

SOUTH WAIRARAPA DISTRICT COUNCIL

23 APRIL 2014

AGENDA ITEM C9

COMBINED MOROA LONGWOOD WATER RACE BYLAW

Purpose of Report

To submit to Council a Statement of Proposal incorporating a new Combined Moroa Longwood Water Race Bylaw 2014(Draft) in substitution for the existing 1936 Longwood Water Race Bylaw and the existing 2008 Moroa Water Race Bylaw for approval for public consultation pursuant to Section 83 of the Local Government Act 2002

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Adopt the Statement of Proposal incorporating the Combined Moroa Longwood Water Race Bylaw(Draft)*
3. *Proceed to public consultation in accordance with Special Consultative Procedure processes as prescribed in Section 83 Local Government Act 2002*

1. Executive Summary

- a) The Council wishes to consolidate the two existing bylaws for the two separate Moroa and Longwood stock water race systems to provide a framework that will deliver a more consistent and effective approach to: Consideration of alternative and additional uses of the water race systems
- b) The regulatory, policy and operating environment currently in place and potential future activities associated with Regional Policy and Development
- c) Day to day management of the water race systems and the associated funding mechanisms
- d) Urban Areas associated with the water race systems

To achieve these outcomes Council has developed a new Combined Bylaw (in draft form) for consultation with its community using the Special Consultative procedures prescribed within the Local Government Act 2002.

2. Background

Section 146 of the Local Government Act 2002 (**LGA02**) empowers Council to make bylaws for (among other things), 'managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with water races.

The proposed Bylaw is introduced in reliance of section 145 and 146 of the LGA02. The purpose of the bylaw is defined within the bylaw itself. The bylaw establishes permitted and prohibited uses for the Moroa and Longwood water race systems.

Section 228 LGA02 also specifies a range of offences in relation to water, and the bylaw itself establishes offences for breaches.

3. Discussion

It has been established that there are levels of dissatisfaction amongst stock water race users serviced by both systems and other affected interest groups e.g. Greytown Urban ratepayers.

Some dissatisfaction originates from the change of land use that has occurred where for example levels of dependency on the water race systems have altered over time e.g. Life style block and small scale block development have a different requirement for a stock drinking water usage.

Other concerns have been expressed around system maintenance responsibilities i.e. some Longwood water race users feel that system maintenance should be a direct Council responsibility rather than the land owner as is accepted in the Moroa system. Apparent in-equality in rating between the two systems may account for some of this dis-satisfaction.

The new Bylaw once in place along with a revised Code of Practice intended to be applied across both systems will provide an opportunity to acknowledge differing needs and expectations, differing uses and new uses to be given full consideration.

In addition opportunities exist to review and introduce new technology to better manage the water take, the various resource consent conditions that presently apply, better understand water race users' needs and to rebuild the relationship between Council and the users. This will require a highly collaborative approach when for example the revised Code of Practice documentation is being developed following bylaw adoption.

It is intended that following bylaw adoption a Combined Water Race Management Committee be established along similar lines to the previous Moroa Water race Management Committee. The terms of reference for this committee and associated delegations from Council as they might occur will need to be developed in due course.

3.1 Consultation

Since the adoption of the Moroa Water Race bylaw in 2008 limited consultation during 2011 was undertaken on an individual basis with water race users seeking their view on current water race practices. Some issues as earlier identified were brought forward and it is anticipated that the consultation processes ahead will provide engagement for the tabling of these and other matters for Council's further consideration. Some indication of user concerns can be viewed in *Appendix 1 Water Race Management Review Consultation Report (Draft) December 2001* refers.

Council has made a resolution to publicly notify the proposed Bylaw for submissions. The special consultative procedure applies to the amendment, review, or revocation of a bylaw and will therefore need to be followed. The key procedural requirements are as follows.

Under section 89 of the LGA02 a Statement of Proposal is required, to include a draft of the Bylaw along with:

- the reasons for the proposal
- a report on any relevant determinations made by the Council under section 155 of the Local Government Act 2002. The determinations that must be made under that provision are:
 - whether a bylaw is the most appropriate way of addressing the 'perceived problem';
 - whether the proposed bylaw is the most appropriate form of bylaw; and
 - whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The Statement of Proposal must be made available for public inspection at:

- the principal public office of the local authority; and
- such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement'.

In addition, Council must prepare a Summary of the Statement of Proposal. This can be in any form determined by the Council, but must state where the Statement of Proposal can be inspected, how a copy of it can be obtained, and what the submissions period is. The Summary must be included on the agenda of a Council meeting and be 'distributed as widely as reasonably practicable', having regard to the matter involved.

- Council must also give public notice of the proposal (including where both the summary and the full proposal can be obtained) and the consultation being undertaken. As with the Summary, the public notice must include a statement of the period within which submissions on the proposal may be made. As a minimum, the public notice must be published in:1 or more daily newspapers circulating in the region or district; or

- 1 or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that region or district; and

The time allowed for submissions must be not less than 1 month beginning with the date of the first publication of the public notice.

To meet these requirements it is proposed that:

1. The proposed Statement of Proposal and Draft Bylaw will be able to be viewed online at www.swdc.govt.nz and downloaded as a PDF, along with a submission form.
2. These documents can also be viewed at the main Council office in Martinborough and also the Featherston Library, the Martinborough Library and the Greytown Town Centre. Submissions forms can be collected from these sites, and completed forms can also be submitted at any of these service sites.
3. Postal submissions should be posted to and received no later than 4.00pm Wednesday 11th June 2014:

Water Bylaw Review
 South Wairarapa District Council
 PO Box 6
 Martinborough

Any person who makes a submission must be given a reasonable opportunity to be heard on request.

After the Bylaw is made, Council must give another public notice stating:

- the date on which the bylaw will come into operation; and
- that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount

3.2 Legal Implications

Both the process followed for making, and the content of, the proposed Bylaw must meet the requirements of the LGA02.

The key legal issues to be considered at this stage are set out above, in the portion of this report relating to the Consultation requirements. They relate to the decisions on:

- The distribution of the Summary and public notice;
- The length of time to be provided for submissions;
- Whether the proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990 (particularly insofar as any obligations imposed, and offences created, are concerned).

3.3 Financial Considerations

The new bylaw once adopted will give the Council the opportunity to consider its current funding policies and make changes as might be required to cater for current operational and future improvement requirements.

4. Supporting Information

The community outcomes above apply to the water supply activity prescribed in the section on Page 71 of the current Long Term Plan. The stock water races associated with the Moroa and Longwood systems are identified as a key sub activity within the Water Supply Significant Activity Category.

5. Appendices

Appendix 1 – Summary Information Statement of Proposal

Appendix 2 – Combined Moroa Longwood Water Race Bylaw (Draft)

Appendix 3 – Water Race Management Review Consultation Report (Draft) December 2011 Perception Planning Ltd

Appendix 4 – Mapping showing the “Area” as defined

Contact Officer: Bill Sloan, Asset Manager Infrastructure Services

Reviewed By: Mark Allingham, Group Manager Infrastructure & Services

Appendix 1 – Summary Information Statement of Proposal



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SOUTH WAIRARAPA DISTRICT COUNCIL PROPOSED BYLAW FOR LONGWOOD AND MOROA WATER RACES

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SUMMARY INFORMATION OF STATEMENT OF PROPOSAL

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The purpose of the proposed bylaw is to administer the Moroa and Longwood water race systems in a single document. The primary purpose of the race systems is to supply water for stock watering purposes within the system areas. The bylaw establishes both permitted and prohibited uses, details when an offence may be committed, and enables optimisation project works.

The creation of the bylaw has been drafted alongside parallel processes including:

- an engineering study that concentrates on the state of the systems and possible optimisation works,
- the resource consents required for the use of the systems,
- investigations into public/private programmes that use the water race network for improved efficiency and effectiveness of water use, and
- the Wairarapa Valley Irrigation investigations.

South Wairarapa District Council has reviewed the bulk of its bylaws and is in the process of implementing a suite of combined bylaws with Masterton District Council. This bylaw has been drafted specifically for the Moroa and Longwood race systems. The bylaw has been established as the best practicable option for specifically managing the unique problems and issues associated with the networks, including pollution threats, safety concerns, and misuse.

The bylaw is consistent with the objectives and policies of the Wairarapa Combined District Plan.

Key changes that have been made to the Water Race Bylaws;

- The individual Moroa and Longwood bylaws have been combined into a single document
- The bylaw is updated to be appropriate for today's issues
- The bylaw is more flexible in accommodating alternative use proposals and wider water use opportunities

The Council is interested in the opinions of the community and interested groups and invites feedback through the submission process. The full Statement of Proposal for the proposed bylaw is attached to this summary statement along with a submission form. It is also available at all Council service centres and libraries and online at www.swdc.govt.nz.

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Submissions close at 4pm 11 June 2014~~XX/XX/XXXX~~.

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SOUTH WAIRARAPA DISTRICT COUNCIL PROPOSED BYLAW FOR LONGWOOD AND MOROA WATER RACES

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STATEMENT OF PROPOSAL

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1. **Background and Nature of Proposal**

In 2008 South Wairarapa District Council (SWDC) adopted the Moroa Water Race bylaw. A process to implement a similar intended bylaw for the Longwood Water Race was abandoned due to some procedural issues.

SWDC is proposing a new singular water race bylaw that addresses both race systems in a single document.

After reassessing all aspects of the water races, the reasons for Council's proposed directions on this are;

- A singular common bylaw is preferred
- There are significant differences between the content and status of the existing bylaws. The Longwood bylaw is significantly dated, being adopted in 1936.
- Future opportunities and optimisation options can be examined and appropriately provided for in the document, including alternative strategies for drawing and storing water and cooperative private/public works
- The original rationale and intended use of the water races can be revisited, which includes any use or change of use associated with the water races
- The bylaw can be developed keeping in mind the future opportunities and potential associated activities associated with the Wairarapa Valley Irrigation project
- Rationalisation and optimisation of the existing network flow paths

Ensure consistency with other bylaws, plans and documents.

2. **Implementation measures**

If the proposed bylaw is adopted, SWDC intends to:

- Revise the current Code of Practice to align it with the contents of the new bylaw; and,
- Re-establish a Water Race Committee to manage day to day operational mattersEnsure consistency with other bylaws, plans and documents

2.3. **Revocations**

The Moroa Water Race Bylaw 2007 and the Featherston Longwood Water Race Bylaw 1936 will be revoked by the adoption of this new bylaw.

3.4. **Statutory context**

3.1 **Section 155 of the Local Government Act 2002**

Section 155 of the LGA 2002 prescribes that before commencing the process to make a bylaw the Council must determine whether:

- 11 A bylaw is the most appropriate way to address the perceived problem.
- 12 The proposed bylaw is the most appropriate form of bylaw.

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- 13 The proposed bylaw gives rise to any applications under the New Zealand Bill of Rights Act 1990.

3.2 Section 83 of the Local Government Act 2002

Pursuant to Section 156 of the LGA 2002, a local authority must use the special consultative process detailed in Section 83 of the LGA 2002 when making, amending or revoking a bylaw under the Act. The prescribed process in s83, and as modified by s86, has been followed. This includes the preparation of this statement of proposal, a summary of the information contained in the statement of proposal, the proposed bylaw, all appropriate assessments as required, and the consultation and submission process.

The Statement of Proposal and Summary of Information, along with a submission form, will be available to the public at all Council service centres and libraries and online at www.swdc.govt.nz. It will also be directly sent to key stakeholders.

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4.5. Power to make a Water Race Bylaw

This section follows the LGA 2002 framework that enables Council to decide whether it is appropriate to implement a Water Race Bylaw.

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The empowering provisions that give Council the power to make a bylaw are;

- Section 145 of the Act enables bylaws to protect the public from nuisance and promotes and maintains public health and safety.
- Section 146(b) (i) of the Act enables bylaws to be made for the specific purpose of managing, regulating or protecting water races from damage, misuse, or loss.

5.6. Perceived problem

The Moroa and Longwood Water Race systems supply water for stock watering purposes, and as such are a pivotal component of primary production activities in the district. It is imperative that Council ensures not only that the network is available, but ensures that any activity imposing an adverse effect of any sort is addressed. In addition, the networks should be available for enhancement measures and innovations that increase availability, efficiency and quality of water.

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There are currently 2 bylaws in place, one each for the respective networks. This is not considered the most efficient mechanism for the administration of the water races. Whilst the Moroa Bylaw is relatively recent, having been adopted in 2008, the Longwood Water Race Bylaw is significantly older, dated 1936. The Longwood document is obviously dated and has considerable gaps in its information and relevance to today's environment. It also creates considerable inconsistency in the administration of the 2 water race networks.

As increasing demand is placed on water, and an anticipated reduction in its availability is recognised, there is a potential threat upon the very existence of the water race networks. It is therefore crucial that appropriate management tools be put in place and applied to ensure the availability of water for stock purposes remains for today's and tomorrow's community.

The current bylaws have also been developed in isolation from any other initiatives or studies. This has limited the effectiveness of the current bylaw by making activities such as alternative

drawing methods and onsite dam storage for a specific property prohibited. Although unintentional, it has had a constraining effect.

Pollution from stormwater outfalls, runoff from pasture, and stock within the channels are the predominant threats to the actual quality of the water resource. Whilst the Moroa bylaw addresses these issues in a reasonably robust manner, the Longwood document addresses the threats of 76 years ago. Associated with water quality, is the fact that these artificial man made water course have become valuable ecosystems in their own rights, and also significant positive contributors to the wider surface water environment in the lower Wairarapa valley catchment area.

6.7. Most appropriate way to address the perceived problem

A bylaw is, and historically has been, the most appropriate way of dealing with the problem of pollution, obstructions to efficiency of operation, improper use, safety, and ultimately ensuring the provision of water race networks that cross public land, and numerous private land parcels.

There are other statutory mechanisms that address single aspects of the water races but no one piece of legislation is able to provide a holistic management tool other than a bylaw. It provides the framework to prohibit unwanted activities, permit acceptable activities, and implement penalties in instances when an offence has occurred. It also allows a management framework that can enable and accommodate associated water provision activities.

The Council has three possible options available;

1. Status Quo
2. Revoke the bylaws and rely on alternative methods
3. Revoke the existing bylaws and replace with a single revised bylaw

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Option	Advantages	Disadvantages
Status Quo	<ul style="list-style-type: none"> • Avoids the change process 	<ul style="list-style-type: none"> • Inconsistencies between the 2 bylaws • Longwood bylaw is out-dated
Revoke the bylaws and rely on alternative measures	<ul style="list-style-type: none"> • Initially a simpler process for Council 	<ul style="list-style-type: none"> • Ineffective regulatory mechanism • Any action taken could be more costly and take longer • Artificial watercourses are not covered by the RMA.
Revoke the existing bylaws and replace with a single revised bylaw	<ul style="list-style-type: none"> • Ease of implementation • Application of rules 	<ul style="list-style-type: none"> • May give rise for confusion with regards to overlapping and

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	<p>and penalties are in context to the issue</p> <ul style="list-style-type: none"> • Provides targeted management of the specific issues pertaining to the water races • Consistency with Council Policies • Cost efficient and avoids lengthy legal processes during regulatory process 	<p>hierarchy of applicable rules</p>
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7-8. Most appropriate form of bylaw

This Water Race Bylaw clearly states Council's position on whether an activity is permitted and which activities are considered a breach of the bylaw and therefore an offence. It also provides flexibility so that Council can consider a proposal or activity that is related to or complementary to the race system, with a set series of criteria that any such proposal will be assessed against. The bylaw is consistent with the applicable legislation, and Council's policies.

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8-9. New Zealand Bill of Rights Acts 1990

Section 155(2) (b) of the LGA 2002 requires Council to determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990, and section 155(3) directs that no bylaw can be made which is inconsistent with that Act.

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The New Zealand Bill of Rights Act 1990 prescribes a series of rights that include such matters as the right to life, avoiding torture or cruel treatment, avoiding medical or scientific experimentation, refusing medical treatment, electoral rights, freedom of thought, conscience and religion, expression, peaceful assembly, association, movement and discrimination. The Council has assessed the proposed bylaw against these rights, and does not consider ~~that~~ any of them to be compromised by this proposed bylaw. Even if any of these rights are potentially affected, the Council considers that the proposed bylaw represents a reasonable limit in terms of section 5 of that Act.

This bylaw will be developed in accordance with the special consultative process and as such the public will be offered full opportunity to submit and have input. All submitters who request to be heard will be extended the opportunity to do so.

9-10. Proposed timeline

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The proposed timeline for the process is;

Date	Action
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Martinborough

Submissions may also be faxed to 06 3069373

Submissions close at 4pm 14 March 2014



**SOUTH WAIRARAPA DISTRICT COUNCIL
COMBINED MOROA LONGWOOD WATER RACE BYLAW 2012**

Introduction

A. This bylaw is made by the South Wairarapa District Council in exercise of its powers and authority vested in the Council by Sections 145 and 146(b)(i) of the Local Government Act 2002.

B. This bylaw applies to properties in the Moroa and Longwood Water Race 'Area'. This is defined to exclude the urban properties of Greytown, though the maintenance obligation provisions contained in Section 3 of this bylaw may still apply to those properties.

B.

Purpose

a) **RURAL**

The primary purpose of the water race system is to provide drinking water for stock. This bylaw manages the activities associated with, or in the vicinity of, the water races to ensure that a quality network is available for current and future users. Secondary uses of the water race networks are defined as conditional uses, and written approval can be granted for those activities where amenity and environmental values are not compromised.

b) **URBAN**

The purpose of water race system in urban areas is to provide continuity of service for water race users downstream in the rural areas, and as a secondary function for storm-water drainage.

1. Interpretation

1.1 Defined terms

“Area” means lands through which the Moroa and Longwood Water Races ~~pass, run and any land adjacent to any branch of the Water Race.~~ The Area excludes the Greytown urban properties. The affected land is shown on the attached map.

“Authorised Officer” means any person or agent appointed by South Wairarapa District Council to be an authorised officer empowered to carry out the Council's functions for the purpose of this bylaw.

“Bylaw” means this bylaw as altered, varied or amended from time to time.

“Committee” means the Combined Management Committee formed to administer the water race systems under delegation from the Council.

“Conditional uses” are those activities or uses of the water race that are neither permitted nor prohibited, but could be undertaken to the benefit of a user or group of users with no adverse effects on the environment, water race, or other users of the race network. These uses will require Council approval under clause 2.2 of this bylaw. These uses will include (but are not limited to):

- (a) Draw off water either by gravity or pumping to a property stock watering system ~~in accordance with an approved allocation;~~ or
- (b) Draw off water for pasture irrigation purposes where the applicant can demonstrate that the current capacity of the water-race system will be retained and the applicant has obtained the written approval from those people that the Council considers to be adjoining affected party approval.

“Farming purposes” means the provision of water for stock to drink.

“Owner or Occupier” means the owner or occupier of land in the Area.

“Required” means required by notice in writing on behalf of the Council.

“Stock” includes, but is not limited to, horses, sheep, dairy cows, and cattle.

“The Council” means the South Wairarapa District Council.

“Water Race” has the meaning prescribed in the Section 5(1) of the Local Government Act 2002.

2. Use of water races

Permitted uses

- 2.1 Subject to the payment of the annual charges or rates that may be determined from time to time by the Council, water may be used for stock drinking purposes by an owner or occupier.

Conditional uses

- 2.2 Conditional uses require the written approval of the committee or an authorised officer before being undertaken.
- 2.3 After receiving an application for a conditional use, it will be assessed against the following criteria:
- (i) Is the proposed activity consistent with, and not contrary to, the general purpose of the water race network and this bylaw?
 - (ii) Does the proposed activity have any potential for actual adverse effects that may negatively impact the water race or other users of the network?
 - (iii) Does the proposed activity impose any additional financial obligation on the Council?
 - (iv) Is the Council required to lead or participate in the process?
 - (v) Would the use prevent any consented application impinge upon Council's consented water take from being exercised volumes?
 - (vi) Is the proposed activity the continuation or expansion of an existing use established before this bylaw came into force?

Prohibited Uses

- 2.4 The following activities are prohibited:
- 2.4.1 Bathing or washing in a water race.
 - 2.4.2 Allowing domestic fowl to stray into the water race.
 - 2.4.3 Contamination of the water race by chemicals, nutrients, or by any backflow from irrigation equipment, other than with the written approval of Council as a conditional use.
 - 2.4.4 Allowing any animal to be in a water race and any stock to enter the water race.
 - 2.4.5 Obstructing the flow of water in the water race, including the placement of undersized culverts.
 - 2.4.6 Riding, driving or leading any animals or vehicle into, across or through a water race, except at the bridges, culverts or crossing places provided by the Council or constructed with the written approval of Council as a conditional use.

- 2.4.7 Allowing any pipe or other apparatus to be in a state that water supplied from a water race is obstructed or wasted.
- 2.4.8 Permitting any person who does not pay water race rates or charges to take water from the race.
- 2.4.9 Widening or deepening any water race, or altering the course of any water race, without the written approval of the Council as a conditional use.
- 2.4.10 Removing, altering, damaging or interfering with any bank, dam, sluice, flume, bridge, gauge, meter, reservoir, pipe, or other work or thing used in supplying or distributing water from any water race.
- 2.4.11 Piping the water race without written approval of the Council as a conditional use.
- 2.4.12 Sowing, planting, or permitting to grow any tree, hedge, shrub or other plant of any kind within 5 metres from either side of a water race (in the rural area), except that:
- (a) Crops and pasture are permitted; and
 - (b) As otherwise approved by the Council as a conditional use.
- 2.4.13 Erecting any building or structures over, in or within 5 metres of either side of any water race without the written approval of the Council as a conditional use.
- 2.4.14 Altering the course of a water race without the written approval of the Council as a conditional use.

3. Maintenance

Owner and Occupier Obligations

- 3.1 Every owner or occupier of land through which a race runs (whether rural or urban, whether the race is used for stock watering purposes or not, and whether the property is rated for the use of the water or not) shall:
- 3.1.1 Keep the water race, banks, and sides of the race in good order and condition and free from all silt, weeds, vegetation of all kinds, and from all other rubbish and obstructions of all kinds at their own cost.
 - 3.1.2 Keep and maintain the sides, banks, and other earthworks of the water race in such a condition as to prevent or mitigate any overflow, leakage or waste of water.
 - 3.1.3 Allow any Council authorised person / contractor to have access to the water race for the purpose of gathering information for water quality audits of the water race.

- 3.1.4 Allow any Council authorised person / contractor to have access (with or without machinery) to the water race for the purpose of maintaining, cleaning or improving the water race.

Removal of Debris

- 3.2 After cleaning a water race or clearing or removing any debris from a water race or from the banks or sides of a race, the owner or occupier of the land is to, without delay, at their own cost and expense, remove any and all clearings and cleanings and other obstructions from both sides of the race in such a manner and to such a distance from the race as may be necessary to both:

3.2.1 Prevent the materials from re-entering the race; and

3.2.2 To allow access to the race by any plant and machinery necessary to clean the race.

Failure to Repair or Clean the Race and Failure to Renew Existing Damaged or Undersized Culverts

- 3.3 If the owner or occupier fails, neglects or refuses to comply with any provision of this bylaw after having been required to do so in writing by the Council or an authorised Council officer within the specified time, the Council may enter onto the land and, using its employees, servants, contractors, or any other persons and any plant that may be deemed to be necessary by Council, make good such failure, neglect or refusal.

- 3.4 The Council may charge the owner or occupier with the cost and expense of the work incurred in exercising its powers under ~~required by~~ clause 3.3 of this bylaw.

4. Functions of Council

- 4.1 The Council does not undertake or guarantee the provision of water in any water race.
- 4.2 The Council is not responsible or liable to any person or corporate body for the total or partial failure of any water supply or the quality of the water supplied (where water quality may have been compromised by any means).'
- 4.3 The Council may allow water to enter the water race through the Greytown Storm Water system and Battersea Drainage Scheme.
- 4.4 The Council may impose further restrictions in regard of water race fencing.

- 4.5 The Council may, at its own discretion, grant an extra supply of water from the water race for special purposes, including fire fighting, or for purposes not otherwise authorised by this bylaw, at a cost to be established and recovered by the Council at the time of any application.
- 4.6 The Council may under powers given to it under the Local Government (Rating) Act 2002 and the Local Government Act 2002 establish, vary, alter, reduce, increase or remove charges and rates for the provision of the water race system.
- 4.7 The Council may impose restrictions on the draw off of water from time to time.

5. Breaches of This Bylaw

- 5.1 Any person commits a breach of this bylaw who:
- 5.1.1 Defaults in payment of any rate or charge imposed on their land in respect of the supply of water from a water race; or
 - 5.1.2 Breaches any obligations in clause 3 of this bylaw; or
 - 5.1.3 Fails to do or perform any act, or thing, that he or she is required to do by these bylaws; or
 - 5.1.4 Engages in any prohibited activity specified in clause 2.4; or
 - 5.1.5 Fails to comply with any terms and conditions of this bylaw.