addition of the word 'new' to 5.7, as suggested by Mr Hartwell, which was a technical change, and awaiting further legal advice with regard to 15.7, members said they were satisfied with the Bylaw as drafted and the officer recommendations. Clarification that universal metering would require a separate discussion and debate at a future time was reassuring, as was the issue raised by submitter 5 around the level of service for fire protection.

The Chair thanked everyone for their attendance and adjourned the meeting (2.10 pm) to reconvene at a day and time to be advised.

2.10 pm

The meeting adjourned, with the date for the meeting to be reconvened to be advised.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HEARINGS COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....