

Agenda for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Waikato District Council Stormwater Bylaw and Water Supply Bylaw) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 11 AUGUST 2021** commencing at **9.30am**.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

- | | | |
|-----|---|----|
| 4.1 | Hearing Report for the Proposed Stormwater Bylaw 2021 | 5 |
| 4.2 | Hearing Report for the proposed amendments to the Water Supply Bylaw 2014 and the Water Leak Relief Policy 2021 | 82 |

GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and Mrs Maxine Moana-Tuwhangai (Maangai Maaori)
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule I of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule I of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule I, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:

- a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

Open Meeting

To	Policy & Regulatory Committee
From	Ian Cathcart Special Infrastructure Projects Manager
Date	11 August 2021
Prepared by	Jodi Bell-Wymer, Corporate Planner, Zinab Al Khaleefa, Three Waters Contract Engineer
Chief Executive Approved	Y
DWS Document Set #	P&R2021; ECM # 3211176
Report Title	Hearing Report for the Proposed Stormwater Bylaw 2021

I. EXECUTIVE SUMMARY

On 9 June 2021, the Policy and Regulatory Committee adopted the Statement of Proposal and approved public consultation of the proposed Waikato District Council Stormwater Bylaw 2021 (**Bylaw**).

The period for public consultation on the Bylaw was open from 16 June 2021 to 16 July 2021.

The statement of proposal, a copy of the proposed bylaw and submission forms were available at Council offices, libraries, and on the Council website. Key stakeholders were invited to make a submission and an online tool was available for those who wanted to provide feedback online.

In total, nine submissions were received (refer to Appendix I of the staff report for all original submissions). Of those who made a submission, six asked to speak at the hearing in support of their submission.

The purpose of this hearing is to hear public submissions received in relation to the proposed Bylaw.

The following documents are included as appendices to this report:

- Appendix 1 - All Original Submissions
- Appendix 1A - Long submissions
- Appendix 2- Submission points with staff comment
- Appendix 3 - Proposed Waikato District Council Stormwater Bylaw 2021
- Appendix 4 - Schedule of speakers

2. RECOMMENDATION

THAT the report of the **Special Infrastructure Projects Manager** be received;

AND THAT pursuant to section 83 of the **Local Government Act 2002**, the **Policy & Regulatory Committee** consider all submissions and, where requested, hear submissions on the notified **Proposed Waikato District Council Stormwater Bylaw 2021**;

AND FURTHER THAT subject to any amendments, the proposed **Bylaw** be considered by the **Policy and Regulatory Committee** at its meeting on **Wednesday, 1 September 2021** with a view to recommending the **Proposed Waikato District Council Stormwater Bylaw 2021** for adoption at the **Council meeting on Monday, 20 September 2021**.

3. BACKGROUND

Waikato District Council (Council) has the power to make new bylaws for regulating and protecting land drainage under the Local Government Act. In addition, Council has a duty under s.17 of the Waikato River Settlement Act 2010 to have regard to Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River). This lists the degradation of the Waikato River and its catchment as a fundamental issue to be resolved. In this regard, Council recognises the special cultural, social, environmental, and economic relationship of iwi with the environment (including Waikato River) within the district and the need to protect and restore the Waikato River.

Council's comprehensive stormwater discharge resource consents and Stormwater Management Plans issued by Waikato Regional Council aim to manage stormwater discharge for quality and quantity and to avoid, remedy and mitigate any adverse effects on the environment.

Although not a significant health risk, stormwater can be strongly influenced by private owner behaviours, both active and passive. The success of council's efforts to improve the environment, on behalf of the community, can be undone by private owner behaviour.

The Bylaw aims to address these issues by ensuring Council complies with its stormwater consents issued by the Waikato Regional Council. The Bylaw will also assist Council to address any non-compliances with Council's stormwater discharge resource consents and Stormwater Management Plans and any private owner behaviour. The management of stormwater through the Bylaw assists in achieving the Vision and Strategy for the Waikato River by helping to protect aquatic habitats, minimising scour, erosion and flooding.

4. CREATION OF BYLAW

Waikato District Council does not currently have a Stormwater Bylaw. Staff propose to create the Bylaw to protect streams, the Waikato River and its tributaries.

The Bylaw sets out responsibilities regarding the management of stormwater within the district and provides guidance on what can and cannot enter the stormwater system. It will enable Council to:

- (a) Manage the land, structure or infrastructure associated with stormwater drainage within its control;
- (b) Protect and regulate against damage, misuse, or loss of the land, structures or infrastructure related to stormwater drainage;
- (c) Prevent the unauthorised use of the land, structures or infrastructure related to stormwater drainage;
- (d) Ensure waterways, that form part of Waikato District Council's stormwater systems, remain clear and unobstructed;
- (e) Manage the entry of contaminants into the stormwater system; and
- (f) Protect, promote, and maintain public health and safety.

Key regulations in the Bylaw are noted in the table below:

Clause	Key proposed clauses	Explanation
6.1	Connection to the Stormwater system	Specifies that connection to the stormwater system without Council consent is not allowed.
6.2	Protecting the stormwater system	Requires certain actions, such as correct and appropriate discharge of some materials, to protect the stormwater systems.
6.3	Damage to the public stormwater system	No damage shall be inflicted on any aspect of Council's stormwater system, from individuals or those working around the stormwater system.
6.4	Building works near stormwater systems	Requires building works to comply with regulations to protect our stormwater system.
6.5	Obstructions and capacity	Any actions which may obstruct or change the capacity of the stormwater system will not be allowed.
6.6	Private Stormwater Systems Requirements	Requires private stormwater systems to be fixed to meet original design specifications and other regulations.
7	Access	Allows Authorised Officers to enter stormwater system for routine inspection and monitoring.

Hamilton City Council (**HCC**) has recently reviewed and adopted their Stormwater Bylaw 2015. Waikato District Council were given the opportunity to have input into this review. With HCC's permission, Council staff have used their Bylaw as the basis for creating the proposed Waikato District Council Storm Water Bylaw 2021. This is due to the natural alignment in protecting streams and the Waikato River.

4.1 CONSULTATION

Public consultation through the Special Consultative Procedure was undertaken to advise the public of the proposed changes and invite the public to make submissions. Staff used the following communication methods:

- Media release on the Council website
- Public notices in 3 newspapers
- Online engagement tools on Council's consultation web page
- Letters and emails to stakeholders
- Information to Community Boards and Committees
- Information to Iwi and Hapu groups
- Posts on Council's Facebook page

Consultation was open from 16 June 2021 to 16 July 2021. A total of nine submissions were received.

4.2 SUMMARY OF SUBMISSIONS RECEIVED

Council received nine submissions on the proposed Stormwater Bylaw. Nine submissions were in support of the bylaw- eight of those in-part. Six of the nine submitters indicated they would like to speak at the hearing.

The following are some suggestions, taken from the submissions:

- Council to consider if the stormwater bylaw promotes onsite water storage and is non-restrictive to innovative onsite water storage
- Support for building work provisions, however would like the pool discharge clause amended to include alternative options and not to be restrictive on water disposal, particularly for temporary pools
- Would like to see more acknowledgement and references to biodiversity and the Waikato regional Policy Statement
- Clarification of definitions, particularly 'Stormwater System' and 'High Risk Facilities' and more detail in the clauses
- More detail in some of the clauses and further detail on stormwater applications and compliance.

The submission main points with staff responses are attached in appendix 2.

Overall, all submissions (in-principle) supported the proposed Bylaw.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial implications associated with this bylaw. However, if any arise, such as monitoring and enforcement costs if the bylaw is adopted, it is anticipated these associated costs can be covered within existing budgets.

5.2 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Staff have identified there are no specific policies, plans or strategies related to the Proposed Stormwater Bylaw 2021.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

This bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultation was carried out in accordance with S.83 of the LGA.					

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local Iwi Environmental Groups
		✓	Households
		✓	Businesses

6. CONCLUSION

The proposed Waikato District Council Stormwater Bylaw 2021 was notified for public consultation on 16 June 2021. Nine submissions were received with all in support of the implementation of a Bylaw with suggested improvements.

This report provides a summary of the issues raised in those submissions. Following the hearing of the submissions, the Committee can then make recommendations on the Proposed Stormwater Bylaw 2021.

7. ATTACHMENTS

- Appendix 1 - All Original Submissions
- Appendix 1A - Long submissions
- Appendix 2- Submission points with staff comment
- Appendix 3 - Proposed Waikato District Council Stormwater Bylaw 2021
- Appendix 4 - Schedule of speakers

Proposed
Stormwater
Bylaw 2021

Contribution ID	Name/Organisation	Anybody who would like to support their submission by speaking at the hearing is most		Do you support the Proposed Stormwater Bylaw?			What changes would you like to see to the Proposed Stormwater Bylaw? (if any)	Any additional comments about the Proposed Stormwater Bylaw?
		Yes - I would like to speak at the hearing	No - I do not want to speak at the hearing	Yes - I support the Proposed Stormwater Bylaw and agree with what has been proposed	No - I do not support the Proposed Stormwater Bylaw	Partly- I support the Proposed Stormwater Bylaw but would like to suggest some changes		
1884	Waikato Regional Council - Hannah Craven	1					1 See attached submission	See attached submission
1883	Mark Laursen of 4sight Consulting on behalf of Z energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1					1 See submission attachment	See submission attachment
1882	Grace (Maggie) Wilcock	1					<p>1 3.0 Purpose</p> <p>3.1, f, "...watercourses remain clear and unobstructed." Key issue is, are these watercourses those only in a storm-water area or as the policy appears to imply all tributaries which run into the Waikato River? As Council do not currently keep their own watercourses clear, how can they impose such a rule on landowners? Many property owners are ignorant of any watercourse as they venture no further than their house area. Is this 'purpose' for manmade obstructions or also natural ones [eg. fallen tree] which will allow water flow over or under and will disappear in time? As many watercourses are inaccessible to equipment how does Council intend apply any rules?</p> <p>5.0 Definitions</p> <p>Overland Flow Path: Add reference to storm-water flood maps. However not all such paths ever see water run-off. Clarification between urban and rural overland paths should be included in this bylaw.</p> <p>Watercourse: "...includes channels where due to seasonable ... do not permanently flow." Such channels tend to become choked by natural plant growth and would not be checked by any property owner even if they were aware of the watercourse. How does any owner know that their watercourse is part of Council's storm-water system? Is it only those that drain into the Waikato River from within an urban system?</p> <p>6.0 Storm-water Systems Requirements</p> <p>6.3, v & 6.5, iv: Overland flow paths. No mention of storm-water flood maps so owners may not be aware of path as no visible run-off has ever been seen. Reference to storm-water flood maps and a link provided within the bylaw should be included. Further if this bylaw includes watercourses outside of a storm-water system then it has serious ramifications for landowners.</p> <p>6.6, h, i: "maintenance of any watercourse on their property... including the</p>	<p>This bylaw appears to formalise the existing rules regarding storm-water and add some extra rules. The bylaw seems to deal with urban and commercial zones and contaminants. The references to watercourses could be applied to rural areas in a nonsensical manner so clarification is needed. The differentiation between piped storm-water systems and other systems is not made clear; eg. Overland routes. There is no reference to current Storm-water flood maps and without this property owners will be unaware of any overland routes.</p>

1881 Hamilton City Council
1857 Genesis Energy Limited
1855 Frank Wood PhD. CNZM. FNZIM

1
1
1

1

10

1 See submission attachment
1 Please refer to attached letter.

The following comments are suggestions for consideration, offered for discussion and development if they are seen to be helpful.

General

In my view, the document is well presented and easier to read than similar documents that I have seen from other jurisdictions.

Given the current Government proposals for the management of water (3 Waters Policy), it is very timely, if not overdue.

It would be especially helpful though for a 'Joe-Blog' ratepayer to understand more fully how it ties in to Regional Policy.

Further Points for Consideration:

1. The purpose statements focus on the ability of the Council to better manage the resource. I would hope that one of the key outcomes would be improved compliance through the improved clarity that promulgation of the Bylaw will provide for the community. Maybe encapsulation of the major desired outcomes under a heading would be useful. Or, at least an additional purpose statement that reflects such a theme, would provide an appropriate client connection. Either way, monitoring/measuring effectiveness, plus reporting ROI in the future, would be greatly enhanced.

2. The document is very strong on a range of compliance matters and treats them succinctly and well. The definitions in particular are very useful. The explanation of public versus private is also helpful. But while 'approvals' are emphasised early on, what is actually required to gain approvals is not. At the

1 Please see the accompanying explanation.

1 Please see attached document.

1 WDC should also be specifically bound under the offences and penalties to the same degree as the people/companies are.

WDC have a history of non compliance with bylaws as and when it suits them, time that they held themselves to the same standards they expect of the ratepayers.

See submission attachment
Please refer to attached letter.

In my experience the ultimate success of any Bylaw or associated policy depends on how well it is understood and how 'user friendly' the processes that support it are. Information is often more easily assimilated if it reinforced by visual illustration.

In this Bylaw there are a number of areas that would (in my view) be enhanced by reasonably simple 'flow' steps in a diagrammatic format that highlights critical elements, summarises key requirements, go/no go points, and includes linkages to related policy.

If this concept is considered to be worth exploring further, I would be happy to work with the appropriate professional to develop some supporting examples, if this has not already been done.

Please see the accompanying explanation.

1854 Synlait Milk Ltd
1852 Miranda Baptist
1849 Greg McCutchan

1
1
1

APPENDIX 1A – LONG SUBMISSIONS

SUBMISSION ID #	NAME	ON BEHALF OF	PAGE (of appendix)
1884	Hannah Craven	Waikato Regional Council	1
1883	Asight – Mark Laurenson	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil Ltd	6
1882	Grace Maggie Wilcock	-	9
1881	Kyall Foley – Hamilton City Council	Hamilton City Council	11
1857	Alice Barnett – Genesis Energy	Genesis Energy	31
1854	Yves Denicourt	Synlait Milk	35

File No: 25 05 00
Document No: 21155061
Enquiries to: Hannah Craven



20 July 2021

Waikato District Council
15 Galileo Street, Ngaruawahia 3742

Email: consult@waidc.govt.nz

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

waikatoregion.govt.nz
0800 800 401

Dear Sir/Madam

Waikato Regional Council Submission to the Waikato District Council Proposed Stormwater Bylaw 2021

Thank you for the opportunity to make a submission on the Waikato District Council Proposed Stormwater Bylaw 2021. Please find attached the Waikato Regional Council's submission regarding this document. This submission was formally endorsed by the Council's Submissions Subcommittee on 20 July 2021. Waikato Regional Council looks forward to being involved in further discussion regarding the development of this bylaw.

Should you have any queries regarding the content of this document please contact Hannah Craven, Graduate Policy Advisor, Strategic and Spatial Planning directly on (07) 859 2831 or by email hannah.craven@waikatoregion.govt.nz.

Regards,

A handwritten signature in black ink, appearing to read "Tracey May". The signature is stylized and cursive.

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the Waikato District Council Proposed Stormwater Bylaw 2021.

Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to the Waikato District Council Proposed Stormwater Bylaw 2021.
2. WRC seeks consistency in stormwater management practices across the Waikato Region. Our feedback relates to definitions and inclusion of concepts to support the health and wellbeing of the Waikato River.
3. We acknowledge the upcoming changes under the proposed Three Waters Reform and the potential impacts this will have on local government's role in managing water resources. We consider our suggestions will operate safely within the proposed changes. WRC is keeping a watching brief on these changes and envisages that Waikato District Council (WDC) will do the same.
4. We support the objectives of the proposed bylaw and note the limited enforcement options available to WDC under the Local Government Act.
5. We encourage WDC to consider how this bylaw may support or hinder our shared objective to promote on-site water storage to manage the effects of stormwater run-off and optimise the use of the region's water resources that are under increasing pressure. We note that rainwater tanks are deemed to be a Stormwater Management Device under this bylaw and are therefore controlled by its provisions. WRC requests that this is thoroughly evaluated to ensure that it does not create a barrier to innovations in on-site water storage and smart water conservation.

Submission

6. WRC supports including provisions for building works in proximity to the stormwater system and private stormwater system requirements as well as general provisions for protection within the scope of the bylaw under section 6.
7. However, we ask that WDC to consider implementation in practice. We consider that provision 6.2(a) relating to pool discharges may make it difficult for pool owners to find a way to discharge temporary pools in particular, to wastewater. To overcome this issue, we suggest:

- a. WDC take an effects-based approach, by setting limits in the bylaw on the concentration of chlorine that may be discharged.
- b. Explore the use of alternative options found in other Districts. See for example the Western Bay of Plenty District Council's *Guidelines for disposing of swimming and spa pool water*.¹

NB: We note tests of pool water are readily available from a range of providers.

¹ Guidelines for disposing of swimming and spa pool water:

https://www.westernbay.govt.nz/repository/libraries/id:25p4fe6mo17q9stw0v5w/hierarchy/property-rates-building/rubbish-and-recycling/disposing-swimming-pool-water/documents/Disposing_of_swimming_pool_or_spa_water_-_guidelines.pdf

8. We consider it of high importance that WDC and WRC can ensure new developments do not have a detrimental impact on water quality. To reinforce this in the bylaw, we suggest:

- a. Specifically referring to the Waikato Regional Plan in clause 6.1 c) i. so that the point reads as follows or to the same effect:

(c) Prior to providing any approval Council may require demonstration:

- i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and/or catchment, including those under the Waikato Regional Plan, and may impose conditions.

9. WRC suggests the bylaw should include an acknowledgement of impacts on biodiversity and impediments to fish passage and a more robust definition of stormwater. To this effect WRC requests:

- a. Inserting reference to Te Ture Whaimana o Te Awa o Waikato and acknowledge the impacts of stormwater on biodiversity in the purpose of the bylaw under 3.1(a)
- b. Clarifying whether existing permanent/natural watercourses are considered part of the stormwater system under the definition of stormwater system.
- c. Inserting a provision under 6.5(a) of the bylaw that states 'a person must not do anything that directly or indirectly obstructs, alters, or impedes fish passage in the stormwater system as far as practicable.'

- **Including acknowledgement of impacts on biodiversity**

We support the overall purpose of the bylaw and acknowledge 3.1(a) seeks to support the protection and restoration of the Waikato River. To strengthen this, we consider there should be reference to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. We would also like specific acknowledgement of impacts of stormwater on biodiversity included in the bylaw, including in riverine receiving environments.

- **Definition of 'stormwater system'**

We suggest that the bylaw clarifies in the definition of stormwater system whether the system includes existing permanent/natural watercourses. Wood, tree roots and other natural structures in watercourses provide aquatic habitat which supports biodiversity. If these structures are removed from natural watercourses for the operation of the stormwater system, this could potentially conflict with biodiversity aspirations.

We seek alignment of definitions in the bylaw with those set out in the Waikato Regional Plan, which defines rivers and streams separately to modified watercourses. This alignment would ensure that natural watercourses are not automatically considered a conduit in the stormwater system, which aligns with national direction set out through the National Policy Statement for Freshwater Management.

- **Acknowledging impediments to fish passage**

We would like to see specific acknowledgement in the bylaw of the requirements for fish passage in the stormwater network. Fish passage can potentially be impeded and/or the connectivity of a catchment reduced if fish upstream are using part of the stormwater network to get to other stream network areas. We highlight that the National Policy Statement for Freshwater Management 2020 and relevant National Environmental Standards introduce minimum fish passage design standards for consents as well as setting rules for the construction of culverts, weirs, fords, and dams and would like to see consistency of the bylaw with the NPS and NES.

10. We consider, particularly in light of Covid-19, that there are potential risks posed by biological material being washed into the stormwater system from vet clinics, health clinics or hospitals and that these need to be managed as far as practicable.

a. Insert into provision 6.2(a) the following wording or wording to the same effect:

- (a) A person must not, without specific prior approval of Council, discharge or allow to be discharged into the Public Stormwater System, any material, chemical, (including pool water, chlorine and detergents), rubbish, litter, sediment, concrete, cement slurry, sewage, effluent, solvents, fungicide, insecticide, and green waste, biological material from vet clinics, health clinics or hospitals, or other substance that becomes or is likely to become a Nuisance material.

11. We suggest that a note is added to the Stormwater High Risk Facilities Register table in Schedule 1 of the bylaw that acknowledges that open burning of stockpiled tyres is a prohibited activity under rule 6.1.13.4 of the Waikato Regional Plan.

a. Insert a note into the “Reason for High Risk Classification” column of the Stormwater High Risk Facilities Register for stockpiled tyres that notes that open burning of stockpiled tyres is a prohibited activity under rule 6.1.13.4 of the Waikato Regional Plan.

Submitter details

Waikato Regional Council
Contact person: Hannah Craven (Strategic and Spatial Planning)
Email: hannah.craven@waikatoregion.govt.nz
Phone: (07) 859 2831

Post: Private Bag 3038
Waikato Mail Centre
Hamilton 3240

I could not gain an advantage in trade competition through this submission
I am not directly affected by an effect of the subject matter of the submission that:
(a) does not adversely affect the environment; and
(b) does not relate to trade competition or the effects of trade competition.

Further information and hearings

WRC **wishes to be heard** at the hearings for Waikato District Council Proposed Stormwater Bylaw 2021 in support of this submission and is prepared to consider a joint submission with others making a similar submission.

WRC **could not** gain an advantage in trade competition through this submission.



**SUBMISSION BY THE OIL COMPANIES TO THE WAIKATO DISTRICT COUNCIL PROPOSED
STORMWATER BYLAW 2021**

To: Waikato District Council
Private Bag 544
Ngaruawahia 3742
E-Mail: consult@waidc.govt.nz

Submitters: Z Energy Limited ¹ PO Box 2091 WELLINGTON 6140	BP Oil New Zealand Limited PO Box 99 873 AUCKLAND 1149	Mobil Oil New Zealand Limited PO Box 1709 AUCKLAND 1140
---	---	--

Date: 16 July 2021

Address for Service: 4Sight Consulting Limited
PO Box 911 310
Victoria Street West
Auckland Central 1142
Attention: Mark Laursen
Phone: 021 0868 8135
Email: markl@4sight.co.nz

¹ On behalf of the wider Z Group, including the Z and Caltex operations in New Zealand.

INTRODUCTION

1. Waikato District Council (*Council*) is seeking feedback on its proposed Stormwater Bylaw 2021 (*the Bylaw*).
2. The Oil Companies receive, store, and distribute refined petroleum products around New Zealand. In the Waikato, the Oil Companies' core business relates to the storage and distribution of petroleum products and operation of retail fuel outlets, including service stations and truck stops.
3. The Oil Companies' interests in the Bylaw relate primarily to how it addresses stormwater discharges from petroleum industry sites. The Oil Companies seek clarity regarding these matters to provide certainty to all parties while ensuring protection of the environment and Council's infrastructure.
4. The Oil Companies wish to be heard in relation to this submission.
5. The Oil Companies would be pleased to discuss these matters further with Council if that would assist.

STORMWATER

Background

6. Discharges from petroleum industry sites are addressed in the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998, *the Guidelines*). The Guidelines provide specific measures to ensure water discharges from petroleum industry sites do not cause significant adverse effects on the environment. They were prepared by a working group comprising industry, central, and regional government and continue to be widely recognised as good practice. This is reflected in their wide recognition in plans around the country, including in the Waikato Regional Plan which provides a permitted activity pathway for stormwater discharges from Guideline compliant sites (Rule 3.5.11.4).
7. Discharges from service station forecourts are a Category 2 discharge under the Guidelines. This reflects that there is potential for stormwater to contain oil contaminants and that these require appropriate treatment prior to discharge. The Guidelines require that these areas be directed by appropriate surface grading into grated sumps/gutters/rain gardens leading to drainage systems or treatment devices prior to discharge. If not within the forecourt, tank fill points must be similarly treated. This layout is reflected in Figure 3.1 of the Guidelines.
8. The Guidelines set out detailed criteria for sizing of treatment devices based on rainfall and require that separators have the capacity to contain a 2,500 litre spill of hydrocarbons – the maximum credible spill. Devices which use gravity separation are recognised as the most practicable option to remove oil from water and achieve the desired discharge quality. Appendix 2 of the Guidelines explains the methodology and results of the trial of an American Petroleum Institute (*API*) separator. That exercise confirmed that the API could retain a 2,500 litre spill with the outlet valve in the open position while also achieving a discharge quality of less than 15 milligrams per litre of total petroleum hydrocarbons. A SPEL separator has been similarly tested and subsequently certified by the former Auckland Regional Council as being compliant with the Guidelines. Both SPEL and API are now widely used around the country.
9. The Guidelines recognise that the maximum levels of contaminants allowable in discharges are 15 and 100 milligrams per litre for total petroleum hydrocarbons and total suspended solids respectively (when averaged over the design storm event) and that operating within these limits will ensure minimal adverse toxic effects. The Guidelines draw parallels to roads and highlight that monitoring has demonstrated that discharges from such sites are no worse (and often better) than discharges from roads and high turnover car parks.

10. In terms of effects, the Guidelines refer to modelling work demonstrating that typical oil discharges will have no significant adverse effects on receiving water, except for at the most sensitive sites. Full detail of the study is provided at Appendix A1.3 of the Guidelines.

Trade waste references

11. There are numerous references to trade waste. With the exception of the references in advisory notes 2 and 3 to section 6.2, it appears that these references are in error and should be replaced with reference to stormwater.

Definitions: High Risk Facilities

12. The proposed definition of 'high risk facility' is as follows:

High Risk Facility	Means a facility identified as a high-risk facility: <ol style="list-style-type: none"> I. In the list attached to this Bylaw as Schedule One; II. Through consent conditions due to the potential source of stormwater contaminants (routine and non-routine); or III. Waikato Regional Councils' development and stormwater management guidelines.
---------------------------	---

13. It is unclear how other consents or guidelines will define high risk facilities and the inclusion of clauses II and III in the definition does not provide certainty for parties. Clause III in particular does not appear to be complete. The Oil Companies preference is for reliance on Schedule One of the Bylaw and deletion of clauses II and III of the above definition, noting that Council will retain the right to exclude particular discharges.

Protection of Stormwater System

14. As set out in paragraphs 6 to 10 above, the Oil Companies provide good practice measures for the management of stormwater discharges at petroleum industry sites. The Oil Companies seek that this is reflected in the Bylaw and consider that doing so will encourage industry compliance, including installation and operation of SPEL and API as the only two devices currently recognised as complying with the Guidelines. This could be achieved by adding the following sentence to 6.2(e) of the Bylaw (additions in underline, deletions in strike through):

(e) Any owner, occupier, or manager of an ~~Trade Waste~~ identified High-Risk facility must install and maintain an appropriate private stormwater interception system to eliminate as far as practicable and otherwise minimise the risk of Nuisance Material entering the public stormwater system. Compliance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998) will be accepted as providing appropriate mitigation of stormwater risks at petroleum industry sites.

15. The Oil Companies support clause 6.2(a) which does not preclude non stormwater discharges to the network, subject to Council approval. This could be relevant to a range of discharges, for instance construction dewatering water.

Signed on and behalf of Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited



.....
Mark Laurensen
Principal Planner

16 July 2021

WAIKATO DISTRICT COUNCIL

Storm-water Bylaw 2021

SUBMITTER Name: Grace M Wilcock

Postal Address: Email:

Telephone (Day):

(Mobile):

PRESENTATION/HEARING

Do you wish to present your comments to the Council in person. **YES**

SUBMISSION

WDC Storm-water Bylaw 2021 Support in part

General comment

This bylaw appears to formalise the existing rules regarding storm-water and add some extra rules. The bylaw seems to deal with urban and commercial zones and contaminants. The references to watercourses could be applied to rural areas in a nonsensical manner so clarification is needed. The differentiation between piped storm-water systems and other systems is not made clear; eg. Overland routes. There is no reference to current Storm-water flood maps and without this property owners will be unaware of any overland routes.

3.0 Purpose

3.1, f, “...watercourses remain clear and unobstructed.”

Key issue is, are these watercourses those only in a storm-water area or as the policy appears to imply all tributaries which run into the Waikato River? As Council do not currently keep their own watercourses clear, how can they impose such a rule on landowners? Many property owners are ignorant of any watercourse as they venture no further than their house area. Is this ‘purpose’ for manmade obstructions or also natural ones [eg. fallen tree] which will allow water flow over or under and will disappear in time? As many watercourses are inaccessible to equipment how does Council intend apply any rules?

5.0 Definitions

Overland Flow Path: Add reference to storm-water flood maps. However not all such paths ever see water run-off. Clarification between urban and rural overland paths should be included in this bylaw.

Watercourse: “...includes channels where due to seasonable ... do not permanently flow.” Such channels tend to become choked by natural plant growth and would not be checked by any property owner even if they were aware of the watercourse. How does any owner know that their

watercourse is part of Council's storm-water system? Is it only those that drain into the Waikato River from within an urban system?

6.0 Storm-water Systems Requirements

6.3, v & 6.5, iv: Overland flow paths. No mention of storm-water flood maps so owners may not be aware of path as no visible run-off has ever been seen. Reference to storm-water flood maps and a link provided within the bylaw should be included. Further if this bylaw includes watercourses outside of a storm-water system then it has serious ramifications for landowners.

6.6, h, i: "maintenance of any watercourse on their property... including the removal of any obstruction that impedes the free flow of water". If applied this is a serious issue for many landowners. Does it mean tree blockage [which in time would rot] or solid matter such as concrete? As mentioned in general comments Council do not currently clear natural blockages from watercourses on Council land. Further; new owners may not have been made aware of storm-water plans and overland paths. Also many watercourses have no access for machinery and removal by hand is impossible. Clarification of how watercourses will be identified needs to be made clear in this bylaw. How does Council envision this aspect of the bylaw working?

Submission by

Hamilton City Council Staff

WAIKATO DISTRICT COUNCIL'S PROPOSED STORMWATER BYLAW 2021

15 July 2021

It should be noted that the following submission is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

1.0 EXECUTIVE SUMMARY

- 1.1 Hamilton City Council staff support the overall direction and content of Waikato District Council's Stormwater Bylaw 2021.
- 1.2 Hamilton City Council staff appreciate efforts made to seek subregional alignment of bylaws as intended under the Future Proof Three Waters Strategy.
- 1.3 Hamilton City Council staff support the provision of clauses within the bylaw which provide protection of the stormwater system, enable the consideration of Integrated Catchment Management Plans and resource consents which recognise catchments outside of the Waikato District for new stormwater connections, provide for the management and disposal of pool water, and enables Waikato District Council to enforce non-compliances with the Bylaw.
- 1.4 Hamilton City Council staff request clarification in terms of High Risk Facilities and Waste Plans, recognising that there are facilities that will be deemed High Risk Facilities (as defined by Waikato District Council's Stormwater Bylaw), but will not be required to take any actions as they are not a 'Trade Waste Identified High Risk Facility'.
- 1.5 Hamilton City Council staff recommend that this definition of 'Overland Flow Path' is revisited to ensure clear instruction to those who give effect to Waikato District Council's Stormwater Bylaw.

2.0 INTRODUCTION

- 2.1 Hamilton City Council staff (hereafter referred to as 'staff') welcome the opportunity to make a submission to Waikato District Council's Proposed Stormwater Bylaw 2021 (the Bylaw).
- 2.2 Staff acknowledge the Future Proof Sub-Regional Three Waters Strategy (of which both Waikato District Council and Hamilton City Council are partners) which seeks alignment of strategic direction.
- 2.3 Staff support the inclusion of Te Ture Whaimana o te Awa o Waikato (the Vision and Strategy) which seeks the restoration and protection of the Waikato River.

2.4 Staff have provided the following submission points for Waikato District Council to consider.

3.0 KEY MESSAGES

- 3.1 Staff support the overall direction and content of the Bylaw. Of particular note, staff are supportive of actions which increase alignment of bylaws in the subregion.
- 3.2 Staff note numerous similarities of the Bylaw with Hamilton City Council's Stormwater Bylaw, which is to come into force on 1 October 2021. This bylaw is provided as **Attachment 1**.
- 3.3 Staff note that both Hamilton City Council and Waikato District Council, along with Waipa District Council, have existing operational relationships.
- 3.4 Of particular note is the fact that both Hamilton City Council and Waikato District Council share numerous stormwater drainage catchments. A consistent approach to managing stormwater which conveys through both Hamilton City and Waikato District is not only welcomed by staff, but is also anticipated to be welcomed by our community.
- 3.5 Staff support clauses which:
- Provide protection of the stormwater system;
 - Enable the consideration of Integrated Catchment Management Plans and Resource Consents which recognise catchments outside of the Waikato District for new stormwater connections;
 - Provide for the management and disposal of pool water; and
 - Enables Waikato District Council to enforce non-compliances with the Bylaw.

4.0 CLARIFICATION OF HIGH-RISK FACILITIES AND TRADE WASTE PLANS

- 4.1 Hamilton City Council's Stormwater Bylaw requires that any 'High Risk Facility' develop, maintain, and keep available for inspection a Pollution Control Plan (Clause 8.7 a - m). These clauses have been maintained within the **Hamilton City Council Stormwater Bylaw 2021 (Attachment 1)** to ensure that any high-risk facility which could potentially discharge contaminants into the stormwater network are captured and required to prepare Pollution Control Plans.
- 4.2 In contrast to the Hamilton City Council Stormwater Bylaw, the Bylaw leans on Trade Waste Plans and Waikato District Council's Trade Waste and Wastewater Bylaw (Clause 6.2 d, e, f) to manage stormwater discharges from facilities which may have high risk contaminants.
- 4.3 The three clauses within the Bylaw refer to 'Trade Waste identified High Risk Facilities' and will only apply to those 'High Risk Facilities' which have trade waste agreements.
- 4.4 Staff query whether this method of control may unintentionally not provide for some high-risk facilities that do not have trade waste agreements.
- 4.5 As previously discussed, Hamilton City Council and Waikato District Council share several stormwater drainage catchments. Of these, Hamilton City Council is generally located at the lower section of stormwater drainage catchments which overlap the jurisdiction of Waikato District Council.
- 4.6 Staff consider that this has the ability to impact Hamilton City Council's compliance with our Comprehensive Stormwater Discharge Consent should an event compromising water quality within one of these shared catchments was to occur.
- 4.7 Staff want to be confident that there are sufficient controls to ensure that pollutants from high-risk facilities located within the Waikato District do not enter Hamilton City Council's jurisdiction and compromise our ability to comply with our Comprehensive Stormwater Discharge Consent and to give effect to the Vision and Strategy of the Waikato River.

5.0 DEFINITION OF 'OVERLAND FLOW PATH'

5.1 The Bylaw defines 'Overland Flow Path' as the following:

Means the route along which stormwater flows. A subset of an overland flow path is called "secondary flow path". These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.

5.2 Staff have made several observations with regards to this definition.

5.3 Firstly, the definition of Overland Flow Path as drafted includes "the route along which stormwater flows" and may unintentionally capture all areas subject to the movement of stormwater, including the likes of rooftops, artificial drains, water courses and any areas which are graded to such a degree where stormwater does not soak away.

5.4 Secondly, the definition is not consistent with the Regional Infrastructure Technical Standards (RITS).

5.5 Staff note that any disturbance of soil (no matter how minor the disturbance is) may constitute the damage or destruction of an overland flow path.

5.6 Staff recommend that this definition is revisited to ensure clear instruction to those who give effect to the Bylaw. Referring to the RITS is considered by staff as a good starting point.

6.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR SUBMISSION

6.1 Should Waikato District Council require clarification of the above points, or additional information, please contact **Kyall Foley** (Environmental Policy Analyst - City Waters) on 07 245 0040, email kyall.foley@hcc.govt.nz in the first instance.

6.2 Staff would welcome the opportunity to discuss the content of our submission with Waikato District Council in more detail.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

**ATTACHMENT 1
HAMILTON STORMWATER BYLAW 2021**

Hamilton City Council

BYLAW



Approved By: Hamilton City Council	Date Adopted: 29 April 2021
Date In Force: 1 October 2021	Review Date: To be reviewed by 29 April 2031

PROPOSED AMENDED HAMILTON STORMWATER BYLAW 2021

TABLE OF CONTENTS

1. INTRODUCTION -----	2
2. SHORT TITLE, COMMENCEMENT AND APPLICATION -----	2
3. REVOCATION OF EXISTING BYLAW -----	2
4. SCOPE -----	2
5. PURPOSE-----	2
6. COMPLIANCE WITH OTHER ACTS AND CODES-----	3
7. DEFINITIONS -----	3
8. STORMWATER SYSTEMS REQUIREMENTS-----	6
9. ACCESS -----	11
10. FEES & CHARGES-----	11
11. BREACHES -----	11
12. REMEDIAL WORK COSTS OF REMEDYING DAMAGE ARISING FROM BREACH OF BYLAW -----	12
13. OFFENCES AND PENALTIES -----	13

Hamilton City Council

BYLAW

Hamilton City Council, in exercise of its powers and authorities given to it under the Local Government Act 2002 and the Health Act 1956 and any subsequent amendments to the Acts and all other relevant powers, makes the following bylaw.

1. INTRODUCTION

Hamilton City Council (the Council) has the power to make bylaws for managing, regulating, and protecting land drainage, as well as powers to protect, promote and maintain public health and safety). In addition, the Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have particular regard to Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) where the vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. In this regard the Council recognises the special cultural, social, environmental, and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.

Hamilton City Council’s Comprehensive City-Wide Stormwater Discharge Resource Consent and Stormwater Management Plan aims to manage Stormwater discharge for quality and quantity and to avoid, remedy and mitigate any adverse effects on the environment.

The Bylaw is a means of complying with the Comprehensive City-Wide Stormwater Discharge Resource Consent and Stormwater Management Plan.

The Bylaw ultimately aims to assist in achieving the Vision and Strategy for the Waikato River by helping to protect aquatic habitats, minimising scour, erosion, and flooding and improving bathing water quality.

(Note: the above introduction does not form part of this bylaw and is intended to be read as an introductory note)

2. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 2.1. The bylaw shall be known as the “Hamilton Stormwater Bylaw 2021”.
- 2.2. The bylaw shall apply to the Hamilton City Council District.
- 2.3. The bylaw shall come into force on 1 October 2021

3. REVOCATION OF EXISTING BYLAW

- 3.1 The Hamilton Stormwater Bylaw 2015 is hereby revoked.

4. SCOPE

- 4.1. This bylaw shall apply to the district of Hamilton City pursuant to the Local Government Act 2002. This bylaw applies to both Public and Private Stormwater Systems and Watercourses.

5. PURPOSE

- 5.1. The purposes of this bylaw are to enable Council to:

Hamilton City Council

BYLAW

- a) Protect the public from Nuisance
- b) Protect, promote, and maintain public health and safety.
- c) Prevent or minimise the entry of contaminants into the Stormwater System
- d) Meet compliance requirements of the Council's Stormwater discharge consents.
- e) Assist in meeting Council's duty under s 17 of the Waikato River Settlement Act 2010 to have regard to the Vision and Strategy for the Waikato River by contributing to the protection and restoration of the health and wellbeing of the Waikato River, including sites of ecological and cultural significance.
- f) Manage the land, structure or infrastructure associated with Stormwater drainage within its control.
- g) Protect and regulate against damage, misuse, or loss of the land, structures, or infrastructure related to Stormwater drainage.
- h) Prevent the unauthorised use of the land, structures or infrastructure related to Stormwater drainage.
- i) Ensure Watercourses, that form part of the Council's Stormwater Systems, remain unobstructed.

6. COMPLIANCE WITH OTHER ACTS AND CODES

- 6.1. This Bylaw has been developed in accordance with all relevant legislation Council Policy relating to Stormwater and guidance.
- 6.2. Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, Regulation, other bylaw or other relevant Codes and Standards.

7. DEFINITIONS

- 7.1. For the purposes of implementing this bylaw the following definitions shall apply:

Approval	Means approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council.
Authorised Officer	An employee or contractor of the Council authorised to carry out general or specific duties in relation to stormwater.
Council	Means Hamilton City Council or an employee or contractor of the Council appointed to carry out duties relating to Stormwater management.
Defect Notice	Means a Notice that requires a person to remedy any part of a Private Stormwater System.
Ecological device	Means devices including, but not limited to, fish ramps and constructed fish protection structures designed to preserve or enhance aquatic ecosystems and/or fish passage.

Hamilton City Council

BYLAW

Enforcement Officer	Means an employee or contractor of the Council warranted under the Local Government Act 2002, authorised to carry out general or specific duties in relation to Stormwater including enforcement arising from any of the provisions of this act and this bylaw.
High-Risk Facility	Means a facility carrying out or intended to carry out any of the activities listed in the High-Risk Facilities Register, Schedule One of this Bylaw, and includes the land and buildings of the site.
Occupier	The person or legal entity having a legal right to occupy, and use all or part of the premises, and includes a tenant, lessee, licensee, manager, foreperson, or any other person acting in the general management of the premises.
Nuisance Material	<p>In the context of stormwater means anything that is not Stormwater, including but not limited to material, by reason of its nature or volume, that;</p> <ul style="list-style-type: none"> (a) Cause a breach of any Stormwater discharge consent condition binding the Council (b) Cause adverse loss of riparian vegetation (c) Cause a negative effect on the efficient operation of a Stormwater System (d) Cause damage to property (e) Cause damage to any part of a Stormwater System (f) Cause erosion or subsidence of land (g) Cause flooding of any building floor or sub-floor, or public roadway (h) Cause long or short-term adverse effects on the environment (i) Cause wastewater overflow to land or water (j) Pose a danger to life; or (k) Pose a danger to public health.
Overland Flow Path	A low point in the terrain, excluding a permanent Watercourse, where surface water will flow over the ground surface. A subset of Overland Flow Path is called “secondary flow path”. These routes carry water which cannot flow through the primary Stormwater System (usually piped) because the water flow has exceeded the capacity of that network.
Pollution Control Plan	Means a plan for a High-Risk Facility held on-site which includes appropriate policies and procedures, and a mechanism for review to guide appropriate management of any material (either held onsite or intended or likely to be onsite) that may cause entry of Nuisance materials into the Stormwater System or any other breach of this bylaw.
Stormwater	<p>Surface water runoff that:</p> <ul style="list-style-type: none"> (a) Enters or may enter the Stormwater System as a result of a rain event and;

- (b) Contains any substance where the type and concentration of the substance is consistent with the contributing catchment land use(s) and that of the receiving environment.

Stormwater Management Device

Means a device or facility used to reduce Stormwater runoff volume, flow and/or intercept or treat contaminant loads prior to discharge to the Public Stormwater System.

Including, but not limited to:

- green roofs
- infiltration trenches
- ponds
- porous paving
- propriety devices
- interception systems
- rain gardens
- rainwater tanks
- sand filters
- soakage system
- swales
- constructed wetlands

Stormwater System

Includes any land, structure or infrastructure associated with Stormwater drainage, including a Private Stormwater System, a Public Stormwater System, and a Watercourse as follows:

- (a) **Private Stormwater System** - Means all privately owned components of a Stormwater System, including, pipes, roof spouting, gutters, downpipes, catchpits, Stormwater Management Devices, and interception systems that are located on private property whether residential, commercial, or industrial, up to the point of discharge into the Public Stormwater System or a Watercourse.
- (b) **Public Stormwater System** - Means all components of the Stormwater System owned by the Council, including, pipes, open drains, kerb, and channel, catch pits, manholes, lateral connections, and Stormwater Management Devices that are used for the treatment, detention, or conveyance of Stormwater, whether or not any part of the system passes through private property or is subject to any easement.
- (c) **Watercourse** - Means a channel, whether natural or not, that conveys water regardless of whether it passes through private property. This includes channels where, due to seasonal variations, water does not flow.

Wastewater System Includes all pipes, fittings, manholes, pumps, pump stations; and any land, buildings, treatment works which are under the control of the Council for the purpose of providing a wastewater service.

8. STORMWATER SYSTEMS REQUIREMENTS

8.1. Protection of the Stormwater System

- a) A person must not, without the prior Approval of the Council, discharge or allow to be discharged any material including chemicals, detergents, tradewaste, wastewater, rubbish, litter, sediment, concrete, cement slurry, effluent, solvents, fungicide, insecticide, green waste, or other substance that causes or is likely to cause a Nuisance, into the Stormwater System.
- b) All new connections for the discharge of swimming pool or spa pool water or backwash filter water shall be to the wastewater system except with the Approval of Council
- c) The Council may impose conditions on an Approval for the discharge of swimming pool or spa pool water.
- d) Swimming or spa pool water arising from emptying or backwashing, and which does not have Council Approval, may not be discharged into the Public Stormwater System or any Watercourse. Disposal of such water should be to the Wastewater System as provided for in the Hamilton Tradewaste and Wastewater Bylaw or may be discharged to land in a controlled manner in such a way that it can soak into a vegetated area and cannot reach the reticulated public Stormwater System or any Watercourse.
- e) A Person must take all practicable steps to store, handle, transport and use materials in a way that protects the Stormwater System from Nuisance.
- f) A Person undertaking earthworks or building activities must ensure that controls are in place to prevent sediments entering the Stormwater System.
- g) Any person who knows of the entry or imminent entry of materials causing Nuisance to the Stormwater System must immediately:
 - i. Take all practicable steps to stop the imminent entry or further entry of any materials causing Nuisance to the Stormwater System; and
 - ii. Inform an Authorised Officer /the Council as soon as reasonably practicable.

Note 1 (This note does not form part of the bylaw) –for further information on sediment control refer to The Council’s “A Guide to Sediment Control on Building Sites’ and Waikato Regional Council’s “Erosion and Sediment Control: Guidelines for Soil Disturbing Activities, 2009”.

Note 2: (This note does not form part of the bylaw) – This Bylaw prohibits the discharge of materials causing Nuisance to the Stormwater System. Materials causing Nuisance* may be able to be discharged to the wastewater system in accordance with the current Trade Waste and Wastewater Bylaw and any Trade Waste Consent which may be required.*

Note 3: (This note does not form part of the bylaw) The conditions imposed by Council under 8.1(c) may include a period of non-chlorination, a period of being left uncovered, and a temperature requirement.

8.2. Damage to the Public Stormwater System

- (a) No person shall cause or allow to be caused any damage to, or destroy any part of the Public Stormwater System, including any:
 - i. Dam
 - ii. Weir
 - iii. Stormwater Management Device
 - iv. Swale
 - v. Stopbank
 - vi. Headworks
 - vii. Building; or, treatment device
 - viii. Drainage reserve land
 - ix. Ecological device
 - x. Erosion and scour control structure
 - xi. Stormwater inlet or outlet structure
 - xii. Stormwater pipe
 - xiii. Stormwater pump system; or
- (b) No person shall modify, interfere with, or remove items listed in Clause 8.2 (a) without the prior Approval of the Council.
- (c) Every person excavating or working around the Public Stormwater System must take due care to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the Stormwater System.
- (d) No person shall cause a temporary or permanently sustained excessive load on the piped Public Stormwater System that is likely to result in damage to the network.
- (e) Any person who knows of damage to the Public Stormwater System must report it to Council or an Authorised Officer immediately.

8.3. Obstructions and Capacity of the Stormwater System

- (a) A person must not, without the prior Approval of the Council:
 - i. Do anything that directly or indirectly obstructs, alters or impedes the natural flow of the Stormwater System;
 - ii. Obstruct or hinder any part of any Public or Private Stormwater System in a manner that is likely to cause Nuisance;
 - iii. Erect any structure or stop bank, grow any vegetation, deposit any waste, or carry out any activity that is likely to cause Nuisance to the Public Stormwater System;
 - iv. Obstruct or alter any Overland Flow Paths identified in a consent notice, or District Plan of the Council or other documents made available to the public by Council resolution;
 - v. Pump or divert water into any Watercourse or Public Stormwater System; or
 - vi. Cause water to flow into a Watercourse or Public Stormwater System from outside the catchment area where, in the opinion of the Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the Watercourse or Public Stormwater System.

Hamilton City Council

BYLAW

- (b) A person must not, without the prior Approval of the Council:
 - i. Stop, modify, divert, or deepen any open drain or;
 - ii. Divert any open drain or otherwise cause Stormwater to flow into the Wastewater System.
- c) Owners and Occupiers are responsible for ensuring the maintenance of any Watercourse on their premises, including the removal of any obstruction that impedes or is likely to impede the free flow of water.

Note 4: (This note does not form part of the bylaw) – Obstructions to the flow of water include but are not limited to earth bunds, buildings, fences, retaining walls, rock gardens, earth, stone, timber, trees, plants, weeds and growths of all kinds that will impede the free flow of water.

Note 5: (This note does not form part of the bylaw) To avoid adverse effects on ecological biodiversity, any removal of vegetation to ensure free flow of water must be in accordance with Waikato Regional Plan and Hamilton City District Plan rules. Where trees and plants are obstructing stormwater flow, but may have ecological value, owners and occupiers shall seek advice from Council prior to removal.

8.4. Building works in Proximity to the Stormwater System

- (a) A person must ensure that any new building works over or within five metres of the Public Stormwater System complies with the requirements of the Regional Technical Infrastructure Specifications.
- (b) A person intending to do new building works over or within five metres of the Public Stormwater System must make an application to Council and must not proceed with the works unless Approval is granted.
- (c) If Approval is granted under clause 8.4(b), the owner or Occupier must notify Council 10 working days prior to commencement of the works.

8.5. Connecting to the Stormwater System

- a) No person may, without the Council's Approval, connect to the Public Stormwater System.
- b) Any Person wishing to connect to, disconnect from, or work on the Public Stormwater System, must write to the Council for Approval and provide any information specified by the Council.
- c) Prior to any authorisation the Council may require:
 - i. Demonstration that the connection complies with requirements of any Integrated Catchment Management Plan or Water Impact Assessment, or Consent Notice required under the Hamilton District Plan.
 - ii. Demonstration from the owner or Occupier of a site that a discharge of Stormwater to the network does not cause Council to breach the Council's Comprehensive Citywide Stormwater Resource Consent (Consent 105279 clause 3).
 - iii. The Council may impose conditions on a connection Approval.

8.6. Private Stormwater System Requirements

- a) An owner must ensure that stormwater is not discharged to the Public Stormwater System from a premise with an impervious area greater than that permitted in the Hamilton District Plan or an operative resource consent.
- b) No person shall allow Stormwater to enter the Wastewater System without prior Approval from the Council.
- c) An owner must not allow the condition of the Private Stormwater system within their premises to deteriorate to the point where damage to a Watercourse occurs or is likely to occur.
- d) If an Enforcement Officer believes on reasonable grounds that a breach of the Bylaw has occurred, they require the owner or Occupier of a property to implement management options, treatment or works to prevent the discharge of materials causing Nuisance into the Public Stormwater System or otherwise protect the system from damage or alteration.
- e) Any management options, treatment or works required by the Authorised Officer shall be implemented in a timeframe stipulated by the Council and shall be undertaken and maintained at the owner or Occupier's expense.
- f) An owner or Occupier must ensure that a Stormwater Management Device in a Private Stormwater System is adequately maintained to perform the intended function/design including, but not limited to:
 - i. the removal of any obstruction or material that impedes or is likely to impede the free flow or draining of water; and
 - ii. the repair or replacement of any part of the Stormwater Management Device that prevents or impedes the full functioning of the device;
- g) Owners and Occupiers of premises with Private Stormwater Management Devices must, on request by the Council:
 - i. provide such information to demonstrate that the device is operated and maintained to the standard specified and approved by the Council. Where no standard is specified by the Council then the manufacturers specifications and maintenance recommendations shall apply.
 - ii. submit copies of the as-built drawings for the Stormwater Management Device to the Council for inclusion in the Council's property file for the premises within 2 months of installation.
- h) Where an operations and maintenance manual or procedure is required for the Stormwater Management Device, the Owner or Occupier of the premises must keep a copy on the premises and produce a copy of such manual or procedure upon request by the Council, except for High-Risk Facilities, where clauses 8.7a-h apply.
- g) Where it is identified that a Stormwater System is not operating effectively, the Council may issue a Defect Notice to require an owner/ Occupier to fix a Private Stormwater System, including Stormwater Management Devices, at the owner's cost, to meet original design specifications.

- h) No owner or Occupier may, without the Council's written Approval, remove a Private Stormwater System or do anything which reduces its effectiveness.

8.7. High-Risk Register and High-Risk Facilities

- a) The Council may, by resolution, specify any activity to be included in or removed from the High-Risk Facilities Register.
- b) Any owner or Occupier of a High-Risk Facility must install and maintain at their own cost an appropriate private interception system to avoid as far as practicable and otherwise minimise the risk of Nuisance Material entering the Public Stormwater System.
- c) An owner or Occupier who manages or controls a High-Risk Facility must ensure, so far as is reasonably practicable, that employees and contractors are made aware of the Pollution Control Plan.
- d) Any owner or Occupier of a High-Risk Facility must develop, maintain, and keep available for inspection a Pollution Control Plan on the premises which eliminates as far as is practicable and otherwise minimises the risk of breach of this bylaw.
- e) Spill response procedures must be visually displayed at each High-Risk Facility, including unstaffed facilities.
- f) Any owner or Occupier of a High-Risk Facility must have a Pollution Control Plan available for inspection within one month of commencing the land use activity. The Council may require the Pollution Control Plan to be submitted for Approval.
- g) The Pollution Control Plan must include:
 - i. a suitably scaled drawing showing the site layout, boundaries, all aspects of the Private Stormwater System and wastewater drainage including the point of connection to the public networks, relevant buildings, and outdoor spaces (including their use); and
 - ii. a site assessment identifying all actual and potential sources of Stormwater contamination (including Nuisance Materials); and
 - iii. methods in place to eliminate as far as is practicable and otherwise minimise the risk of materials causing Nuisance entering the Public Stormwater System including but not limited to; site design and management, training requirements and procedures; and
 - iv. a description of the maintenance procedures for the Stormwater interception system in place and proposed; and
 - v. spill prevention and spill response procedures.
- h) The owner or Occupier of a High-Risk Facility must review the Pollution Control Plan every three years.
- i) The owner, Occupier, and all persons on the site of a High-Risk Facility must comply with the requirements of the Pollution Control Plan.
- j) The Council may require that any Pollution Control Plan be revised at any time where there have been significant changes in the High-Risk Facility concerned or its operational procedures. The owner or Occupier must submit the revised Pollution Control Plan to Council for Approval within one month of receiving notice that it is required.

Hamilton City Council

BYLAW

- k) If an Authorised Officer determines that the Pollution Control Plan will not eliminate as far as practicable and otherwise mitigates the risk of breach of the Bylaw, the Authorised Officer may require a revised Pollution Control Plan within one month of notice in writing to address any deficiency.
- l) A failure to submit an initial or revised Pollution Control Plan is a breach of the Bylaw.
- m) Where an Authorised Officer has reasonable grounds to suspect that any discharge is in breach of this bylaw, or there has been a failure to comply with the Pollution Control Plan, the Council may monitor, sample, and analyse Stormwater discharges and the receiving environment to detect breaches of this bylaw.

Note 6: (This note does not form part of the bylaw) – Stormwater Management Devices, must be fit for purpose to manage the effects of the discharge. Stormwater interception devices must be specific to the contaminant requiring control.

9. ACCESS

- 9.1. In accordance with section 171 of the Local Government Act 2002, an Enforcement Officer may enter and inspect any land or building (other than a dwelling house):
 - (a) for routine inspection or monitoring or for post breach monitoring. The Enforcement Officer must give at least 24 hours' notice of the intended entry.
 - (b) of a High-Risk Facility for routine inspection and monitoring. The Enforcement Officer must give at least 24 hours' notice of the intended entry.
- 9.2. In accordance with section 172 of the Local Government Act 2002, an Enforcement Officer may enter and inspect any land for the purpose of detecting a breach of this bylaw if the Enforcement Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. The Enforcement Officer must give reasonable notice unless the giving of notice would defeat the purpose of entry.
- 9.3. In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Enforcement Officer may enter occupied land or buildings. Notice is not required.

10. FEES & CHARGES

- 10.1. In accordance with Section 150 of the Local Government Act 2002, the Council may charge a fee for any approval, inspection or re-inspection carried out under this bylaw. Approval, inspection, and re-inspection fees will be set by Council resolution.

11. BREACHES

- 11.1. It is a breach of this bylaw to:
 - (a) Fail to comply with any requirement of this bylaw;
 - (b) Fail to comply with any Defect Notice issued by an Authorised Officer pursuant to this bylaw;
 - (c) Obstruct an Authorised Officer in the performance of their function under this bylaw.

Hamilton City Council

BYLAW

- 11.2. The Authorised Officer may report breaches or imminent breaches to Waikato Regional Council and the Environment Protection Authority for further enforcement.
- 11.3. A person is not in breach of this Bylaw if that person proves that the act or omission complained of was:
- (a) Necessary:
 - i. To save or protect life or health or prevent injury; or
 - ii. To comply with the Council's obligations under the Health Act 1956 and any subsequent amendments
 - iii. To prevent serious damage to property; or
 - (b) To avoid actual or likely damage to the environment; and
 - i. The conduct of the person was reasonable in the circumstances; and
 - ii. The effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred.
- 11.4. Where a person does not comply with the terms and conditions of an Approval granted by the Council, the Council will take a staged approach through the following steps:
- a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the Approval during any subsequent review of the Approval;
 - b) Undertake a review of the Approval, which may result in:
 - i. amendment of the Approval; or
 - ii. suspension of the Approval;
 - c) Following further non-compliance with terms and conditions of an Approval, after the above steps have been taken, Council will consider withdrawal of the Approval, taking into account the seriousness and effects of that non-compliance.
 - d) Notwithstanding the process above, Council retains full discretion to use the range of enforcement options available to it.

12. REMEDIAL WORK COSTS OF REMEDYING DAMAGE ARISING FROM BREACH OF BYLAW

- 12.1. In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or Occupier requiring works to be carried out or materials to be provided in connection with the premises, the Council or an Authorised Officer may carry out the work or provide the materials where the owner or Occupier fails to comply with the notice, either:
- (a) within the time specified in the notice, or
 - (b) within 24 hours if notice certifies that the work is urgent, or
 - (c) if the owner or Occupier fails to proceed with the work with all reasonable speed.
- 12.2. In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any person under this bylaw, and the person fails to take the steps within the time specified, and the Council or any Authorised Officer takes the steps set out in the

Hamilton City Council BYLAW

notice then Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.

- 12.3. In accordance with section 163 of the Local Government Act 2002, Council may remove or alter any work or thing that has been constructed in breach of a bylaw and may recover the costs of removal or alteration from the person who committed the breach.
- 12.4. In accordance with section 176 of the Local Government Act 2002, a person who has been convicted of any offence against this bylaw is liable to pay to the Council the costs of remedying any damage caused in the course of committing the offence. The costs must be assessed by a District Court Judge and are recoverable summarily as if they were a fine.

Note 7: (This note does not form part of the bylaw) Costs recoverable under this clause are in addition to any other penalty under other legislation for which the person who committed the offence is liable.

13. OFFENCES AND PENALTIES

- 13.1. A person who breaches this bylaw and is convicted of an offence is liable to a penalty not exceeding \$20,000 pursuant to Section 242(4) under the Local Government Act 2002.

Hamilton City Council

BYLAW



The foregoing bylaw was made by the **HAMILTON CITY COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on the 29 April 2021. This bylaw becomes operative on the 1 October 2021.

Hamilton City Council

STORMWATER BYLAW

Stormwater High Risk Facilities Register

Schedule One

High Risk Facilities Register

Approved By: Council Resolution	Date Adopted: 29 April 2021
Date in Force: 1 October 2021	Date Amended:

Activity	Reason for High Risk Classification
Mechanical workshops and service stations	These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon, hence the greater risk of stormwater discharges to the environment.
Printers	Relatively large quantities of dyes and paints are handled at these sites. The risk of spillages is relatively high.
Spray painting facilities	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
Meat, fish, and shellfish processing industries	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
Dairy products processing	Wastes from these industries can typically have a high Biological Oxygen Demand (BOD). This can cause significant adverse effects.
Waste management sites (transfer stations, compost sites, landfills etc.)	Litter, hazardous substances, and high BOD wastes can all enter stormwater systems from these sites.
Truck wash facilities	The activity of truck washing can generate hazardous contaminants from trucks as well as sediments and wastes from spillages on site.
Unenclosed manufacturing and bulk storage of fertiliser	Fertilisers can give rise to high levels of nutrient in stormwater discharges. Where fertilisers are manufactured or stored in such a way that fertilisers can enter stormwater the risk of adverse effects is unacceptably high.
Textile fibre and textile processing industries where dyeing and washing of fabric occurs	Large quantities of dye and high BOD wastes (from wool scourers for instance) are handled on these sites. The risk of spillages that could enter stormwater is high.
Tanneries and leather finishing	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
Footwear manufacture	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is higher.

Hamilton City Council
STORMWATER BYLAW
Stormwater High Risk Facilities Register
Schedule One

Manufacture of paper and paper products	Hazardous substances such as chlorine-based bleaches and dyes are regularly handled on these sites. The risk of spillages etc. entering stormwater can be high.
Manufacture or processing of chemicals, and of petroleum, coal, rubber, and plastic products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of fabricated metal products, machinery, and equipment	The risk of spillages associated with hazardous substances used in these industries can be high.
Electroplaters, Foundries, galvanizers, and metal surfacing	The risk of spillages associated with hazardous substances used in these industries can be high.
Concrete batching plants and, asphalt manufacturing plants	The risk of spillages associated with hazardous substances used in these industries can be high.
Stock saleyards	High BOD run-off can be associated with these sites.
Bakeries	Outside washing of trays, dishes and pans can result in high BOD, fats, greases, and detergents entering stormwater systems.
Car wash and valet services	High oil, solvent and solid discharges can occur from these activities.
Commercial laundries (excluding self-service launderettes and Laundromats)	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
Furniture/wood manufacturing and refinishing industries	Some of these industries work outside extensively, usually with no stormwater treatment, Contaminants such as sawdust, glues and alkali stripper solution in the stormwater coming out of these sites can include high solids, BOD, and high pH.
Timber preservation, treatment and storage sites where chemically treated timber is sorted	A range of hazardous substances are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage.
Stockpiled tyres	Large quantities of tyres when ignited can produce hazardous air emissions and toxic effluent run-off which have adverse health and environmental implications.



Genesis Energy Limited
Level 6
155 Fanshawe St
PO Box 90477
Victoria St West
Auckland 1142
New Zealand

T. 09 580 2094

16 July 2021

Waikato District Council
Private Bag 544
NGARUAWAHIA 3742

By email: info@waidc.govt.nz

Waikato District Council Proposed Stormwater Bylaw 2021

Genesis Energy Limited (**Genesis**) welcomes and appreciates the opportunity to provide feedback to the Waikato District Council Proposed Stormwater Bylaw 2021 (**the Proposed Bylaw**).

Background

Genesis is the owner and operator of the Huntly Power Station (**HPS**). The HPS is recognised in the Waikato Regional Policy Statement 2016 as a regionally significant infrastructure, and its proximity to high demand regions (including Auckland and Waikato) also makes it a nationally significant electricity generation asset.

The HPS has been part of the Huntly landscape since the mid-1970's. Most of its buildings, structures and activities have been operating under existing use rights as the asset pre-dates the planning framework set out under the Resource Management Act 1991.

Within the HPS site are large areas of impervious surfaces, and stormwater is captured and managed via an extensive on-site stormwater system prior to discharge in accordance with a stormwater discharge consent. As part of its operation, Genesis undertakes regular inspection and maintenance on components of the stormwater system.

Submission

In general, Genesis supports the Council in developing a stormwater bylaw to support protecting and restoring the health and wellbeing of the receiving environment.

Genesis' submission relates to concerns on proposed clauses 6.1(b) and 6.5(a)(i) where additional approval processes on private stormwater systems may be required unintendedly.

Proposed clauses 6.1 and 6.5 are repeated below, with emphasis added for the purpose of this submission:

6.1 Connecting to the Stormwater system

- (a) No person may, without written approval from the Council, connect into the Public Stormwater System;
- (b) Any Person wishing to connect to, disconnect from, or work on the Stormwater System, must apply to the Council for Approval and provide any information required by Council.
- (c) Prior to providing any approval Council may require demonstration:
 - i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and/or catchment and may impose conditions.
 - ii. That the connection complies with the requirements of any integrated Catchment Plan.

6.5 Obstructions and Capacity of the stormwater system

- (a) A person must not, without the prior approval of the Council:
 - i. Do anything that directly or indirectly obstructs, alters, or impedes the natural flow of the Stormwater System.
 - ii. Obstruct or hinder any part of Public or Private Stormwater System in a manner that is likely to cause a nuisance to the public.
 - iii. Erect any structure or stop bank, grow any vegetation, deposit any waste, or carry out any activity that is likely to cause an adverse impact to the Public Stormwater System during a storm event.
 - iv. Obstruct or alter any overland flow paths identified in a land use consent notice, or other documents of council with any material or structures such as earth bunds, buildings, fences, retaining walls and rock gardens.
 - v. Pump or divert water into any watercourse or Public Stormwater System.
 - vi. Cause water to flow into a watercourse or Public Stormwater System from outside the catchment area where, in the opinion of any Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the watercourse or Public Stormwater System.
- (b) A person must not, without the prior approval of Council:
 - i. Stop, modify, divert or deepen any open drain; or
 - ii. Divert any open drain or otherwise cause stormwater to flow into the wastewater system.

Advisory Note 4: Obstructions to the flow of water include but are not limited to earth bunds, buildings, fences, retaining walls, rock gardens, earth, stone, timber, trees, plants, weeds and growths of all kinds that will impede the free flow of water.

The definition of “Stormwater System” in the Proposed Bylaw includes both the private and public systems, and all components associated with each system. There is no definition on the term “work”. The reference to an inclusive “Stormwater System” and “work” in proposed clause 6.1(b) means that any work Genesis undertakes to maintain the HPS stormwater system (for example, the replacement of a gutter) would require an application to Council. Similarly, proposed clause 6.5(a)(i) also requires a Council approval process for any temporary blockage or diversion of stormwater that may be required to undertake the maintenance activity on the HPS.

Genesis expects that it was not Council's intention to require such an onerous approval process for all activities on private stormwater systems. For both proposed clauses, the intent for Council approval is most likely to relate to works on, or may impact, the public stormwater system only.

Genesis suggests the following amendments (additions red underlined):

6.1 Connecting to the Public Stormwater system

- (a) No person may, without written approval from the Council, connect into the Public Stormwater System;
- (b) Any Person wishing to connect to, disconnect from, or work on the Public Stormwater System, must apply to the Council for Approval and provide any information required by Council.
- (c) Prior to providing any approval Council may require demonstration:
 - i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and/or catchment and may impose conditions.
 - ii. That the connection complies with the requirements of any integrated Catchment Plan.

6.5 Obstructions and Capacity of the stormwater system

- (a) A person must not, without the prior approval of the Council:
 - i. Do anything that directly or indirectly obstructs, alters, or impedes the natural flow of the Public Stormwater System.
 - ii. Obstruct or hinder any part of Public or Private Stormwater System in a manner that is likely to cause a nuisance to the public.
 - iii. Erect any structure or stop bank, grow any vegetation, deposit any waste, or carry out any activity that is likely to cause an adverse impact to the Public Stormwater System during a storm event.
 - iv. Obstruct or alter any overland flow paths identified in a land use consent notice, or other documents of council with any material or structures such as earth bunds, buildings, fences, retaining walls and rock gardens.
 - v. Pump or divert water into any watercourse or Public Stormwater System.
 - vi. Cause water to flow into a watercourse or Public Stormwater System from outside the catchment area where, in the opinion of any Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the watercourse or Public Stormwater System.
- (b) A person must not, without the prior approval of Council:
 - i. Stop, modify, divert or deepen any open drain; or
 - ii. Divert any open drain or otherwise cause stormwater to flow into the wastewater system.

Advisory Note 4: Obstructions to the flow of water include but are not limited to earth bunds, buildings, fences, retaining walls, rock gardens, earth, stone, timber, trees, plants, weeds and growths of all kinds that will impede the free flow of water.

Genesis considers the above suggested changes will sufficiently address its concerns.

If required, Genesis is happy to present its submission to Council at the Hearing on 11 August.

If you require further information, please contact me by email Alice.Barnett@genesisenergy.co.nz or by phone 021 799 233.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Alice Barnett', written over a faint circular stamp.

p.p.

Alice Barnett
Environment Policy and Planning Manager



Waikato District Council

Private Bag 544

Ngaruwahia 3742

Dear Sir/Madam

Proposed Stormwater Bylaw 2021 - Submission

Synlait Milk is a leading New Zealand dairy processing and export company with supply farms, processing plant and other facilities located across the country. It is a listed New Zealand company, incorporated in 2005, and offers an alternative in the milk-processing industry.

The Company produces a range of added-value milk powders and nutritional products. It exports to 53 countries worldwide and is a key provider of products in the infant nutrition and dairy ingredients supply chain.

The Company has an established processing facility in mid-Canterbury and a nutritional powders manufacturing facility at Pokeno in the Waikato District. It has a state-of-the-art blending and consumer packaging facility in Auckland, and dairy product manufacturing facilities in Temuka and Christchurch. The company is also in partnership with Massey University and Food PILOT to establish a research and development centre in Palmerston North.

Supply farms to Synlait are located across 11 different territorial authorities within New Zealand, including 56 supply farms in the Waikato District.

Synlait has made a significant investment in the Waikato District and in particular the establishment of its processing facility on a 28ha site in Pokeno. The site has approximately 15ha of available flat land with the balance of the site characterised by hilly slopes with areas of indigenous planting. The Pokeno site is not fully developed and there is potential for further construction and intensification of activities in accordance with the Heavy Industrial Zoning to take place. Synlait proposes to expand its activities and increase building cover on the site over time and in response to market demands.

As an export food manufacturer Synlait must meet the highest standards of food safety and this requires it to avoid potential risks from contaminants reaching or inhabiting any part of its site. This includes the intrusion and/or ponding of overland stormwater and applies to both construction stormwater runoff as well as permanent runoff from a higher site. Synlait also has a brand image to maintain, and accordingly any one photo of poor stormwater management on its site could have a major impact on its brand both locally and internationally.

In this context Synlait has a high level of interest in the Council's processes and requirements for the management of stormwater generated within its own site; as well as stormwater from adjoining land, particularly if the adjoining land is rezoned from rural to urban. Synlait is concerned that the

generation and management of stormwater from adjoining land does not increase stormwater flows across its site or compromise the potential for its future development plans or operations.

As a matter of record, Havelock Village Limited has made a submission to the Proposed Waikato District Plan to rezone land adjoining the Heavy Industrial Zone from Rural to Residential. In the detail of that submission, Havelock Village proposes that stormwater from its development is attenuated to only 80% of flows from hardstand areas, leaving the balance to be managed through an uncertain and currently ill-defined process.

Accordingly, Synlait supports the proposal for a stormwater by-law as an appropriate mechanism for Council to review and approve the detailed plans for stormwater management within its growing urban areas.

Synlait would however like to see **further detail specified within the by-law** to clearly identify the type and level of information that Council will require when receiving applications for connections to its stormwater system; and the actions that Council will take where compliance with the by-law is not achieved.

Synlait considers that this additional information in the by-law will provide an increased level of confidence for all parties that stormwater, particularly where there is a change from rural to urban land uses, will be appropriately assessed and managed through the by-law process. Synlait is also concerned that approvals under the proposed by-law are assessed having regard to the capacity and features of the particular catchment and the stormwater network available in that catchment.

In this regard, Synlait is concerned that stormwater is not managed incrementally on a first come, first served basis. With new housing projects, regardless of scale, it is essential that incremental development is not catered for at the expense of existing legitimately zoned activities which the network should already anticipate and provide capacity for. The capacity of the catchment is an essential consideration.

Additional Information Sought in the By-law:

1. Expand **Section 6. Stormwater Systems Requirements** to provide more guidance in the information required by Council, including:
 - Any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network.
 - Construction activities arising from initial phases of any development.
 - Compliance with relevant provisions of the Waikato District Plan, any applicable Regional Plans, Engineering Codes of Practice or other applicable Acts, Regulations or bylaws.
 - Compliance with any resource consents held by the District Authority for the discharge of stormwater that apply.
 - Compliance with the requirements of an integrated Catchment Management Plan, including consideration of any cumulative effects that may arise over time within the catchment taking into account the effects of climate change; and any downstream effects on existing Public and Private Stormwater Systems.
 - Evidence of an holistic system from stormwater falling on higher ground to the point of entry into a Council system.
 - The characteristics, features, design and operational parameters of the proposed stormwater system.

- Where the proposed stormwater system or overland flow paths rely on pathways over private land, to reach a Council system, that the capacity of the overland flow is available to current users as a priority; and
 - Any additional contribution to overland flows by development of a site is fully protected by registered easement; and .
 - Easements over third party land have been signed and reached the stage of being registered on the relevant titles;
 - Where the proposed stormwater system or overland flow path crosses over land in third party ownership, the agreements and processes in place to ensure that the stormwater system can be maintained and operated efficiently by the applicant.
 - The complexity of any issues and the cost required to address those issues.
 - Any other reasonable considerations the Council may require, with Council approval linked to subdivision approval
2. Expand **Section 6. Stormwater Systems Requirements** to provide more guidance on the scope and nature of conditions that may be imposed on an Approval given under the by-law. We suggest that the Conditions of Approval specified in the Auckland Council Stormwater Bylaw 2015 provide useful guidance:
- the location of the work or activity;
 - the design and specifications of the work or activity;
 - construction and maintenance requirements for the work or activity;
 - the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged;
 - the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;
 - the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;
 - the frequency with which any equipment required by the Approval must be maintained and cleaned;
 - the design, location, and specification of, and any material alteration to, the private stormwater system;
 - the implementation of any on-site stormwater management plan;
 - the provision of a bond or insurance in favour of the council where failure to comply with the Approval could result in damage to the public stormwater network or the Council being in breach of any statutory obligation;
 - recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and
 - any other reasonable conditions the Council considers appropriate.
3. **Section 6.6 Private Stormwater Systems Requirements** sets out the process that Council will follow where a Private Stormwater System is not operating effectively. This includes the issue of a Notice to fix under the Building Act 2004 and the ability for Council to enter the property to carry out maintenance and fix the system at the cost of the owner or occupier. Synlait

queries if these actions are sufficient in the event that a Private Stormwater System is not operating effectively. Synlait considers other consequential actions should be identified in the bylaw including **amendment or suspension of the Approval**. There is also the practical issue that if a developer has subdivided, and sold the sections, it may not be practical to enforce conditions, against that subdivider. Accordingly, the implementation of a bond arrangement as mentioned above is critical to maintaining efficiency of the network

Should you wish to clarify or expand on any part of this submission, please do not hesitate to contact our Environmental Policy & Planning Manager, Yves Denicourt, who is noted as the primary contact on the covering submission form.

Signed For Synlait:



15 July 2021

Waikato District Council Stormwater Bylaw 2021 submission

I support the purposes of this bylaw. I am writing this submission in order to ensure that the scope is not limited to new stormwater systems, but that the Council recognise that many existing stormwater systems are not adequate by today's thinking. An example might be a basic system of roadside ditches (open drains) where water is delivered quickly to an exit point where it travels overland over pasture towards a wetland on private land. I would like to see this style of stormwater system retrospectively upgraded where necessary to include design features such as water calming measures, sustainable multiple points of exit for stormwater discharge and any other measures to reduce the rate and volume of flow at any one outlet (ie reduce the amount of energy of the stormwater to cause damage within the catchment as a whole). The features above need to be constructed in a way that the Council is able to reliably maintain them. For example I would question whether reducing flow by channelling some stormwater into a series of ditches on private land is sustainable when it relies on the owners of that land maintaining the ditches.

If anecdotal evidence is correct and the Waikato is experiencing more intense (short, sharp, high energy) periods of rainfall, upgrading older open drain systems and protecting natural storage features such as peat wetlands, ponds and dams etc (even when on private land) becomes even more important.

In the past I understand that the Council's responsibility for the effect of stormwater discharge stopped a metre or so from the roadside point of discharge even if the overland flow was clearly causing erosion, removal of vegetation etc just outside the zone deemed to be the Council's responsibility. In the spirit of supporting and protecting the restoration of the health and wellbeing of the receiving environment I would like to see older stormwater systems upgraded so that they cannot be seen to create problems downstream whether on public or private property.

Miranda Baptist

Staff comments on submissions to the Proposed Amendments to the Proposed Stormwater Bylaw 2021

Submitter ID	Submitter	Submitted by	Attending Hearing?	Supports the proposed amendments?	Comments	Staff Response
1884	Waikato Regional Council	Hannah Craven	Yes	Yes- In part	<p>We encourage WDC to consider how this bylaw may support or hinder our shared objective to promote on-site water storage to manage the effects of stormwater run-off and optimise the use of the region's water resources that are under increasing pressure. We note that rainwater tanks are deemed to be a Stormwater Management Device under this bylaw and are therefore controlled by its provisions. WRC requests that this is thoroughly evaluated to ensure that it does not create a barrier to innovations in on-site water storage and smart water conservation.</p> <p>Please note that this was an introduction and not a submission to the Bylaw.</p>	<p>The bylaw does not restrict private stormwater management/assets outside of the consent requirements for stormwater management (detention and treatment for consent compliance) and therefore should not hinder on lot innovation. In terms of catchment solutions, District Council consider the benefits of new technology carefully before approving to ensure that on-going maintenance costs, water quality performance and flood risks are not compromised.</p>
					<p>WRC supports including provisions for building works in proximity to the stormwater system and private stormwater system requirements as well as general provisions for protection within the scope of the bylaw under section 6.</p> <p>However, we ask that WDC to consider implementation in practice. We consider that provision 6.2(a) relating to pool discharges may make it difficult for pool owners to find a way to discharge temporary pools in particular, to wastewater. To overcome this issue, we suggest:</p> <ol style="list-style-type: none"> a. WDC take an effects-based approach, by setting limits in the bylaw on the concentration of chlorine that may be discharged. b. Explore the use of alternative options found in other Districts. See for example the Western Bay of Plenty District Council's <i>Guidelines for disposing of swimming and spa pool water</i>.¹ <p>NB: We note tests of pool water are readily available from a range of providers.</p>	<p>The submission here is referring to the discharge of pool water to wastewater (please refer to Tradewaste and Wastewater Bylaw 2016), the section in the Bylaw specifically addresses discharge of pool water to the public stormwater system. Swimming and spa pool water contain chemicals such as chlorine and copper to treat and kill harmful bacteria, this water being discharged to stormwater systems has the potential to cause harm. In this case, WDC will still include this in section 6.2(a).</p> <p>At present, any discharge of pool water which contains chlorine would be a breach of the Bylaw. If we set limits on how much chlorine is 'allowed' to be in the water when it is discharged, we will enable members of the public to discharge 'legally'. It is likely that</p>

						<p>discharge will occur anyway so this could be a proactive way for Council to ensure it occurs in a manner which is 'safer' for our stormwater system. From an enforcement perspective, there is no ability for us to see if the water discharged was within the limits as once it has been discharged we cannot test it. We will be relying on the public to do the right thing.</p>
				<p>8. We consider it of high importance that WDC and WRC can ensure new developments do not have a detrimental impact on water quality. To reinforce this in the bylaw, we suggest:</p> <p>a. Specifically referring to the Waikato Regional Plan in clause 6.1 c) i. so that the point reads as follows or to the same effect:</p> <p>(c) Prior to providing any approval Council may require demonstration:</p> <p>i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and/or catchment, including those under the Waikato Regional Plan, and may impose conditions.</p>		<p>This submission refers to the Regional Plan – Please refer to the above.</p> <p>Waikato District Council does not have the authority to enforce the guidelines in the Waikato Regional Plan.</p> <p>Breaches of the RMA and consent conditions are covered by the current consenting process.</p> <p>Promotion of the WRC guidelines is a requirement of the current district wide SW discharge consents so is already covered.</p>
				<p>9. WRC suggests the bylaw should include an acknowledgement of impacts on biodiversity and impediments to fish passage and a more robust definition of stormwater. To this effect WRC requests:</p> <p>a. Inserting reference to Te Ture Whaimana o Te Awa o Waikato and acknowledge the impacts of stormwater on biodiversity in the purpose of the bylaw under 3.1(a)</p> <p>b. Clarifying whether existing permanent/natural watercourses are considered part of the stormwater system under the definition of stormwater system.</p> <p>c. Inserting a provision under 6.5(a) of the bylaw that states 'a person must not do anything that directly or indirectly obstructs,</p>		<p>(a) This point is referring to the stormwater system as a whole, not just Waikato River, however can accept the submission to include the vision and strategy of the Waikato River as a side note.</p> <p>(b) Definition of the watercourses is broad, thus, this includes permanent and natural and not necessary to explicitly include this. Include Watercourses in the definition of Stormwater system – definition</p>

					alters, or impedes fish passage in the stormwater system as far as practicable.'	remains the same (remove natural), can delete the watercourses as a separate definition. (c) No issue with the insertion of fish passage requirements as it would result in consistency with the NPS and NES. However, it would add to our enforcement requirements as if anyone does impede fish passage they will be breaching the bylaw.
					<p>10. We consider, particularly in light of Covid-19, that there are potential risks posed by biological material being washed into the stormwater system from vet clinics, health clinics or hospitals and that these need to be managed as far as practicable.</p> <p>a. Insert into provision 6.2(a) the following wording or wording to the same effect:</p> <p>(a) A person must not, without specific prior approval of Council, discharge or allow to be discharged into the Public Stormwater System, any material, chemical, (including pool water, chlorine and detergents), rubbish, litter, sediment, concrete, cement slurry, sewage, effluent, solvents, fungicide, insecticide, and green waste, biological material from vet clinics, health clinics or hospitals, or other substance that becomes or is likely to become a Nuisance material.</p>	This has been included in the Trade Waste and Wastewater Bylaw. Therefore, it will not be necessary to have a cross-over. There are typical pre-treatment and discharge requirements for businesses including clinics, these must be adhered, and enforcement/breach will be processed through the Trade Waste and Wastewater Bylaw 2016.
					<p>11. We suggest that a note is added to the Stormwater High Risk Facilities Register table in Schedule 1 of the bylaw that acknowledges that open burning of stockpiled tyres is a prohibited activity under rule 6.1.13.4 of the Waikato Regional Plan.</p> <p>a. Insert a note into the "Reason for High Risk Classification" column of the Stormwater High Risk Facilities Register for stockpiled tyres that notes that open burning of stockpiled tyres is a prohibited activity under rule 6.1.13.4 of the Waikato Regional Plan.</p>	<p>Change High Risk as this coincides with the Tradewaste and Wastewater Bylaw definition. High risk from stormwater perspective will not be the same as Trade Waste.</p> <p>Change to 'stormwater high risk facilities.</p> <p>These facilities should have been defined as "Stormwater High Risk</p>

						Facilities” so as to be in keeping with Schedule One. Advisory note to be added.
1883	Oil NZ (Z energy, Mobil oil, BP Oil	Mark Laurenson of 4sight consulting	Yes	Yes-In part	Trade waste references 11. There are numerous references to trade waste. With the exception of the references in advisory notes 2 and 3 to section 6.2, it appears that these references are in error and should be replaced with reference to stormwater.	All references to ‘Trade Waste identified High-Risk Facility’ should be removed and replaced with ‘Stormwater High Risk Facility’. The reference to a ‘Trade Waste Management Plan’ should be replaced with ‘Pollution Control Plan’ but that will then add another layer of requirements to landowners if Council determines it is appropriate for them to provide a pollution control plan. (Section 6.2)
					Definitions: High Risk Facilities 12. The proposed definition of ‘high risk facility’ is as follows: High Risk Facility Means a facility identified as a high-risk facility: I. In the list attached to this Bylaw as Schedule One; II. Through consent conditions due to the potential source stormwater contaminants (routine and non-routine); or III. Waikato Regional Councils’ development and stormwater management guidelines. It is unclear how other consents or guidelines will define high risk facilities and the inclusion of clauses II and III in the definition does not provide certainty for parties. Clause III in particular does not appear to be complete. The Oil Companies preference is for reliance on Schedule One of the Bylaw and deletion of clauses II and III of the above definition, noting that Council will retain the right to exclude particular discharges.	Delete Clause II and III and change to the following: ‘Means a facility identified as a high-risk facility in the list attached to this Bylaw as Schedule One. Council may, by resolution, specify any activity to be included in or removed from the register.’
					Protection of Stormwater System 14. As set out in paragraphs 6 to 10 above, the Oil Companies provide good practice measures for the management of stormwater discharges at petroleum industry sites. The Oil Companies seek that this is reflected in the Bylaw and consider that doing so will encourage industry compliance, including installation and operation of SPEL and	Not all high risks sites are petroleum related services and therefore separators are not always an appropriate solution for a high risk stormwater site. As separators are required as part of the consent

					<p>API as the only two devices currently recognised as complying with the Guidelines. This could be achieved by adding the following sentence to 6.2(e) of the Bylaw (additions in underline, deletions in strike through): <i>(e) Any owner, occupier, or manager of an Trade Waste identified High-Risk facility must install and maintain an appropriate private stormwater interception system to eliminate as far as practicable and otherwise minimise the risk of Nuisance Material entering the public stormwater system. Compliance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998) will be accepted as providing appropriate mitigation of stormwater risks at petroleum industry sites.</i></p>	<p>approvals process it is not considered necessary to include in the stormwater bylaw.</p> <p>Can remove section 6.2 (e), (f), (g) or include 'stormwater high risk.....'</p> <p>Inclusion of wording proposed may not be necessary – compliance with Environmental Guidelines doesn't necessarily mean they are providing appropriate mitigation. Also gives different requirements to petroleum industry sites from other high risk facilities.</p>
					<p>15. The Oil Companies support clause 6.2(a) which does not preclude non stormwater discharges to the network, subject to Council approval. This could be relevant to a range of discharges, for instance construction dewatering water.</p>	<p>Thanks for this feedback.</p>
1882	Grace (Maggie Wilcock)	-	Yes	Yes- In part	<p>This bylaw appears to formalise the existing rules regarding storm-water and add some extra rules. The bylaw seems to deal with urban and commercial zones and contaminants. The references to watercourses could be applied to rural areas in a nonsensical manner so clarification is needed. The differentiation between piped storm-water systems and other systems is not made clear; eg. Overland routes. There is no reference to current Stormwater flood maps and without this property owners will be unaware of any overland routes.</p>	<p>Consider - change definition of 'Overland Flow Path' to: A low point in the terrain, excluding a permanent watercourse, where surface runoff will flow over the ground surface. A subset of an overland flow path is called "secondary flow path". These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.</p> <p>We can add a note (not part of bylaw) referencing the councils GIS system that shows the location of existing managed drains.</p> <p>Hazard maps (including flooding) are part of WDC's Proposed District Plan and are also available through WRC Regional Hazards Portal.</p>

					<p>3.1, f, “...watercourses remain clear and unobstructed.” Key issue is, are these watercourses those only in a storm-water area or as the policy appears to imply all tributaries which run into the Waikato River? As Council do not currently keep their own watercourses clear, how can they impose such a rule on landowners? Many property owners are ignorant of any watercourse as they venture no further than their house area. Is this ‘purpose’ for manmade obstructions or also natural ones [e.g. fallen tree] which will allow water flow over or under and will disappear in time? As many watercourses are inaccessible to equipment how does Council intend apply any rules?</p>	<p>The main purpose of this bylaw is to provide guidance on the various areas that relate to the stormwater system to help protect the districts’ streams and the Waikato River. Watercourses, along with private and public systems make up the entire Districts’ stormwater system, hence many parties (including private owners, where natural channels pass through private properties) will play a part and need to ensure these are ‘clear and unobstructed’.</p> <p>Please note that Waikato Regional Council and landowners have responsibilities to maintain and protect waterways. WRC is responsible for clearing and enforcements related to watercourses.</p> <p>Clearance of waterways is a matter for WRC but inclusion of them in the stormwater system definition means they will all form part of the bylaw.</p> <p>The requirement is ‘unobstructed’, trees and other natural obstructions generally still allow for water to flow and are unlikely to dam up the water (they can also be beneficial from an environmental perspective).</p> <p>We are looking at improving our knowledge of our stormwater system and having a clear line of delineation of the responsibilities of maintenance for the system as a whole.</p>
--	--	--	--	--	---	--

				<p>5.0 Definitions</p> <p>Overland Flow Path: Add reference to storm-water flood maps. However not all such paths ever see water run-off. Clarification between urban and rural overland paths should be included in this bylaw.</p>	<p>It is not within the scope of this Stormwater Bylaw to provide or add reference to stormwater flood maps. The purpose of this Bylaw is to provide guidance for proper management of stormwater systems to protect the districts' streams and Waikato River. Flood maps are readily available from WDC upon request and also included in the Catchment Management Plans on the Council's website.</p> <p>See comments above re flood mapping from WRC.</p>
				<p>Watercourse: "...includes channels where due to seasonable ... do not permanently flow." Such channels tend to become choked by natural plant growth and would not be checked by any property owner even if they were aware of the watercourse. How does any owner know that their watercourse is part of Council's storm-water system? Is it only those that drain into the Waikato River from within an urban system?</p>	<p>One of the purposes of this bylaw is to ensure that all stormwater systems including watercourses, where the natural channels pass through private property are 'clear and unobstructed'. Landowners have a responsibility to maintain and protect waterways. This is to help protect the districts' streams and the Waikato River.</p> <p>See comments above re stormwater system definition.</p>
				<p>6.3, v & 6.5, iv: Overland flow paths. No mention of storm-water flood maps so owners may not be aware of path as no visible run-off has ever been seen. Reference to storm-water flood maps and a link provided within the bylaw should be included. Further if this bylaw includes watercourses outside of a storm-water system then it has serious ramifications for landowners.</p>	<p>As above. It is not within the scope of this Bylaw to include or reference flood maps.</p> <p>Small unknown tributaries are unlikely to pose a significant risk to the catchment.</p> <p>See above comments re mapping</p>
				<p>6.6, h, i: "maintenance of any watercourse on their property... including the removal of any obstruction that impedes the free flow of water". If applied this is a serious issue for many landowners. Does it mean tree blockage [which in time would rot]</p>	<p>As above. Please note that Waikato Regional Council and landowners have responsibilities to maintain and protect waterways. WRC is responsible for</p>

					or solid matter such as concrete? As mentioned in general comments Council do not currently clear natural blockages from watercourses on Council land. Further; new owners may not have been made aware of storm-water plans and overland paths. Also many watercourses have no access for machinery and removal by hand is impossible. Clarification of how watercourses will be identified needs to made clear in this bylaw. How does Council envision this aspect of the bylaw working?	clearing and enforcements related to watercourses. If a fallen tree within a watercourse has the potential to increase the flood levels outside of the required level of service (i.e. Habitual floor level flooding) then WDC will undertake clearing of the debris as required.
1881	Hamilton City Council	Mark Bougham and Kyall Foley	Yes	Yes- In part	Hamilton City Council staff request clarification in terms of High Risk Facilities and Waste Plans, recognising that there are facilities that will be deemed High Risk Facilities (as defined by Waikato District Council's Stormwater Bylaw), but will not be required to take any actions as they are not a 'Trade Waste Identified High Risk Facility'.	All references to 'Trade Waste identified High-Risk Facility' should be removed and replaced with 'Stormwater High Risk Facility'. The reference to a 'Trade Waste Management Plan' should be replaced with 'Pollution Control Plan' but that will then add another layer of requirements to land owners if Council determines it is appropriate for them to provide a pollution control plan.
					Hamilton City Council staff recommend that this definition of 'Overland Flow Path' is revisited to ensure clear instruction to those who give effect to Waikato District Council's Stormwater Bylaw.	Change definition of 'Overland Flow Path' to: A low point in the terrain, excluding a permanent watercourse, where surface runoff will flow over the ground surface. A subset of an overland flow path is called "secondary flow path". These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network. This definition is consistent with various Councils, including HCC Stormwater Bylaw attached to submission.

				<p>In contrast to the Hamilton City Council Stormwater Bylaw, the Bylaw leans on Trade Waste Plans and Waikato District Council’s Trade Waste and Wastewater Bylaw (Clause 6.2 d, e, f) to manage stormwater discharges from facilities which may have high risk contaminants.</p> <p>The three clauses within the Bylaw refer to ‘Trade Waste identified High Risk Facilities’ and will only apply to those ‘High Risk Facilities’ which have trade waste agreements.</p> <p>Staff query whether this method of control may unintentionally not provide for some high-risk facilities that do not have trade waste agreements.</p>	<p>All references to ‘Trade Waste identified High-Risk Facility’ should be removed and replaced with ‘Stormwater High Risk Facility’.</p> <p>The reference to a ‘Trade Waste Management Plan’ should be replaced with ‘Pollution Control Plan’ but that will then add another layer of requirements to land owners if Council determines it is appropriate for them to provide a pollution control plan.</p> <p>Delete Clause II and III and change to the following:</p> <p>‘Means a facility identified as a high-risk facility in the list attached to this Bylaw as Schedule One. Council may, by resolution, specify any activity to be included in or removed from the register.’</p> <p>Agree with the comment – reference to tradewaste should be removed from the Bylaw.</p>
				<p>As previously discussed, Hamilton City Council and Waikato District Council share several stormwater drainage catchments. Of these, Hamilton City Council is generally located at the lower section of stormwater drainage catchments which overlap the jurisdiction of Waikato District Council.</p> <p>Staff consider that this has the ability to impact Hamilton City Council’s compliance with our Comprehensive Stormwater Discharge Consent should an event compromising water quality within one of these shared catchments was to occur.</p> <p>Staff want to be confident that there are sufficient controls to ensure that pollutants from high-risk facilities located within the</p>	<p>Please see above changes to high-risk facilities. This is all related to the same submission “clarification of high-risk facilities and trade waste plans”.</p> <p>Waikato District Council would like to ensure that there are controls in place to reduce the chance of contamination of stormwater systems from high-risk facilities’ discharge.</p>

				<p>Waikato District do not enter Hamilton City Council’s jurisdiction and compromise our ability to comply with our Comprehensive Stormwater Discharge Consent and to give effect to the Vision and Strategy of the Waikato River.</p>	<p>Agree with the comment – WDC have aligned the bylaw with the HCC bylaw to ensure consistency.</p> <p>The reference to a ‘Trade Waste Management Plan’ should be replaced with ‘Pollution Control Plan’ but that will then add another layer of requirements to land owners if Council determines it is appropriate for them to provide a pollution control plan.</p>
				<p>The Bylaw defines ‘Overland Flow Path’ as the following: <i>Means the route along which stormwater flows. A subset of an overland flow path is called “secondary flow path”. These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.</i></p> <p>5.2 Staff have made several observations with regards to this definition.</p> <p>5.3 Firstly, the definition of Overland Flow Path as drafted includes <i>“the route along which stormwater flows”</i> and may unintentionally capture all areas subject to the movement of stormwater, including the likes of rooftops, artificial drains, water courses and any areas which are graded to such a degree where stormwater does not soak away.</p> <p>5.4 Secondly, the definition is not consistent with the Regional Infrastructure Technical Standards (RITS).</p> <p>5.5 Staff note that any disturbance of soil (no matter how minor the disturbance is) may constitute the damage or destruction of an overland flow path.</p> <p>5.6 Staff recommend that this definition is revisited to ensure clear instruction to those who give effect to the Bylaw. Referring to the RITS is considered by staff as a good starting point.</p>	<p>Change definition of ‘Overland Flow Path’ to: A low point in the terrain, excluding a permanent watercourse, where surface runoff will flow over the ground surface. A subset of an overland flow path is called “secondary flow path”. These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.</p> <p>This definition is consistent with various Councils, including HCC Stormwater Bylaw attached to submission.</p> <p>Any soil disturbance could affect water quality so recommend leaving as is to enable WDC to assess effects. Unless there has been significant damage or destruction to overland flow path there is unlikely to be enforcement action although concede the point that the current wording suggests that planting a fruit tree may fall within this definition.</p>

1857	Genesis Energy Limited	Alice Lin	Yes	Yes- In part	<p>The definition of “Stormwater System” in the Proposed Bylaw includes both the private and public systems, and all components associated with each system. There is no definition on the term “work”. The reference to an inclusive “Stormwater System” and “work” in proposed clause 6.1(b) means that any work Genesis undertakes to maintain the HPS stormwater system (for example, the replacement of a gutter) would require an application to Council. Similarly, proposed clause 6.5(a)(i) also requires a Council approval process for any temporary blockage or diversion of stormwater that may be required to undertake the maintenance activity on the Huntly Power Station (HPS)</p> <p>Genesis expects that it was not Council’s intention to require such an onerous approval process for all activities on private stormwater systems. For both proposed clauses, the intent for Council approval is most likely to relate to works on, or may impact, the public stormwater system only.</p> <p>Genesis suggests the following amendments (additions red underlined):</p> <p>6.1 Connecting to the Public Stormwater system</p> <p>(a) No person may, without written approval from the Council, connect into the Public Stormwater System;</p> <p>(b) Any Person wishing to connect to, disconnect from, or work on the Public Stormwater System, must apply to the Council for Approval and provide any information required by Council.</p> <p>(c) Prior to providing any approval Council may require demonstration: i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and/or catchment and may impose conditions.</p> <p>ii. That the connection complies with the requirements of any integrated Catchment Plan.</p>	Agree with and accept this submission – changes will be made.
					<p>6.5 Obstructions and Capacity of the stormwater system</p> <p>(a) A person must not, without the prior approval of the Council:</p> <p>i. Do anything that directly or indirectly obstructs, alters, or impedes the natural flow of the Public Stormwater System.</p>	Agree with and accept this submission – changes will be made.

					<p>ii. Obstruct or hinder any part of Public or Private Stormwater System in a manner that is likely to cause a nuisance to the public.</p> <p>iii. Erect any structure or stop bank, grow any vegetation, deposit any waste, or carry out any activity that is likely to cause an adverse impact to the Public Stormwater System during a storm event.</p> <p>iv. Obstruct or alter any overland flow paths identified in a land use consent notice, or other documents of council with any material or structures such as earth bunds, buildings, fences, retaining walls and rock gardens.</p> <p>v. Pump or divert water into any watercourse or Public Stormwater System.</p> <p>vi. Cause water to flow into a watercourse or Public Stormwater System from outside the catchment area where, in the opinion of any Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the watercourse or Public Stormwater System.</p> <p>(b) A person must not, without the prior approval of Council:</p> <p>i. Stop, modify, divert or deepen any open drain; or</p> <p>ii. Divert any open drain or otherwise cause stormwater to flow into the wastewater system.</p> <p>Advisory Note 4: Obstructions to the flow of water include but are not limited to earth bunds, buildings, fences, retaining walls, rock gardens, earth, stone, timber, trees, plants, weeds and growths of all kinds that will impede the free flow of water.</p> <p>Genesis considers the above suggested changes will sufficiently address its concerns.</p>	
1855	Frank Wood	-	Yes	Yes	<p>The following comments are suggestions for consideration, offered for discussion and development if they are seen to be helpful.</p> <p>General</p> <p>In my view, the document is well presented and easier to read than similar documents that I have seen from other jurisdictions.</p> <p>Given the current Government proposals for the management of water (3 Waters Policy), it is very timely, if not overdue.</p> <p>It would be especially helpful though for a 'Joe-Blog' ratepayer to understand more fully how it ties in to Regional Policy.</p>	<p>Appreciate this comment. Please note that Waikato District Council is not responsible for enforcing Waikato Regional guidelines. WDC can make references to the WRC guidelines, however, cannot make any enforcements based on the Regional Plan.</p>

				<p>1. The purpose statements focus on the ability of the Council to better manage the resource. I would hope that one of the key outcomes would be improved compliance through the improved clarity that promulgation of the Bylaw will provide for the community. Maybe encapsulation of the major desired outcomes under a heading would be useful. Or, at least an additional purpose statement that reflects such a theme, would provide an appropriate client connection. Either way, monitoring/measuring effectiveness, plus reporting ROI in the future, would be greatly enhanced.</p>	<p>The general purposes of the bylaw are outlined in section 3.0 of the document. All advantages of following these guidelines have been defined. Please refer to this section in the Stormwater Bylaw for more information.</p> <p>Our bylaws do not have introductions. For consistency in our documents, do not support change.</p>
				<p>2. The document is very strong on a range of compliance matters and treats them succinctly and well. The definitions in particular are very useful. The explanation of public versus private is also helpful. But while 'approvals' are emphasised early on, what is actually required to gain approvals is not. At the end of the day, compliance must be correlated with the required behaviours and stipulated criteria. Again, providing a platform for demonstrating success and even continuing improvement will inevitably be linked to measures that tie the contracted undertakings (approvals process) to the compliance monitoring process.</p>	<p>Agree with the statement. The mechanisms that achieve this is through the consenting process. Although they are intrinsically linked, this is not the purpose of the bylaw.</p>
				<p>3. In a similar context, greater clarity on how the Bylaw aligns with Environment Waikato Processes (refer general above), would be very helpful. For example, do the 40 'sections relating to requirements in the Environment Waikato approvals/consent Form B Stormwater Discharge Consents, apply to 'approvals' under this Bylaw? Or has an opportunity been created to review, clarify and simplify approval/consent requirement statements in line with the quality of the present document? The effectiveness of the Bylaw would surely be strengthened if this information was connected/included with it.</p>	<p>As above. Please note that Waikato District Council is not responsible for enforcing Waikato Regional guidelines. WDC can make references to the WRC guidelines, however, cannot make any enforcements based on the Regional Plan.</p> <p>The consent process is still the primary vehicle for achieving the required environmental outcomes. The SW bylaw assists WDC in the enforcement of non-compliances.</p> <p>Stormwater Discharge Consents are not approvals under the Bylaw – they are consents granted by WRC.</p>

				<p>4. Given the current contract between WDC and Water Care to manage assets and on-the-ground processes linked to stormwater control, understanding of how the Bylaw is to be applied is an important consideration. From a 'user perspective', to whom does one go for guidance, be it an operational issue or a policy one?</p>	<p>Agree this is an important delineation and council need to consider how this is managed, however the SW bylaw is not considered the place for this. The contract between WDC and WSL could change in the future (especially with the upcoming water reforms) and we would not expect to need to update the bylaw when/if this occurs. The current bylaw covers WSL by the included definitions of 'authorised personal/contractors'</p> <p>Enforcement of bylaws is the responsibility of WDC. Watercare will refer any breaches to WDC as appropriate.</p>
				<p>5. With increasing realisation of the impacts of climate change which have a very direct implication for stormwater management, as we are seeing around the world, emphasis on forecasting and predicting average and exceptional peak demands on infrastructure, must inevitably grow for effective planning and maintenance. There are many formulae for modelling stormwater volumes in different settings. The Environment Waikato paper (Form B Stormwater Discharge Consents sections 15, 16 & 17) address some. WDC professionals will have a good knowledge of these. It is going to become so important in the future, I suggest that some worked examples would enhance understanding and improve compliance (if they could be included).</p>	<p>Waikato District Council recognizes the importance of climate change and has a separate Climate Response and Resilience Policy in place with a Climate Response and Resilience Action Plan Framework. The selection, design, construction and management of stormwater systems follow Waikato Stormwater Management Guidelines set by Waikato Regional Council, where climate change is factored in. It is out of the scope of this bylaw to include or make references to stormwater modelling. It is also unwarranted for this information to be repeated in this bylaw.</p>
				<p>6. Again in a similar context, it must be made very clear that any intended changes in conditions under which an approval/consent is given, MUST be notified well before they are implemented or the original consent may be removed. A prime consideration, and one that is driving current Government arguments for reform, has been the large number of 'work-arounds' that have been implemented with or without approval in the past. These can only lead to a</p>	<p>This bylaw is not proposing any changes to the consent requirements. The purpose of this bylaw is to provide guidelines for proper stormwater management.</p>

					growing 'bow-wave' of retrospective infrastructure demands that frustrate forward planning and the establishment of sustainable processes.	Consenting requirements are not part of this bylaw.
--	--	--	--	--	--	---

1854	Synlait Milk Ltd	Yves Denicourt	No	Yes- in part	<p>Synlait would however like to see further detail specified within the by-law to clearly identify the type and level of information that Council will require when receiving applications for connections to its stormwater system; and the actions that Council will take where compliance with the by-law is not achieved.</p> <p>Synlait considers that this additional information in the by-law will provide an increased level of confidence for all parties that stormwater, particularly where there is a change from rural to urban land uses, will be appropriately assessed and managed through the by-law process. Synlait is also concerned that approvals under the proposed by-law are assessed having regard to the capacity and features of the particular catchment and the stormwater network available in that catchment.</p> <p>In this regard, Synlait is concerned that stormwater is not managed incrementally on a first come, first served basis. With new housing projects, regardless of scale, it is essential that incremental development is not catered for at the expense of existing legitimately zoned activities which the network should already anticipate and provide capacity for. The capacity of the catchment is an essential consideration.</p>	<p>Connections to the system is not within the ambit of this bylaw. Non-compliance with the bylaw is outlined in clauses 9 and 10 (Breaches and Offences and Penalties)</p> <p>Changes to zoning is a matter for RMA process, not the bylaw. Issues around capacity etc of catchments or development stormwater management is generally addressed either by WRC through discharge consents or through WDC landuse consenting process.</p> <p>Please note that this bylaw is not facilitating connections with the stormwater system. This is outlined in the consent requirements. The main purpose of this Stormwater Bylaw is to Provide the public with guidance around the existing stormwater network, provide Council with enforcement tools and to minimize negative effects on the network and environment.</p> <p>Council has a number of catchment management plans that outline future needs and considerations for new developments. These plans also contain flood modelling and system performance analysis. The existing consent process includes review of the</p>
------	------------------	----------------	----	--------------	--	--

						CMPs to ensure new developments to not adversely or significantly affect the catchments.
					<p>Additional Information Sought in the By-law:</p> <p>1. Expand Section 6. Stormwater Systems Requirements to provide more guidance in the information required by Council, including:</p> <ul style="list-style-type: none"> - Any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network. - Construction activities arising from initial phases of any development. - Compliance with relevant provisions of the Waikato District Plan, any applicable Regional Plans, Engineering Codes of Practice or other applicable Acts, Regulations or bylaws. - Compliance with any resource consents held by the District Authority for the discharge of stormwater that apply. - Compliance with the requirements of an integrated Catchment Management Plan, including consideration of any cumulative effects that may arise over time within the catchment taking into account the effects of climate change; and any downstream effects on existing Public and Private Stormwater Systems. - Evidence of an holistic system from stormwater falling on higher ground to the point of entry into a Council system. - The characteristics, features, design and operational parameters of the proposed stormwater system. - Where the proposed stormwater system or overland flow paths rely on pathways over private land, to reach a Council system, that the capacity of the overland flow is available to current users as a priority; and - Any additional contribution to overland flows by development of a site is fully protected by registered easement; and . - Easements over third party land have been signed and reached the stage of being registered on the relevant titles;. - Where the proposed stormwater system or overland flow path crosses over land in third party ownership, the agreements and processes in place to ensure that the stormwater system can be maintained and operated efficiently by the applicant. 	<p>Same as above.</p> <p>Any new developments are included in the consenting process. This bylaw will not include this process as this is legislated as a separate process.</p> <p>The majority of this part of the submission relates to the consenting process and so cannot be addressed through the bylaw.</p>

					<ul style="list-style-type: none"> - The complexity of any issues and the cost required to address those issues. - Any other reasonable considerations the Council may require, with Council approval linked to subdivision approval 	
					<p>Expand Section 6. Stormwater Systems Requirements to provide more guidance on the scope and nature of conditions that may be imposed on an Approval given under the by-law. We suggest that the Conditions of Approval specified in the Auckland Council Stormwater Bylaw 2015 provide useful guidance:</p> <ul style="list-style-type: none"> - the location of the work or activity; - the design and specifications of the work or activity; - construction and maintenance requirements for the work or activity; - the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged; - the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater; - the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network; - the frequency with which any equipment required by the Approval must be maintained and cleaned; - the design, location, and specification of, and any material alteration to, the private stormwater system; - the implementation of any on-site stormwater management plan; - the provision of a bond or insurance in favour of the council where failure to comply with the Approval could result in damage to the public stormwater network or the Council being in breach of any statutory obligation; - recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and 	<p>Same as above.</p> <p>Any new developments are included in the consenting process. This bylaw will not include this process as this is legislated as a separate process.</p> <p>LIMs in the Waikato already reference the CMP.</p> <p>Most items are a duplication of the consenting process.</p> <p>Auckland CC has different functions to WDC in that it is responsible for discharge consents whereas in the Waikato district, that is the function of WRC. As above, most of this part of the submission also relates to the consenting process and, as such, cannot be addressed in the bylaw.</p>

					- any other reasonable conditions the Council considers appropriate.	
					<p>Section 6.6 Private Stormwater Systems Requirements sets out the process that Council will follow where a Private Stormwater System is not operating effectively. This includes the issue of a Notice to fix under the Building Act 2004 and the ability for Council to enter the property to carry out maintenance and fix the system at the cost of the owner or occupier. Synlait queries if these actions are sufficient in the event that a Private Stormwater System is not operating effectively. Synlait considers other consequential actions should be identified in the bylaw including amendment or suspension of the Approval. There is also the practical issue that if a developer has subdivided, and sold the sections, it may not be practical to enforce conditions, against that subdivider. Accordingly, the implementation of a bond arrangement as mentioned above is critical to maintaining efficiency of the network</p>	<p>Bond arrangements and maintenance periods are already apart of the subdivision consenting process. This is also controlled by the transfer of consents to WDC.</p> <p>SW assets that benefit the catchment/community that require specialised maintenance (i.e. SW ponds) are vested to WDC for operation and maintenance.</p> <p>Amendment or suspension of a SW discharge approval is not a practical solution and could cause increased flood risk.</p> <p>Private property SW management assets required by the consent conditions are added to property LIMs to ensure the property owner is aware of their responsibilities. This is also monitored by WSL and WDC compliance officers.</p>
1852	Miranda Baptist	-	No	Yes- In part	<p>I support the purposes of this bylaw. I am writing this submission in order to ensure that the scope is not limited to new stormwater systems, but that the Council recognise that many existing stormwater systems are not adequate by todays thinking. An example might be a basic system of roadside ditches (open drains) where water is delivered quickly to an exit point where it travels overland over pasture towards a wetland on private land. I would like to see this style of stormwater system retrospectively upgraded where necessary to include design features such as water calming measures, sustainable multiple points of exit for stormwater discharge and any other measures to reduce the rate and volume of flow at any one outlet (i.e., reduce the amount of</p>	<p>It is in the best interest of Waikato District Council to have guidelines in place for the proper management of stormwater systems to help protect the district's streams and the Waikato River. This bylaw has provided written guidelines to ensure this for public and private stormwater systems, including watercourses.</p> <p>It is not standard practice to include or outline the projects and initiatives that are currently in place to</p>

					<p>energy of the stormwater to cause damage within the catchment as a whole). The features above need to be constructed in a way that the Council is able to reliably maintain them. For example I would question whether reducing flow by channelling some stormwater into a series of ditches on private land is sustainable when it relies on the owners of that land maintaining the ditches. If anecdotal evidence is correct and the Waikato is experiencing more intense (short, sharp, high energy) periods of rainfall, upgrading older open drain systems and protecting natural storage features such as peat wetlands, ponds and dams etc (even when on private land) becomes even more important. In the past I understand that the Council's responsibility for the effect of stormwater discharge stopped a metre or so from the roadside point of discharge even if the overland flow was clearly causing erosion, removal of vegetation etc just outside the zone deemed to be the Council's responsibility. In the spirit of supporting and protecting the restoration of the health and wellbeing of the receiving environment I would like to see older stormwater systems upgraded so that they cannot be seen to create problems downstream whether on public or private property.</p>	<p>improve/upgrade stormwater systems. This out of the scope of this bylaw.</p> <p>Currently WDC has obligations under the existing district wide SW discharge consents to improve the existing discharge quality. There are several SW initiatives that are currently underway to improve existing systems designed and constructed under outdated guidelines. Retro fitting assets has a number of complications around the space available for installations as well as the cost of construction (funding) as reinstatement costs can be prohibited. The Council currently utilizes new technology to undertake retro fitting where possible. Examples of this are the installation of EnviroPods which are currently located in Raglan, Huntly and Ngaruawahia.</p>
1849	Greg McCautchan	-	No	Yes – In Part	<p>WDC should be specifically bound under the offences and penalties to the same degree as the people/companies are.</p>	<p>The stormwater Bylaw is a regulation set by the Waikato District Council to help manage stormwater issues in the district. We note that the primary aim and purpose of this Stormwater Bylaw is not to seek to prosecute but to promote the protection of our streams and the Waikato River by setting out responsibilities regarding the management of stormwater systems. Waikato District Council ensure all sections and clauses of the Bylaw are specifically adhered to</p>

Waikato District Council

Stormwater Bylaw 2021

Waikato District Council, in exercise of its powers under the Local Government Act 2002 Land Drainage Act 1908 and the Health Act 1956 and any subsequent amendments to the Acts and all other relevant powers, makes the following bylaw.

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1. The bylaw shall be known as the “Waikato District Council Stormwater Bylaw 2021”.
- 1.2. The bylaw shall apply to the Waikato District.
- 1.3. The bylaw shall come into force on 01 October 2021.

2. SCOPE

- 2.1. This bylaw shall apply to the any land, building, work, property or catchment under the control of the Waikato District Council and to both public and private stormwater systems and watercourses.

3. PURPOSE

- 3.1. The purposes of this bylaw are to enable Waikato District Council to:
 - (a) Manage the entry of contaminants into the stormwater system to support the protection and restoration of the health and wellbeing of the receiving environment e.g. Waikato River and coastal areas.
 - (b) Manage the land, structure or infrastructure associated with stormwater drainage within its control.
 - (c) Meet any compliance requirements of any discharge consents relating to stormwater.
 - (d) Protect and regulate against damage, misuse, or loss of the land, structures, or infrastructure related to stormwater drainage.
 - (e) Prevent the unauthorised use of the land, structures or infrastructure related to stormwater drainage.
 - (f) Ensure watercourses, that form part of Waikato District Council’s stormwater systems, remain clear and unobstructed.
 - (g) Protect, promote, and maintain public health and safety.
 - (h) Protect the public from nuisance materials.

4. COMPLIANCE WITH OTHER ACTS AND REGULATIONS, BYLAWS AND CODES

- 4.1. This Bylaw has been developed in accordance with all relevant legislation, Council policy relating to Stormwater and guidance.
- 4.2. Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, regulation other bylaw and codes.

5. DEFINITIONS

5.1. In this bylaw except where inconsistent with the context:

Approval	Means approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council.
Authorised Officer	Means any person authorised by the Council to carry out general or specific duties arising from any of the provisions of this bylaw, unless stated otherwise.
Council	Means the Waikato District Council or any person authorised to act on its behalf.
Council Policy	Means any Waikato District Council Policy either directly or indirectly related to Stormwater.
Ecological device	Includes devices such as fish ramps and any constructed fish protection structures designed to preserve aquatic habitat or passage.
High Risk Facility	Means a facility identified as a high-risk facility: <ol style="list-style-type: none"> I. In the list attached to this Bylaw as Schedule One; II. Through consent conditions due to the potential source of stormwater contaminants (routine and non-routine); or III. Waikato Regional Councils' development and stormwater management guidelines.
Nuisance material	Means anything that is not stormwater, including but not limited to substances that; <ol style="list-style-type: none"> (a) Pose a danger to life (b) Pose a danger to public health (c) Cause flooding of any building floor or sub-floor, or public roadway (d) Cause damage to property (e) Cause a negative effect on the efficient operation of a stormwater system (f) Cause damage to any part of a stormwater system (g) Cause erosion or subsidence of land (h) Cause long or short-term adverse effects on the environment (i) Cause adverse loss of riparian vegetation (j) Cause wastewater overflow to land or water (k) And includes anything that causes a breach of any condition of any stormwater discharge consent for which Council is responsible.
Occupier	The person or legal entity having the legal right to occupy, and use all or part of the premises, and includes a tenant, lessee, licensee, manager or foreperson or any other person acting in the general management of the premises.
Open Drain	Means any system that collects and transports stormwater or groundwater through a series of open channels or ditches, including culverts and pipes in areas of vehicle or road crossings.

On-lot Devices	Means stormwater management devices and/or facilities that are situated on private property and which are privately owned and maintained.
Overland Flow Path	Means the route along which stormwater flows. A subset of an overland flow path is called “secondary flow path”. These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.
Stormwater	Means surface water runoff that enters or may enter the stormwater system as a result of a rain event; or: <ol style="list-style-type: none"> (a) Ground water that enters into the stormwater system; and (b) Contains any substance where the type and concentration of the substance is consistent with the contributing catchments land use(s) and that of the receiving environment.
Stormwater System	Includes any land, structure or infrastructure associated with stormwater drainage, including: <ol style="list-style-type: none"> (a) Private Stormwater System - Means all privately owned components of a stormwater system, including pipes, gutters, downpipes, catchpits, soakage systems, and Stormwater Management Devices that are located on private property, up to the point of discharge into the public stormwater system or a watercourse. (b) Public Stormwater System - Means all components of the stormwater system owned by any Council or government organisation (including NZTA), including drains, kerbs and channels, catchpits, pipes, manholes and lateral connections and Stormwater Management Devices that carry away stormwater, whether or not any part of the system passes through private property.
Stormwater Management Device	Means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge, including, but not limited to: <ul style="list-style-type: none"> • rain gardens • infiltration trenches • sand filters • green roofs • wetlands • swales • ponds • rain water tanks • propriety devices
Trade Waste Management Plan	Means a plan for the management of the operations on the Premises from which Trade Waste comes, and may include provision for flow and quality monitoring, sampling, and testing, cleaner production, waste minimisation, discharge, contingency management procedures, or any relevant industry Code of Practice (<i>Refer current Waikato District Trade Waste and Wastewater Bylaw</i>).
Watercourse	Means a channel that conveys water whether or not it passes through private property and includes channels where, due to seasonal variations, water does not permanently flow.

Wastewater System Includes all wastewater conveyance and treatment systems (pipes, fittings, manholes, pumps, pump stations; and any land, buildings, treatment works) which are under the control of the Council for the purpose of providing a wastewater service.

6. STORMWATER SYSTEMS REQUIREMENTS

6.1. Connecting to the Stormwater system

- (a) No person may, without written approval from the Council, connect into the Public Stormwater System;
- (b) Any Person wishing to connect to, disconnect from, or work on the Stormwater System, must apply to the Council for Approval and provide any information required by Council.
- (c) Prior to providing any approval Council may require demonstration:
 - i. From the owner or occupier of a site that a discharge of stormwater to the network will comply with any current Resource Consents within the Waikato District and /or catchment and may impose conditions.
 - ii. That the connection complies with the requirements of any integrated Catchment Plan.

6.2. Protection of Stormwater System

- (a) A person must not, without specific prior approval of Council, discharge or allow to be discharged into the Public Stormwater System, any material, chemical, (including pool water, chlorine and detergents), rubbish, litter, sediment, concrete, cement slurry, sewage, effluent, solvents, fungicide, insecticide, and green waste or other substance that becomes or is likely to become a Nuisance material.
- (b) Any person undertaking earthworks must take all practicable steps to store, handle, transport and use materials in such a way that prevents any Nuisance Material from entering the Stormwater System.
- (c) Any person undertaking earthworks must ensure that controls are in place to prevent Nuisance material entering the Stormwater System.

Advisory Note 1: for further information on sediment control refer to Council's "A Guide to Sediment Control on Building Sites".

- (d) Any person who knows of the entry or imminent entry of Nuisance Material to the Stormwater System must immediately:
 - i. Take all practicable steps to stop the imminent entry or further entry of any Nuisance Material to the Stormwater System; and
 - ii. Inform Council as soon as practicable.
- (e) Any owner, occupier, or manager of a Trade Waste identified High-Risk Facility must install and maintain an appropriate private stormwater interception system to eliminate as far as practicable and otherwise minimise the risk of Nuisance Material entering the public stormwater system.

- (f) Any owner, occupier or manager of a Trade Waste identified High-Risk Facility must develop, maintain, and keep available for inspection a Trade Waste Management Plan (as part of any management plan required by the Waikato District Trade Waste and Wastewater Bylaw 2016) which eliminates as far as is practicable and otherwise minimises any risk of a breach of this Bylaw. Council may require the Trade Waste Management Plan to be submitted for approval.
- (g) The owner, occupier, and all persons on the site of a Trade Waste identified High-Risk Facility must comply with the requirements of the Trade Waste Management Plan.

Advisory Note 2: where Nuisance Materials are not managed to the satisfaction of Council, Council may require the owner/occupier to divert the Nuisance Material to wastewater and apply for a Trade Waste consent in accordance with the Waikato District Trade Waste and Wastewater Bylaw 2016.

Advisory Note 3: For the avoidance of doubt, swimming or spa pool water arising from emptying or backwashing may not be discharged into the Stormwater network. Disposal of such water is to the wastewater network as provided for in the Waikato District Trade Waste and Wastewater Bylaw 2016 or may be discharged to land in a controlled manner in such a way that it can soak into a vegetated area and cannot reach a reticulated public Stormwater network or Watercourse.

6.3. Damage to the Public Stormwater System

- (a) No person shall cause, or allow to be caused, any damage to, or destroy any:
 - i. Dam
 - ii. Weir
 - iii. Stormwater Management device
 - iv. Swale
 - v. Overland flow path identified in a land use consent notice, other documents of Council or illustrated in integrated catchment management plans.
 - vi. Stopbank
 - vii. Headworks
 - viii. Building
 - ix. Treatment device
 - x. Drainage reserve land
 - xi. Ecological device
 - xii. Erosion and scour control structures
 - xiii. Stormwater inlet and outlet structures
 - xiv. Stormwater pipes; or
 - xv. Any other installation connected with the stormwater system and under control of the Council.
- (b) No person shall modify, interfere with, or remove any of the items listed in Clause 6.3(a) without the prior approval of Council.
- (c) Every person excavating or working around the Public Stormwater System must take any necessary precautions to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the Stormwater System.

- (d) No person shall cause a temporary or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.
- (e) Any person who becomes aware of damage to a stormwater system must report it to the Council immediately.

6.4. Building works in proximity to the Stormwater System

- (a) Any person intending to carry out any building works within five meters of the Public Stormwater System must:
 - i. make an application to Council to build adjacent to Public Stormwater System;
 - ii. not proceed with any works until such time as Approval is granted;
 - iii. upon Approval being granted, notify Council at least 10 working days before undertaking the building works within 5 metres of the Public Stormwater System.
- (b) Any building works carried out within five meters of the Stormwater System must comply with the requirements of the Regional Technical Infrastructure Specification.

6.5. Obstructions and Capacity of the stormwater system

- (a) A person must not, without the prior approval of the Council:
 - i. Do anything that directly or indirectly obstructs, alters, or impedes the natural flow of the Stormwater System.
 - ii. Obstruct or hinder any part of Public or Private Stormwater System in a manner that is likely to cause a nuisance to the public.
 - iii. Erect any structure or stop bank, grow any vegetation, deposit any waste, or carry out any activity that is likely to cause an adverse impact to the Public Stormwater System during a storm event.
 - iv. Obstruct or alter any overland flow paths identified in a land use consent notice, or other documents of council with any material or structures such as earth bunds, buildings, fences, retaining walls and rock gardens.
 - v. Pump or divert water into any watercourse or Public Stormwater System.
 - vi. Cause water to flow into a watercourse or Public Stormwater System from outside the catchment area where, in the opinion of any Authorised Officer, the water will overload the capacity or will otherwise interfere with the proper functioning of the watercourse or Public Stormwater System.
- (b) A person must not, without the prior approval of Council:
 - i. Stop, modify, divert or deepen any open drain; or
 - ii. Divert any open drain or otherwise cause stormwater to flow into the wastewater system.

Advisory Note 4: Obstructions to the flow of water include but are not limited to earth bunds, buildings, fences, retaining walls, rock gardens, earth, stone, timber, trees, plants, weeds and growths of all kinds that will impede the free flow of water.

6.6. Private Stormwater Systems Requirements

- (a) Where it is identified that a Private Stormwater System is not operating effectively, Council may issue a Notice to fix under the Building Act 2004 to require an owner or occupier of a property to fix the Private Stormwater Systems, including Stormwater Management Devices, at the owner's cost, to meet original design specifications.
- (b) An owner or occupier must ensure that a Stormwater Management Device in a Private Stormwater System is adequately maintained to perform the intended function/design, including:
 - i. the removal of any obstruction or material that impedes or is likely to impede the free flow or draining of water; and
 - ii. the repair or replacement of any part of the Stormwater Management Device that prevents or impedes the full functioning of the device.
- (c) An owner or occupier of a property must take all reasonable steps to ensure that a Stormwater Management Device in a Private Stormwater System does not allow Nuisance Material to enter the Public Stormwater System.
- (d) If the owner or occupier of a property does not maintain or fix any Private Stormwater System, Council reserves the right to enter the property to carry out maintenance or fix the system and recover any costs in accordance with section 186 of the Local Government Act 2002.
- (e) No owner or occupier may remove a Private Stormwater System or do anything which reduces its effectiveness without written approval from the Council.
- (f) No person shall allow Stormwater to enter the Wastewater System without prior approval from Council.
- (g) The owner, occupier, or manager of a property that has a soakage system as part of a Private Stormwater System must ensure that the soakage system disposes of the stormwater from the site in accordance with original design specifications at the owner's cost.
- (h) Owners or occupiers are responsible for:
 - i. ensuring the maintenance of any watercourse on their property, including the removal of any obstruction that impedes or is likely to impede the free flow of water; and
 - ii. the provision of any treatment system required to treat stormwater runoff (for example, maintaining a minimum grass height of 150mm for a rain garden designed for the purpose of stormwater treatment)

7. ACCESS

- 7.1. In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter any property (including any High-Risk Facility) with at least 24 hours' notice and inspect any Stormwater System for the purposes of routine inspection; monitoring or post breach monitoring.

- 7.2. In accordance with section 172 of the Local Government Act 2002, an Authorised Officer may enter any property for the purposes of detecting a breach of this Bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. The Authorised Officer must give a minimum of 24 hours' notice unless the giving of notice would defeat the purpose of entry.
- 7.3. In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings without the giving of any notice.

8. FEES & CHARGES

- 8.1. In accordance with Sections 150 of the Local Government Act 2002, Council may charge a fee for any inspection or re-inspection or remedial work carried out under this Bylaw. Inspection and re-inspection fees will be set by Council.

9. BREACHES

- 9.1. It is a breach of this Bylaw to:
- (a) Fail to comply with any requirement of this Bylaw;
 - (b) Fail to comply with any notice issued by an Authorised Officer pursuant to this Bylaw;
 - (c) Obstruct an Authorised Officer in the performance of their function under this Bylaw.
- 9.2. Any serious or imminent breaches of any storm water discharge consent will be reported to Waikato Regional Council and the Environment Protection Authority for further enforcement.
- 9.3. A person is not in breach of this Bylaw if that person proves that the act or omission was necessary to:
- (a) Save or protect life or health or prevent injury; or
 - (b) Comply with Council's obligations under the Health Act 1956; or
 - (c) Prevent serious damage to property; or
 - (d) Avoid actual or likely damage to the environment; and
 - i. The person's conduct was reasonable in the circumstances; and
 - ii. The effects of the act or omission were adequately remedied or mitigated by the person after the breach occurred.
- 9.4. Where a person does not comply with the terms and conditions of an Approval granted by the Council in accordance with this Bylaw, without limiting Council's enforcement options, the Council will take a staged approach through the following steps:
- (a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the Approval during any subsequent review of the Approval;
 - (b) Undertake a review the Approval, which may result in:
 - i. amendment of the Approval; or
 - ii. suspension of the Approval;

- (c) Following continued non-compliance and after the above steps have been taken, Council may withdraw the Approval, depending on the seriousness and impacts of that non-compliance.

10. OFFENCES AND PENALTIES

- 10.1. A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002

11. GENERAL

- 11.1 Any notice, order or other document which is required by this Bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 11.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on **XX** **September 2021**.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Schedule One

Waikato District Council Stormwater Bylaw

Stormwater High Risk Facilities Register

Approved By:	Date Adopted:
Date in Force	
Data Amended:	Amendments recorded:

The following is a list of high risk facilities:

Activity	Reason for High Risk Classification
Mechanical workshops and service stations	These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon, hence the greater risk of stormwater discharges to the environment.
Printers	Relatively large quantities of dyes and paints are handled at these sites. The risk of spillages is relatively high.
Spray painting facilities	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
Meat, fish and shellfish processing industries	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
Dairy products processing	Wastes from these industries can typically have a high Biological Oxygen Demand (BOD). This can cause significant adverse effects.
Waste management sites (transfer stations, compost sites, landfills etc.)	Litter, hazardous substances and high BOD wastes can all enter stormwater systems from these sites.
Truck wash facilities	The activity of truck washing can generate hazardous contaminants from trucks as well as sediments and wastes from spillages on site.
Unenclosed manufacturing and bulk storage of fertiliser	Fertilisers can give rise to high levels of nutrient in stormwater discharges. Where fertilisers are manufactured or stored in such a way that fertilisers can enter stormwater the risk of adverse effects is unacceptably high.
Textile fibre and textile processing industries where dyeing and washing of fabric occurs	Large quantities of dye and high BOD wastes (from wool scourers for instance) are handled on these site. The risk of spillages that could enter stormwater is high.
Tanneries and leather finishing	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.

Footwear manufacture	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is higher.
Manufacture of paper and paper products	Hazardous substances such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages etc. entering stormwater can be high.
Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products	The risk of spillages associated with hazardous substances used in these industries can be high.
Manufacture of fabricated metal products, machinery and equipment	The risk of spillages associated with hazardous substances used in these industries can be high.
Electroplaters, Foundries, galvanizers and metal surfacing	The risk of spillages associated with hazardous substances used in these industries can be high.
Concrete batching plants and, asphalt manufacturing plants	The risk of spillages associated with hazardous substances used in these industries can be high.
Stock saleyards	High BOD run-off can be associated with these sites.
Bakeries	Outside washing of trays, dishes and pans can result in high BOD, fats, greases and detergents entering stormwater systems.
Car wash and valet services	High oil, solvent and solid discharges can occur from these activities.
Commercial laundries (excluding self-service laundrettes and Laundromats)	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
Furniture/wood manufacturing and refinishing industries	Some of these industries work outside extensively, usually with no stormwater treatment, Contaminants such as sawdust, glues and alkali stripper solution in the stormwater coming out of these sites can include high solids, BOD and high pH.
Timber preservation, treatment and storage sites where chemically treated timber is sorted	A range of hazardous substances are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage.
Stockpiled tyres	Large quantities of tyres when ignited can produce hazardous air emissions and toxic effluent run-off which have adverse health and environmental implications.

Appendix 4: Stormwater Bylaw**Schedule of Speakers****Proposed Stormwater Bylaw 2021****11 August 2021**

Submission No.	Speaker	Appendix I	Time
STORMWATER BYLAW			
1884	Waikato Regional Council – Hannah Craven	Long Submission Appendix IA pg 1	11.00 am
1883	Mark Laurenson (4Sight) – Z Energy, Mobil Oil, BP Oil Ltd	Long Submission Appendix IA pg 6	11.10 am
1857	Genesis Energy Limited – Alice Lin	Long Submission Appendix IA pg 31	11.20 am
1855	Frank Wood	Appendix I	11.30 am

Open Meeting

To	Policy & Regulatory Committee
From	Ian Cathcart Special Infrastructure Projects Manager
Date	11 August 2021
Prepared by	Zinab Al Khaleefa, Three Waters Contract Engineer Jodi Bell-Wymer, Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	3211046
Report Title	Hearing Report for the proposed amendments to the Water Supply Bylaw 2014 and the Water Leak Relief Policy 2021

I. EXECUTIVE SUMMARY

On 9 June 2021, the Policy and Regulatory Committee adopted the Statement of Proposal and approved public consultation of the proposed amendments to the Waikato District Council (**Council**) Water Supply Bylaw 2014 (**Bylaw**) which included a proposal to create a separate Water Leak Relief Policy 2021 (**Policy**).

The period for public consultation on the Bylaw was open from 16 June 2021 to 16 July 2021.

The statement of proposal, a copy of the proposed Bylaw, Policy and submission forms were available at Council offices, libraries, and on the Council website. Key stakeholders were invited to make a submission and an online tool was available for those who wanted to provide feedback online.

The purpose of this hearing is to hear public submissions received in relation to the proposed Bylaw amendments.

In total, six submissions were received (refer to Appendix I of the staff report for all original submissions). Of those who made a submission, five asked to speak at the hearing in support of their submission.

The following documents are included as appendices to this report:

- Appendix I - Original Submissions
- Appendix IA - Long submissions
- Appendix 2- Submission points with staff comments
- Appendix 3 - Proposed Waikato District Council Water Supply Bylaw 2014
- Appendix 4- Proposed Waikato District Council Water Leak Relief Policy 2021
- Appendix 5 - Schedule of speakers (to be circulated separately)

2. RECOMMENDATION

THAT the report of the **Special Infrastructure Projects Manager** be received;

AND THAT pursuant to section 83 of the **Local Government Act 2002**, the **Committee** consider all submissions and, where requested, hear submissions on the notified **Proposed amendments to the Waikato District Council Water Supply Bylaw 2014 and Water Leak Relief Policy 2021**;

AND FURTHER THAT subject to any amendments, the proposed **Bylaw** will be considered by the **Policy and Regulatory Committee** at its meeting on **Wednesday, 1 September 2021** with a view to recommending the **Proposed Waikato District Council Water Supply Bylaw 2014 and Water Leak Relief Policy 2021** for adoption at the **Council meeting on Monday, 20 September 2021**.

3. BACKGROUND

Any Bylaw made under s.145 of the LGA (General bylaw-making power for territorial authorities) must be fully reviewed 5 years after it is made and every 10 years thereafter as per s.158 of the LGA. The LGA gives a grace period of 2 years (ie years 6 and 7 of the bylaw on its first review cycle, or years 11 and 12 on the second review cycle), within which the bylaw must be reviewed or it will expire automatically two years after the date on which it should have been reviewed by.

The Bylaw is currently sitting in the two-year grace period and the review must be completed by 1 October 2021 or will expire and be unenforceable under law.

This bylaw review forms part of Council's wider ongoing Bylaw Review Programme.

4. REVIEW OF BYLAW

The proposed amendments to the Bylaw are proposed to:

- Allow Council to better manage and regulate the district's water supply system
- Provide clarity and information to customers on water supply issues
- Create a document that is easier to read and understand
- Prevent the bylaw lapsing, which will occur in October 2021 if the Bylaw is not reviewed and adopted by this date.

Water Supply Bylaw 2014

Council has a Bylaw to manage our water supply system. It helps Council to protect the water supply network, protect water sources from contamination, and maintain public health and safety.

The purposes of this bylaw are:

- (a) Protecting, promoting and maintaining public health and safety.
- (b) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system.
- (c) Protecting the water supply and water supply system from pollution and contamination.
- (d) Managing and protecting from damage, misuse, or loss of land, structures and

- infrastructure associated with the water supply system; and
- (e) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

Staff across Council and in consultation with Watercare Services Limited (Watercare) have reviewed the existing Bylaw. Most of the Bylaw is considered relevant and fit for purpose, however, staff propose the following changes below.

Clause	Key proposed changes	Explanation
9.6.1	Council can install water meters at the customers cost where a premise is supplied with an on-demand supply and not metered.	Currently, this can only be done when the water use is high, or the premises are used for commercial activity
9.10.3(c)	Council allows water used for the purpose of extinguishing fires to be supplied free of charge.	Council to support fire extinguishing efforts, when required.
9.3.2	The point of supply for new connections shall be installed as per Schedule I.	To provide consistency across the district for ease of locating.
8.1.3	Require those undertaking excavation works to view Council records of buried services locations.	To protect buried services
9.11.2	Allow council to install backflow prevention devices on Council's side of the supply when customers are unable to. Council propose the costs may be recovered from the customer.	To protect potable water supplies from contamination or pollution due to backflow.
9.6.7	Council proposes to remove the water relief section of the Bylaw and create a new Water Leak Remission Policy as a separate document	This is to help make the application process clearer and allow for the Policy to be amended more easily in accordance with guidance Watercare.
Whole document	Removal of duplicate information and rewording	To create a clearer and user-friendly document.

Water Leak Remission Policy 2021

Council charges for the volume of water a customer receives (through a water meter). When a leak occurs at a property, this can affect our customers water bills. Council offers a leak remission to ensure customers understand the value of water and encourage leaks to be fixed promptly.

The current Bylaw contains clauses on water leak relief, however through the review process, staff are proposing to remove those clauses from the bylaw and create a separate Water leak remission policy.

4.1 CONSULTATION

Public consultation through the Special Consultative Procedure was undertaken to advise the public of the proposed changes and invite the public to make submissions on those changes. Staff used the following communication methods:

- Media release on the Council website
- Public notices in 3 newspapers
- Online engagement tools on Council's consultation web page
- Letters and emails to stakeholders
- Information to Community Boards and Committees
- Information to Iwi and Hapu groups
- Posts on Council's Facebook page

Consultation was open from 16 June 2021 to 16 July 2021. A total of six submissions were received.

4.2 SUMMARY OF SUBMISSIONS RECEIVED

Council received six submissions on the proposed amendments to the Bylaw and Policy. Five submissions were in support of the bylaw amendments in-part and one submitter was not. Submitter main points and staff responses are attached in appendix 2.

Most of the feedback commented on clarification of meanings and made recommendations to make clauses clearer. Further suggestions were to update legislation references and standards for fire safety and to remove fire restriction systems from extraordinary supply. One submitter would like to include retirement homes in the definition of extraordinary supply and in the definition of premises.

Of the six submitters, three are in support of the Water Leak Relief Policy, two support in-part and one submitter did not support.

One submission provided comment on the Policy which was to remove the requirement to have a GST registered plumber for leak relief repairs. This submitter offered a wording suggestion that leaks are repaired to an industry standard.

Overall, all but one submission supported in-principle the Bylaw amendments.

5. CONSIDERATION

5.1 FINANCIAL

It is envisaged that the proposed amendments to the Bylaw will not require funding above what is provided in operational budgets. However, the actual costs will not be known until a final decision is made.

5.2 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The amendments propose to remove part of the water relief clauses of the Bylaw and create a new Water Leak Remission Policy as a separate document, to clarify the leak relief application process for customers and staff.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

This bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultation was carried out in accordance with S.83 of the LGA.					

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local Iwi Environmental Groups
		✓	Watercare
		✓	Households
		✓	Businesses
		✓	Consent holders

6. CONCLUSION

The proposed amendments to the Waikato District Council Water Supply Bylaw 2014 and Water Leak Relief Policy 2021 were notified for public consultation on 16 June 2021. Six submissions were received with majority in support of the changes with suggested improvements.

This report provides a summary of the issues raised in those submissions. Following the hearing of the submissions, the Committee can then make recommendations on the Proposed Water Supply Bylaw 2014 and Water Leak Relief Policy 2021.

7. ATTACHMENTS

The following documents are included as appendices to this report:

- Appendix 1 - Original Submissions
- Appendix 1A - Long submissions
- Appendix 2- Summary of submission points with staff comments
- Appendix 3 - Proposed Waikato District Council Water Supply Bylaw 2014
- Appendix 4- Proposed Water Leak Relief Policy 2021
- Appendix 5 - Schedule of speakers (to be circulated separately)

APPENDIX 1A – LONG SUBMISSIONS

SUBMISSION ID #	NAME	ON BEHALF OF	PAGE (of appendix)
1876	BECA	Fire and Emergency New Zealand	2
1875	Maggie Wilcock	-	8
1874	Hamilton City Council – Kyall Foley	Hamilton City Council	10
1853	BBO	Sanderson Group Ltd	13



Level 2 Waitomo House,
6 Garden Place, Hamilton,
3240, New Zealand
T: +64 7 838 3828 // F: +64 7 838 3808
E: info@beca.com // www.beca.com

Waikato District Council
Private Bag 544
Ngaaruawaahia 3742

16 July 2021

Attention: Waikato District Council

Feedback: Proposed Water Supply Bylaw 2014 Amendments

This feedback is made on behalf of Fire and Emergency New Zealand (Fire and Emergency) on the Waikato District Council (WDC) Water Supply Bylaw 2014 review.

Background:

Fire and Emergency must perform and exercise the functions, duties, and powers conferred or imposed on Fire and Emergency as a main function by or under the Fire and Emergency Act 2017 and any other enactment; and perform any other functions conferred on Fire and Emergency as a main function by the Minister in accordance with section 112 of the Crown Entities Act 2004.

As such, Fire and Emergency has an interest in Local Government Act 2002 Council bylaws to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements. This feedback seeks to ensure that Fire and Emergency are able to carry out its requirements under the Fire and Emergency Act 2017 more effectively in the protection of lives, property and the surrounding environment.

Fire and Emergency's feedback is:

Fire and Emergency understand that WDC are seeking input into the review of their water supply bylaw. Fire and Emergency have reviewed the water supply bylaw and set out their feedback in **Attachment A**.

Fire and Emergency welcomes the opportunity to discuss, or provide further clarification, in relation to its feedback.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alec Duncan".

Alec Duncan
Planner

on behalf of

Beca Limited

Phone Number: +6479607259
Email: alec.duncan@beca.com

Attachment A – Fire and Emergency New Zealand Feedback

Clause	Proposed Change	Relevance to Fire and Emergency / Feedback
<p>4. Compliance with Other Acts and Codes</p>	<p>(a) Statutory Acts and Regulations</p> <p>(i) Building Act 2004.</p> <p>(ii) Fire Services Act 1975. <u>Fire and Emergency Act 2017.</u></p>	<p>The Fire Services Act 1975 has been repealed and replaced with the Fire and Emergency Act 2017, along with the unification of the fire organisation. This amendment better aligns with the current legislation of Fire and Emergency.</p> <p>Fire and Emergency note that in addition to NZS 4517 which is listed in the proposed bylaw as a relevant standard, there are also other sprinkler standards which include:</p> <ul style="list-style-type: none"> • NZS 4515 Life Safety (Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square metres)); and • NZS4541 Automatic Fire Sprinkler Systems. <p>Fire and Emergency require clarity as to why these standards are not referenced in the bylaw as relevant standards.</p>
<p>6. Definitions</p>	<p>“Extraordinary Use” <u>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including the following water users:</u></p> <p>.... <u>(g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;</u></p>	<p>Fire protection systems other than sprinkler systems installed to comply with NZS 4517 are listed as ‘Extraordinary Use’ which is any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations.</p> <p>It is understood that a fire protection system complying with NZS 4517 is classified as ordinary, subject to compliance with conditions set out under Clause 9.8.</p>

		<p>Fire and Emergency are concerned around the restrictions that may be placed on all other fire protection systems that fall under the extraordinary supply classification.</p> <p>Fire and Emergency consider this supply should be excluded from any restrictions, as it is a water supply that will protect public health and safety.</p>
<p>7. Protection of Water Supply System</p>	<p>Section 8.1.1 Access and connection to System This section states that:</p> <p><i>(a) <u>No person other than the Council and its authorised agents shall have access to any part of the water supply system, unless with prior approval.</u></i></p> <p><i>(b) <u>Except as set out in Clause 8.1.2 (Fire Hydrants), no person shall make any connection or interfere with any part of the water supply system, unless with prior approval....</u></i></p>	<p>This should be Clause 7.1.1.</p> <p>Fire and Emergency support the exception set out in Clause 8.1.2, subject to the minor changes recommended below.</p>
	<p>Section 8.1.2 Fire hydrants</p> <p><i>(a) <u>No person may take water from a fire hydrant unless that person is:</u></i></p> <p><i><u>(i) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting”....</u></i></p>	<p>This should be Clause 7.1.2.</p> <p>It is suggested that Clause 8.1.2 is amended to refer to “Fire and Emergency personnel” as per the Fire and Emergency Act 2017 interpretation (this includes employees, volunteers, and contractors). Recommended changes as follows:</p> <p><i><u>(i) is a firefighter or a member of a volunteer fire brigade Fire and Emergency New Zealand personnel or is taking the water for the purposes of firefighting”.</u></i></p>

		<p>It is also recommended that a new definition is added to Clause 6 to include 'Fire and Emergency New Zealand personnel' as follows:</p> <p><i><u>"Fire and Emergency New Zealand personnel – as defined in the Fire and Emergency New Zealand Act 2017."</u></i></p> <p>It is anticipated that these recommended changes will provide greater clarity and will ensure Fire and Emergency access to the water supply system is unrestricted.</p>
<p>9.5 Types of Water Supply</p>	<p>9.5.2 On Demand Supply</p> <p><i>(e) For <u>premises which use of a fire protection system complying with NZS 4517, in order for that use to be classified as an ordinary use</u>, the Customer shall comply with the conditions set under clause 9.8.</i></p>	<p>Subject to clarifications in Clause 4 above relating to the various standards of sprinkler systems, consideration should be given as to whether reference to other sprinkler standards should be included.</p>
	<p>9.5.3 Restricted Flow Supply</p> <p><i>(a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.</i></p>	<p>Fire and Emergency note that for landowners located in a restricted flow area, customers must provide for the storage of a minimum of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.</p> <p>Fire and Emergency note that if this minimum volume was increased to 45m³ with the requirement for a firefighting connection and hardstand – compliance with SNZ PAS 4509: 2008 New Zealand Fire Service Fire</p>

	<p>Fighting Water Supplies Code of Practice could be achieved. This would also align with other regulatory requirements such as the Waikato district plan.</p> <p>Fire and Emergency would be happy to discuss this in further detail with WDC around the practicalities of this.</p>
<p><i>Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Customers may also wish to consult with the New Zealand Fire Service about suitable measures to provide firefighting protection for their properties.</i></p>	<p>Fire and Emergency consider that the advisory note under Clause 9.5.2 would be more suitable at the bottom of Clause 9.10 – Fire Protection Connections. An update to the advice note is required as follows:</p> <p><i>Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Customers may also wish to consult with the New Zealand Fire Service Fire and Emergency New Zealand about suitable measures to provide firefighting protection for their properties.</i></p>
<p>9.10 Fire Protection Connection – 9.10.1 Connection Application <u><i>An application to install a connection for fire protection purposes must be made, in writing, to the Council. Council may impose any conditions it determines are appropriate.</i></u></p> <p>9.10.2 Design of Fire Protection Systems <u><i>As part of the application to install a connection for fire protection purposes, the Customer shall demonstrate to the Council that the available supply is adequate for the intended purpose. It shall also be the Customers responsibility to</i></u></p>	<p>Clause 9.10.1 and 9.10.2 are supported by Fire and Emergency and suggest that the above Advisory Note be included. Fire and Emergency will be able to assist applicants with fire protection enquiries and whether the system is adequate for its intended purpose.</p>

<p><u>monitor the supply to ensure it continues to be adequate for the intended purpose.</u></p>	
<p>9.10.3 - Fire Protection Connection Metering <u>(c) Water used for the purpose of extinguishing fires shall be supplied free of charge...</u></p>	<p>Fire and Emergency supports the intention of Clause 9.10.3 as it provides Fire and Emergency the ability to take water without encountering issues of water charges.</p>

WAIKATO DISTRICT COUNCIL

Water Bylaw 2021 & Water Leak Remission Policy

SUBMITTER Name: Grace M Wilcock

Postal Address: Email:

Telephone (Day):

(Mobile):

PRESENTATION/HEARING

Do you wish to present your comments to the Council in person. **YES**

SUBMISSION

WDC Water Bylaw 2021 Support in Part

General comment

This bylaw reviews the existing water bylaw and formalises Council's water leak refund policy. One change is the introduction of an 'Ordinary' and 'Extraordinary Supply'. The differences between 'on demand' and supply in rural areas and those who use Hamilton City's trickle feed is not clear. The bylaw should not be too prescriptive but neither should it be ambiguous. Conservation will under the Three Waters Reform become a major issue but until Hamilton City is metered the Waikato Region is compromised in its ability to improve conservation targets. Both Regional Council and Futureproof should be ensuring that Hamilton adopts meters.

6.0 Definitions

Extraordinary Use: 6.1, b. fixed garden irrigation is new for the water bylaw. Reference is made to residential properties; so is this for any property on an 'on demand' supply? Will this supply require a resource consent?

6.1, f. lifestyle blocks [rural supplies]. Is this properties just on rainwater in which case council have no say, or aimed at areas where supply is from another source; such as Hamilton City trickle feed?

8.0 Conditions of Supply:

8.0, e, iii : Refusal of connection if insufficient capacity in the network. What network; Council's 'On demand', 'Hamilton City trickle feed' or any other supply that Council use? If Council have approved development or given building consent then all services should be available. Further clarification of this refusal is required in the proposed bylaw.

8.0, e, v: where connection is outside currently served, regardless of proximity. Two points need clarifying; first expansion costs fall heavily on new user instead of council infrastructure especially where it is infill housing. Secondly in the Country Living Zone connection to the HCC trickle feed was not mandatory; so to connect at a later date should be the connection fee only and not related to

expansion. HCC trickle feed supply is a source of concern with the growth of the area; yet this supply is not referenced in this proposed bylaw.

8.2 Change of Use:

8.2, a, iii : Change from ordinary to extraordinary use. Is this rule being introduced to enable Council to get more income via resource consents? If everyone is on metered water supply then currently it should be their choice what they use water for. But if this is about conservation of potable water then it should be made clear. It is likely that the government proposed Three Waters Reform will be introducing legislation that will steer Council's to more conservation methodology

9.5 Types of Water Supply

9.5.2, b: Any premises within an 'On-demand' supply but not connected may still be charged an availability charge. Original scheme in Tamahere this charge was definitely not the case, no connection, no charge and this should be reconfirmed.

9.11 Backflow Prevention

9.11.2: Unmanaged Risk. Installation by Council of a backflow restrictor should be amended to **WILL** recover cost not as currently is **MAY** recover cost.

9.14 Prevention of Water Loss & Waste

9.14.1 : "The customer shall not allow water to run to waste...." Leakage and identifying the source is often a problem for customers and Council. What assurances does this proposal provide for the minimisation of Council leaks?

Water Leak Remission Policy

Support this new policy in principal to encourage fixing any leak promptly.

However would like Council to revisit the inclusion of unoccupied properties. It is not possible to know how often such premises are checked and rates will still be paid; so any disadvantage is to the property owner. As remission is only once every 5 years this seems a harsh ruling.

If Council refuse to offer remission this policy states that they may over-rule and grant remission in case of financial hardship. How would this hardship be proven?

Most owners would not notice any leakage until their next metered bill; what happens where properties are not on a metered water supply?

Submission by

Hamilton City Council Staff

WAIKATO DISTRICT COUNCIL'S REVIEW OF THE WATER SUPPLY BYLAW 2014

15 July 2021

It should be noted that the following submission is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

1.0 EXECUTIVE SUMMARY

- 1.1 Hamilton City Council staff support the overall direction and content of Waikato District Council's Review of the Water Supply Bylaw 2014.
- 1.2 Hamilton City Council staff appreciate efforts made to seek subregional alignment of bylaws as intended under the Future Proof Three Waters Strategy.
- 1.3 As a supplier of water to Waikato District Council, Hamilton City Council staff support the provision of clauses within the bylaw which promote and encourage efficient use of water, consider network capacity, and manage safety risks to the supply network.
- 1.4 Hamilton City Council staff have provided general matters for Waikato District Council's consideration related to cross-boundary connections. In this regard, there is potential for conflict between the Waikato District Council Bylaw and Hamilton City Council Policy that needs to be considered further.

2.0 INTRODUCTION

- 2.1 Hamilton City Council staff (hereafter referred to as 'staff') welcome the opportunity to make a submission to Waikato District Council's Review of the Water Supply Bylaw 2014.
- 2.2 Staff support the overall direction and content of Waikato District Council's Review of the Water Supply Bylaw 2014.
- 2.3 Staff acknowledge the Future Proof Sub-Regional Three Waters Strategy (of which both Waikato District Council and Hamilton City Council are partners) which seeks alignment of strategic direction.
- 2.4 Hamilton City Council supplies water to Waikato District Council from its network. Hamilton City Council has water demand measures in place to manage network and treatment capacity. This includes promotion of water efficiency, water allocation policies, water loss mitigations and water restrictions. Hamilton City Council, in turn, relies on Waikato District Council to have in place appropriate controls to ensure the efficient use of water within areas where Hamilton City Council supplies water.

3.0 KEY MESSAGES

- 3.1 Staff support the amendments made to increase alignment of bylaws in the subregion.
- 3.2 We support the inclusion of clauses which promote and encourage efficient use of water including:
- Continued provision of the requirement for customer agreements and water conservation demand management plans for high water users.
 - Controls on water use, including not allowing run to waste and use of water in lifts, machinery, single pass cooling systems etc.
 - Incentives for repairing leaks quickly.
 - Enforcement of water restrictions (when imposed).
 - Maintenance of devices that have been put in place to manage water demand.
- 3.3 Staff support clauses which require consideration of network capacity issues, including:
- Enforcement against unauthorised removal of flow restrictors.
 - Enforcement against customers failure to meet obligations in customer agreements.
 - Provision for water restrictions, water restrictors.
 - Prohibition of equipment that can cause pressure surges or fluctuations.
- 3.4 Staff support the inclusion of clauses to manage safety risks to the supply network, including:
- Requirement for backflow prevention devices (of a specified quality).
 - Enforcement against tampering of backflow devices.
 - Provision for inspecting devices.

4.0 OTHER MATTERS

- 4.1 Staff note the Bylaw clause which states that applications to connect to a network outside the area currently served may not be approved (Clause 8.1 (v)).
- 4.2 Hamilton City Council policy precludes any new 'individual' water supply to Waikato District and Waipa District residents, and connections to existing connections.
- 4.3 As such, Waikato District Council may wish to consider Hamilton City Council's policy position when undertaking its land use and infrastructure planning functions.
- 4.4 Hamilton City Council supplies water directly to approximately 2,700 individual customers within the Waikato District Council boundary. These customers will be subject to both the proposed Waikato District Council Water Supply Bylaw and any conditions imposed by Hamilton City Council under an Individual Supply Agreement. We look forward to working collaboratively with Waikato District Council on these matters to ensure the obligations on these customers are clear and complementary.

5.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR SUBMISSION

- 5.1 Should Waikato District Council require clarification of the above points, or additional information, please contact **Rae Simpson** (Senior Planner - City Waters) on 07 838 6427, email raewyn.simpson@hcc.govt.nz in the first instance.
- 5.2 Staff would welcome the opportunity to discuss the content of our submission with Waikato District Council in more detail.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

**SUBMISSION BY SANDERSON GROUP LTD ON THE DRAFT WAIKATO DISTRICT COUNCIL WATER
SUPPLY BYLAW**

1. Submitter Details

This correspondence is a submission on the Draft Waikato District Council Water Supply Bylaw (Bylaw) on behalf of Sanderson Group Ltd.

The submitter details are as follows:

Submitter: Sanderson Group Ltd

Address for Service: C/-Bloxam Burnett & Olliver
Attn: Kathryn Drew
PO Box 9041
Hamilton

Phone: 07 8380144 or 0272510009

E-mail: kdrew@bbo.co.nz

Sanderson Group Ltd would like to be given the opportunity to present their submission in person.

2. Background and reasoning for submission

Sanderson Group Ltd (Sanderson) are a family orientated, leading provider of high quality retirement villages in New Zealand. Established in 1987, Sanderson have been involved in a number of retirement village developments in Tauranga, Queenstown, Hamilton and Tamahere.

They currently operate the Omokoroa Country Estate in Tauranga, and the Tamahere Country Club is currently under construction with retirees moving into the homes progressively, as buildings are completed. The Tamahere Country Club is on a site adjoining Tamahere Drive¹.

At present Sanderson have land use consent approval for 124 standalone retirement villas and a care facility containing 61 rooms on their Tamahere site. That development occurs across a site that is approximately 11.35ha and across 8 existing certificates of title. Sanderson consequently have an allocation of 14.4m³ that they are taking from Council's trickle feed water supply. That water supply is supplementary to the existing groundwater take of 66.5m³ that the Regional Council have authorised.

Sanderson have recently lodged a further land use consent, with Waikato District Council to increase the scale of the Tamahere Country Club by adding a further 81 villas across one additional title. As part of that expansion a separate Regional Council consent will be lodged to increase the overall groundwater take, to cater for the increased demand.

Sanderson recognise that their Tamahere site sits outside of ordinary use, but would like the Bylaw to be amended so that they can have the ability to request more water for their Tamahere site, if there is sufficient capacity in Council supply.

¹ 20, 30, 32, 36, 46 Tamahere Drive and 608 and 618 Airport Road

3. Submission

Sanderson request the following changes to the Draft Waikato District Council Water Supply Bylaw.

1. Amend the definition of extraordinary use to include retirement villages.
2. Amend the definition of premises at clause (c) to provide for retirement villages. The suggested amended wording could be as follows:

“(c) an individual unit in a building, or units in a retirement village, where units are separately leased or owned.”

These changes would enable Sanderson to apply, under the Bylaw, for additional water over and above their ordinary use allocation, with the determination of the appropriateness of that request being decided on a case-by-case basis and based on availability of supply.

Whilst it is recognised that the Bylaw provides for this opportunity already, the inclusion of retirement villages in these two definitions makes it abundantly clear that water takes for a retirement village (excluding the commercial components, which is covered by commercial definition) is an extraordinary user (i.e. higher demand).

Secondly, the inclusion of retirement villages in the definition of premises, addresses the situation where the built form is separately owned, not just separately leased. The definition of premises already provides for individual units where they are separately leased or where they are subject to a different land tenure (i.e. cross-lease), so there is no material difference between the outcome depending on the ownership arrangement. It consequently makes sense to provide for situations where individual units are separately owned, as is the case in retirement villages. The suggested amended to clause (c) above provides this distinction.

APPENDIX 2

Staff comments on submissions to the Proposed Amendments to the Water Supply Bylaw 2014 (2021 amendments)

Submitter ID	Submitter	Submitted by	Attending Hearing?	Supports the proposed amendments?	Comments	Staff Response
1876	NZ Fire and Emergency	Beca Consultants – Craig Sharman, Alec Duncan	Yes (TBC)	Yes- In part	<p>Compliance with other codes: The Fire Services Act 1975 has been repealed and replaced with the Fire and Emergency Act 2017, along with the unification of the fire organisation. This amendment better aligns with the current legislation of Fire and Emergency.</p> <p>Fire and Emergency note that in addition to NZS 4517 which is listed in the proposed bylaw as a relevant standard, there are also other sprinkler standards which include:</p> <ul style="list-style-type: none"> • NZS 4515 Life Safety (Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square metres)); and • NZS4541 Automatic Fire Sprinkler Systems. <p>Fire and Emergency require clarity as to why these standards are not referenced in the bylaw as relevant standards.</p>	<p>Thank you for bringing attention to standards covering fire sprinkler systems for sleeping occupancies and automatic fire sprinkler systems.</p> <p>The Waikato District Council Water Supply Bylaw covers NZS 4517 (minimum requirements for fire sprinklers systems for domestic occupancies), all other sprinkler systems (not covered under the minimum standards) will be classified under extraordinary use.</p> <p>It is possible for Standards NZS 4515 and NZS 4541 to be included under 'Relevant Codes and Standards'.</p>
					<p>“Extraordinary Use” <i>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including the following water users:</i></p> <p>.... <i>(g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;</i></p> <p>Fire protection systems other than sprinkler systems installed to comply with NZS 4517 are listed as 'Extraordinary Use' which is any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations.</p> <p>It is understood that a fire protection system complying with NZS 4517 is classified as ordinary, subject to compliance with conditions set out under Clause 9.8.</p> <p>Fire and Emergency are concerned around the restrictions that may be placed on all other fire protection systems that fall under the extraordinary supply classification.</p>	<p>We note the following change to the definition of Extraordinary use:</p> <p>“Any use of water which is outside of ordinary use, and which may be subject to specific conditions and limitations – including but not limited to water alerts and emergency provisions”</p> <p>We have noted the above change in the definition (in orange).</p> <p>The purpose of including types of water use under the 'extraordinary' category allows for a higher protection and ensures water is appropriately protected and allocated. This will ensure that water can be appropriately</p>

					<p>Fire and Emergency consider this supply should be excluded from any restrictions, as it is a water supply that will protect public health and safety.</p>	<p>and reliably supplied to all current customers. For this reason, we expect that any fire sprinkler systems used for fire and emergency services meet the minimum standards (as outlined in NZS 4517), otherwise [as above] will be considered extraordinary.</p> <p>Please not that this is consistent with other Council, this is especially important for us to align with neighboring Councils now due to the possibility of the Central Government’s Three Waters Reform.</p>
					<p>Section 8.1.2 Fire hydrants <i>(a) No person may take water from a fire hydrant unless that person is:</i></p> <p><i>(i) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting”....</i> This should be Clause 7.1.2. It is suggested that Clause 8.1.2 is amended to refer to “Fire and Emergency personnel” as per the Fire and Emergency Act 2017 interpretation (this includes employees, volunteers, and contractors). Recommended changes as follows: <i>i (i) is a firefighter or a member of a volunteer fire brigade Fire and Emergency New Zealand personnel or is taking the water for the purposes of firefighting”.</i> It is also recommended that a new definition is added to Clause 6 to include ‘Fire and Emergency New Zealand personnel’ as follows: <i>“Fire and Emergency New Zealand personnel – as defined in the Fire and Emergency New Zealand Act 2017.”</i> It is anticipated that these recommended changes will provide greater clarity and will ensure Fire and Emergency access to the water supply system is unrestricted.</p>	<p>We appreciate and accept your request for the following changes and suggestions:</p> <ul style="list-style-type: none"> • Amend Clause 8.1.2 to be Clause 7.1.2 • Refer to ‘Fire and Emergency personnel’ • Addition of the definition of ‘Fire and Emergency Personnel’ in section 8.1.2 (which should be 7.1.2), below: <p>(i) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting; or</p> <p>To be changed to:</p> <p>‘is taking the water for the purposes of firefighting and is considered a Fire and Emergency New Zealand personnel member – as defined in the Fire and Emergency New Zealand Act.</p>

				<p>9.5.2 On Demand Supply <i>(e) For premises which use of a fire protection system complying with NZS 4517, in order for that use to be classified as an ordinary use, the Customer shall comply with the conditions set under clause 9.8.</i></p> <p>Subject to clarifications in Clause 4 above relating to the various standards of sprinkler systems, consideration should be given as to whether reference to other sprinkler standards should be included.</p>	<p>Please refer to the response regarding your first submission of the additional standards.</p> <p>Remove the word 'of'.</p> <p>As above, it is essential that there is no adverse effect on the operation of the water supply at any time, for this reason, it is expected that reference to the sprinkler systems meet minimum requirements as set out in NZS 4517. All others will be referred to as</p>
				<p>9.5.3 Restricted Flow Supply <i>(a) Restricted flow supply shall be available to premises unrestricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.</i></p> <p>Fire and Emergency note that for landowners located in a restricted flow area, customers must provide for the storage of a minimum of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.</p> <p>Fire and Emergency note that if this minimum volume was increased to 45m³ with the requirement for a firefighting connection and hardstand – compliance with SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice could be achieved. This would also align with other regulatory requirements such as the Waikato district plan.</p> <p>Fire and Emergency would be happy to discuss this in further detail with WDC around the practicalities of this.</p>	<p>After a large amount of investigation, it has been found that 22 m³ or equivalent of at least 48 hours of average water use is the most appropriate minimum storage for landowners located in restricted flow areas.</p> <p>For some areas, 22 m³ will already be an onerous requirement, we therefore consider 45 m³ to be unreasonable for our customers.</p>
				<p>Fire and Emergency consider that the advisory note under Clause 9.5.2 would be more suitable at the bottom of Clause 9.10 – Fire Protection Connections. An update to the advice note is required as follows: <i>Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509:</i></p>	<p>We have no issues with reference to Fire Fighting Water Supplies Code of Practice. An advisory note does not form part of the bylaw and since this</p>

					<p>2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Customers may also wish to consult with the New Zealand Fire Service <i>Fire and Emergency New Zealand</i> about suitable measures to provide firefighting protection for their properties.</p>	<p>note adds further explanation to the clause, it should be included.</p> <p>Accept this submission – Change should be reflected in the Bylaw (after hearing).</p>
					<p>9.10 Fire Protection Connection – 9.10.1 Connection Application <i>An application to install a connection for fire protection purposes must be made, in writing, to the Council. Council may impose any conditions it determines are appropriate.</i></p> <p>9.10.2 Design of Fire Protection Systems <i>As part of the application to install a connection for fire protection purposes, the Customer shall demonstrate to the Council that the available supply is adequate for the intended purpose. It shall also be the Customers responsibility to monitor the supply to ensure it continues to be adequate for the intended purpose.</i></p> <p>Clause 9.10.1 and 9.10.2 are supported by Fire and Emergency and suggest that the above Advisory Note be included. Fire and Emergency will be able to assist applicants with fire protection enquiries and whether the system is adequate for its intended purpose.</p>	<p>Same as above:</p> <p>No issues with reference to Fire Fighting Water Supplies Code of Practice. An advisory note does not form part of the bylaw and since this note adds further explanation to the clause, it should be included.</p> <p>Accept this submission – Change should be reflected in the Bylaw.</p>
					<p>9.10.3 - Fire Protection Connection Metering <i>(c) Water used for the purpose of extinguishing fires shall be supplied free of charge...</i></p> <p>Fire and Emergency supports the intention of Clause 9.10.3 as it provides Fire and Emergency the ability to take water without encountering issues of water charges.</p>	<p>Waikato District Council is pleased that Fire and Emergency Services is happy with this clause.</p>
	Grace (Maggie Wilcock)	-	Yes	Yes – in part	<p>One change is the introduction of an ‘Ordinary’ and ‘Extraordinary Supply’. The differences between ‘on demand’ and supply in rural areas and those who use Hamilton City’s trickle feed is not clear. The bylaw should not be too prescriptive but neither should it be ambiguous.</p>	<p>Ordinary supply refers to supply for domestic purposes. Extraordinary supply refers to all cases which fall outside the ordinary domestic supply (please refer to the list in the Bylaw).</p>
					<p>Conservation will under the Three Waters Reform become a major issue but until Hamilton City is metered the Waikato Region is compromised in its ability to</p>	<p>Please note that a final decision has not been made by Council regarding the Three Waters Reform.</p>

					improve conservation targets. Both Regional Council and Futureproof should be ensuring that Hamilton adopts meters.	Before the initiation of the Three Waters Reform – installation of water meters in the Hamilton city is the decision of Hamilton City Council. In that manner, this suggestion may be pre-mature or should be directed to Hamilton City Council for consideration. Waikato District Council carries out 6-monthly meter readings and contains various initiatives in place to detect leaks and ensure a reduction of water loss. Your submission and suggestion will remain a public record which a new water entity may review and consider once the Three Waters Reform Programme is fully established.
					6.0 Definitions Extraordinary Use: 6.1, b. fixed garden irrigation is new for the water bylaw. Reference is made to residential properties; so is this for any property on an 'on demand' supply? Will this supply require a resource consent?	Fixed garden irrigation systems are included in the current Water Supply Bylaw (before this review). No resource consent is required for residential garden irrigation system.
					6.1, f. lifestyle blocks [rural supplies]. Is this properties just on rainwater in which case council have no say, or aimed at areas where supply is from another source; such as Hamilton City trickle feed?	Lifestyle blocks refer to a small rural property which may contain a farm that is not for commercial use.
					8.0 Conditions of Supply: 8.0, e, iii : Refusal of connection if insufficient capacity in the network. What network; Council's 'On demand', 'Hamilton City trickle feed' or any other supply that Council use? If Council have approved development or given building consent then all services should be available. Further clarification of this refusal is required in the proposed bylaw.	This refers to any connection that is approved by Waikato District Council within its region irrespective of the water source.

107

8.0, e, v: where connection is outside currently served, regardless of proximity. Two points need clarifying; first expansion costs fall heavily on new user instead of council infrastructure especially where it is infill housing. Secondly in the Country Living Zone connection to the HCC trickle feed was not mandatory; so to connect at a later date should be the connection fee only and not related to expansion. HCC trickle feed supply is a source of concern with the growth of the area; yet this supply is not referenced in this proposed bylaw.

Please refer to the above response. This applies to all new connections outside what is currently served.

				<p>8.2 Change of Use: 8.2, a, iii : Change from ordinary to extraordinary use. Is this rule being introduced to enable Council to get more income via resource consents? If everyone is on metered water supply then currently it should be their choice what they use water for. But if this is about conservation of potable water then it should be made clear. It is likely that the government proposed Three Waters Reform will be introducing legislation that will steer Council's to more conservation methodology</p>	<p>The purpose of the distinction between ordinary and extraordinary use is that extraordinary users may have specific conditions and limitations – including but not limited to water alerts and emergency provisions applied.</p> <p>Please note that this process is already outlined in the current bylaw.</p>
				<p>9.5 Types of Water Supply 9.5.2, b: Any premises within an 'On-demand' supply but not connected may still be charged an availability charge. Original scheme in Tamahere this charge was definitely not the case, no connection, no charge and this should be reconfirmed.</p>	<p>No significant change to this section of the current bylaw has occurred with this review. It is therefore part of the current scheme.</p>
				<p>9.11 Backflow Prevention 9.11.2: Unmanaged Risk. Installation by Council of a backflow restrictor should be amended to WILL recover cost not as currently is MAY recover cost.</p>	<p>We assess this on a case-case basis, in that case, Council MAY choose to recover cost but will not do so in all cases.</p>
				<p>9.14 Prevention of Water Loss & Waste 9.14.1 : "The customer shall not allow water to run to waste...." Leakage and identifying the source is often a problem for customers and Council. What assurances does this proposal provide for the minimisation of Council leaks?</p>	<p>Council measures of leak detection and Minimisation is not covered in the scope of a Water Supply Bylaw. Waikato District Council has various initiatives in place to detect water leaks such as drone works. We also note that water loss as one of our key performance indicators has reduced from the previous financial year. This has met the target. It is not standard practice to list the various initiatives in the our Water Supply Bylaw.</p>

1874	Hamilton City Council	Mark Brougham and ****	Yes	Yes – with amendments	4.1 Staff note the Bylaw clause which states that applications to connect to a network outside the area currently served may not be approved (Clause 8.1 (v)).	Not clear on what this submission is referring to, is this a change suggestion or addition?
					4.2 Hamilton City Council policy precludes any new 'individual' water supply to Waikato District and Waipa District residents, and connections to existing connections. 4.3 As such, Waikato District Council may wish to consider Hamilton City Council's policy position when undertaking its land use and infrastructure planning functions.	Submissions 4.1 and 4.2 propose no changes. Submission 4.3 falls outside the scope of the Water Supply Bylaw
					4.4 Hamilton City Council supplies water directly to approximately 2,700 individual customers within the Waikato District Council boundary. These customers will be subject to both the proposed Waikato District Council Water Supply Bylaw and any conditions imposed by Hamilton City Council under an Individual Supply Agreement. We look forward to working collaboratively with Waikato District Council on these matters to ensure the obligations on these customers are clear and complementary.	As proposed, we will continue to work collaboratively to offer the best services for our customers.
1853	Sanderson Group Ltd	Bloxam Burnett and Oliver	Yes	Yes – In Part	Sanderson request the following changes to the Draft Waikato District Council Water Supply Bylaw. 1. Amend the definition of extraordinary use to include retirement villages. These changes would enable Sanderson to apply, under the Bylaw, for additional water over and above their ordinary use allocation, with the determination of the appropriateness of that request being decided on a case-by-case basis and based on availability of supply. Whilst it is recognised that the Bylaw provides for this opportunity already, the inclusion of retirement villages in these two definitions makes it abundantly clear that water takes for a retirement village (excluding the commercial components, which is covered by	Since they are already allowed to apply and have a case-by-case consideration it would be superfluous to add a further avenue if one already exists. Is there precedent for retirement villages being added by other councils.

					commercial definition) is an extraordinary user (i.e. higher demand).	
					<p>2. Amend the definition of premises at clause (c) to provide for retirement villages. The suggested amended wording could be as follows: "(c) an individual unit in a building, or units in a retirement village, where units are separately leased or owned."</p> <p>the inclusion of retirement villages in the definition of premises, addresses the situation where the built form is separately owned, not just separately leased. The definition of premises already provides for individual units where they are separately leased or where they are subject to a different land tenure (i.e. cross-lease), so there is no material difference between the outcome depending on the ownership arrangement. It consequently makes sense to provide for situations where individual units are separately owned, as is the case in retirement villages. The suggested amended to clause (c) above provides this distinction.</p>	<p>Is there precedent for retirement villages being added by other councils. Does it not by definition already encompass retirement villages with the current wording? Not against this change to also then indicate that it includes any "village living".</p>
1851	Webb Trustees Limited	Fortune Manning Lawyers	Yes	Yes	Our client supports changes to clause 9.6.1 so that Council can install water meters at the customers' cost where a premise is supplied with an on-demand supply and not metered. Currently, our client is doing subdivision work at 65 Harris Street, Huntly and needs a separate water meter to be installed at the newly subdivided property so that each property owner knows exactly how much water is used respectively. Currently, this can only be done when the water use is high, or the premises are used for commercial activity only	The intention of this clause is to allow Council to have meters installed to track unexpected high use. The intention is not however, to install a meter at any property that does not currently have one.
1850	Greg McCutchan	-	No	No	Penalties when the WDC fails to comply with the bylaw, for example recently it took WDC 3 YEARS to do a water meter accuracy check. 10.1.2 should also specifically require WDC to notify customers when it breaches the bylaw, currently WDC have chosen to ignore this when they are in breach	The purpose of the bylaw is to create a legal provision for enactment of powers under the bylaw as and when required. It does not however stipulate any timeline for actions or whether actions will be undertaken, only that they may be undertaken.
					Requiring the use of a certified and GST registered plumber should not be part of the requirement to gain water leak remission. There are plenty of plumbers who are not GST registered as they are employees	Due to plumbing work not being strictly regulated, the only way to ensure that work is completed using the appropriate standard of parts and

III

						that the work is signed off to the appropriate industry standard is to require that a certified and registered Plumber is used. This further ensures that all necessary tax is paid as well.
					Plumbing work on potable water is not a regulated trade, no formal qualification is required, there should not be a requirement that a certified and GST registered plumber be engaged to repair water leaks as part of the water leak remission. The requirement should be that leaks are repaired to an industry standard.	As above.

Table 2 – Method for determining firefighting water supply

Fire water classification	Reticulated water supply			Non-reticulated water supply	
	Required water flow within a distance of 135 m	Additional water flow within a distance of 270 m	Maximum number of fire hydrants to provide flow	Minimum water storage within a distance of 90 m (see Note 8)	
				Time (firefighting) (min)	Volume (m ³)
FW1	450 L/min (7.5 L/s) (See Note 3)	–	1	15	7
FW2	750 L/min (12.5 L/s)	750 L/min (12.5 L/s)	2	30	45
FW3	1500 L/min (25 L/s)	1500 L/min (25 L/s)	3	60	180
FW4	3000 L/min (50 L/s)	3000 L/min (50 L/s)	4	90	540
FW5	4500 L/min (75 L/s)	4500 L/min (75 L/s)	6	120	1080
FW6	6000 L/min (100 L/s)	6000 L/min (100 L/s)	8	180	2160
FW7	As calculated (see Note 7)				
<p>NOTE –</p> <p>(1) Table 1 lists the minimum requirements for firefighting water supplies. In developing towns' main reticulation systems, a water supply authority needs to cater for domestic/industrial water usage in addition to the above. This procedure is outlined in Appendix K.</p>					

2021 Proposed Amendments

Waikato District Council Water Supply Bylaw 2014

The Waikato District Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 and the Health Act 1956 and their respective amendments, and all other relevant powers, makes the following bylaw.

1. Short Title, Commencement and Application

- 1.1 The bylaw shall be known as the “Waikato District Council Water Supply Bylaw 2014”.
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 1 October 2014.

2. Scope

This bylaw shall apply to the Waikato District (within the boundaries of the Waikato District pursuant to the Local Government Act 2002 and any land, building, work, or property under the control of the Council, although situated beyond the Council’s district pursuant to the Health Act 1956.

3. Purpose

- 3.1 The purposes of this bylaw are:
 - (a) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;
 - (b) Protecting the water supply and water supply system from pollution and contamination;
 - (c) Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply system; and
 - (d) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

4. Compliance with Other Acts and Codes

- 4.1 This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers in its capacity as a Water Supply Authority. The supply and sale of water by the Council is subject to:

- (a) Statutory Acts and Regulations
 - (i) Building Act 2004.
 - (ii) Fire and Emergency Act 2017.
 - (iii) Health Act 1956.
 - (iv) Local Government (Rating) Act 2002.
 - (v) Local Government Act 2002.
 - (vi) Resource Management Act 1991.
- (b) Relevant Codes and Standards, including:
 - (i) Drinking Water Standards for New Zealand 2005 (revised 2008).
 - (ii) OIML R49: Water meters intended for the metering of cold potable water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.
 - (iii) SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
 - (iv) NZS 4503:2005 Hand operated fire-fighting equipment.
 - (v) NZS 4517:2010 Fire sprinkler systems for houses.
 - (vi) Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
 - (vii) Water Meter Code of Practice 2003, Water New Zealand.
 - (viii) Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
 - (ix) Waikato Regional Infrastructure Technical Specification.

5. Interpretation

- 5.1** When interpreting this Bylaw, use the definitions set out in clause 7 unless the context requires otherwise. Where reference is made in this Bylaw to any repealed enactment, such reference should be taken as a reference to its replacement.
- 5.2** For the purpose of this Bylaw, the word ‘shall’ refers to requirements that are mandatory for compliance with this Bylaw, while the word ‘should’ refers to practices that are advised or recommended.

6. Definitions

- 6.1** For the purposes of this Bylaw, unless inconsistent with the context, the following definitions apply:

Advisory Note	A note which further explains a bylaw clause but does not form part of the bylaw.
Air Gap	A vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
Approved	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
Authorised Agent	Any person authorised or appointed by the Council to do anything in respect of the water supply system.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Auxiliary Supply	A water supply, other than the Council’s system, on or available to a Customer system. These auxiliary supplies may include water from another provider’s public potable water supply or any natural source(s) such as a well, spring, river, stream, or “used waters” or “industrial fluids.”

Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
Backflow Device	Backflow device or air gap that is designed to prevent the return of flow into the Councils water supply system. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
Boundary	Legal boundary of the site, or in the case of more than one premise on a site, it is defined by the notional boundary of a complying unit site area.
Catchment	An area of land which drains to a waterbody from where a public water supply is drawn.
Commercial Use	<p>The use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services and includes shops, markets, showrooms, restaurants, cafes, takeaway food bars, professional, commercial and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.</p> <p><i>Advisory note: Commercial components of retirement villages will be metered and classified as commercial activity.</i></p>
Connection	The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.
Council	The Waikato District Council and includes any officer authorised to exercise the authority of the Council.
Customer	A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
Detector Check Valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use of a dedicated fire supply.
Domestic Use	Water taken and used for the purpose of providing for individual household use and for human drinking and sanitation needs and excludes any commercial or industrial use

Development contribution	As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.
District	The Waikato District.
Extraordinary Supply	A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.
Extraordinary Use	<p>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including the following water users:</p> <ul style="list-style-type: none"> (a) Residential properties with –spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity; (b) Residential properties with fixed garden irrigation systems; (c) Commercial or business premises (including home-based commercial activities); (d) Industrial premises; (e) Any properties at which agricultural, horticultural or viticultural land use is occurring; (f) Lifestyle blocks (rural supplies); (g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517; (h) Outside of Waikato District customers (supply to, or within another local authority); (i) Temporary supplies (j) Any other property found by Council to be using water above 15m³/day (a consent from the Waikato Regional Council is required); (k) Water carriers (l) Any other auxiliary supply
Fees and Charges	The fees and charges for water supply set by the Council.

Fire Main Supply	A category of supply from pipework installed for the purpose of fire protection only.
Individual Customer Agreement	An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.
Industrial Activity	Any industrial activity and includes: <ul style="list-style-type: none"> (a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities. (b) Laboratories and research facilities.
Level of Service	The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.
NZS	New Zealand Standard.
On Demand Supply	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
On Demand Water Supply Area	An area serviced by a Council owned reticulated water supply system as defined in Schedule 3: Water Supply Area Maps, that is intended to supply water to Customers via on demand supplies with firefighting capability.
Ordinary Supply	A category of on demand supply used solely for domestic purposes, excluding any identified extraordinary water use.
Owner	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
Occupier	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
Permit	A permit or written authority issued by an authorised officer.
Person	An individual, corporation sole, or a body of persons whether corporate or otherwise.

Point of Supply

The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the Customer and the Council.

Potable Water

Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the New Zealand Drinking Water Standards applicable at the time.

Premises

The physical location to which a water supply is provided and includes:

- (a) a property or allotment which is held in a separate certificate of title or for which a separate certificate of title may be issued, and in respect of which a building consent has been or may be issued; or
- (b) a building or part of a building which has been defined as an individual unit by a cross-lease, unit title or company lease or
- (c) an individual unit in a building where units are separately leased; or
- (d) land held in public ownership (e.g. reserve) for a particular purpose.

Allotment means the same as defined in the Land Transfer Act 1952.

Property

A property or allotment which is held under separate certificate of title and a separate rating unit and showing on the Rating Information Database

Prescribed charges

Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection.
- (b) A development contribution determined in accordance with the Local Government Act 2002.
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.
- (d) Bacteriological and chemical testing as per the Drinking Water Standards for New Zealand to ensure connection is safe.
- (e) Individual agreement charges.

Public Notice

A notice published in:

- (a) One or more daily newspapers circulated in the region or district of the Council; or
- (b) One or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; or

Includes any other public notice that the Council thinks desirable in the circumstances.

Restricted Flow Supply

A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the Customer to cater for demand fluctuations.

Restrictor

A flow control device installed within the connection to control the flow rate of water to a Customer's premises.

Restricted Water Supply Area

An area serviced by a Council owned reticulated water supply system outside on demand areas and defined in Schedule 3: Water Supply Area Maps Water is supplied through a flow control device and customers are required to provide onsite storage to cater for demand fluctuations.

Service Pipe	The section of water pipe between a water main and the point of supply.
Service Valve	The valve at the Customer end of the service pipe used to control and/or isolate the supply.
Storage Tank	Any tank having a free water surface in which water supplied by the Council is stored for use. .
Supply Pipe	The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.
Water Alert Level	Classification system used for applying water conservation restrictions.
Water Carrier	Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking- water.
Water Supply System	All those components of the water supply network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes/reservoirs, falling and rising mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.
Water Unit	The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

7. Protection of Water Supply System

7.1 Water Supply System

8.1.1 Access and connection to System

- (a) No person other than the Council and its authorised agents shall have access to any part of the water supply system, unless with prior approval.
- (b) Except as set out in Clause 8.1.2 (Fire Hydrants), no person shall make any connection or interfere with any part of the water supply system, unless with prior approval.
- (c) Where the water supply system becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.
- (d) Any person causing damage which occurs to a Council water supply system during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result for the incident.

8.1.2 Fire Hydrants

- (a) No person may take water from a fire hydrant unless that person is:
 - (i) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting; or
 - (ii) is Council or its authorised agents
 - (iii) Is a current permit holder, being those persons who after having submitted an application to the Council are subsequently approved to draw water from designated tanker filling points or a fire hydrant, and the taking of water is in accordance with any conditions attached to that approval
- (b) Any person using a fire hydrant in breach of subclause (a) must immediately remove the standpipe when requested to do so by Council or their agent.
- (c) Any person using a fire hydrant pursuant to subclause (a) (3) is liable to Council for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.
- (d) Without prejudice to other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.
- (e) Permit holders shall only use approved blue coloured metered standpipes and have two non-return valves to draw water from fire hydrants.

8.1.3 Working around Buried Services

- (a) No person shall carry out any excavation without first reviewing the Council's records of the location of its buried services to establish whether or not Council services are located in the vicinity of the proposed works. The Council may charge a fee for the provision of this information and does not guarantee the accuracy or completeness of such information.
- (b) Where appropriate the Council may in its absolute discretion mark out to within $\pm 0.5\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect the integrity of the water supply system. The Council shall charge for this service.
- (c) All excavations within the road reserve is subject to the permit process of the appropriate road controlling authority.
- (d) The Council may require the independent supervision of works which may be in the vicinity of its buried services.
- (e) Every person excavating or working around the Council's buried water supply services shall take due care to ensure that the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification.
- (f) Any damage which occurs to the Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs the Council incurs as a result of the damage.

Advisory Note: All excavation and trenching work carried out within the road corridor must be carried out in accordance with the National Code of Practice for Utility Operators' Access to the Transport Corridor.

8.2 Protection of Water Sources

8.2.1 Catchment Classes

Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply may be designated by Council as:

- (a) Controlled;
- (b) Restricted; or
- (c) Open.

These catchments are also subject to National Environmental Standards for Sources of Human Drinking Water.

8.2.2 Controlled Catchments

- (a) No person shall enter Controlled Catchments except those specifically authorised or permitted in writing by the Council.
- (b) Every person on any Controlled Catchment Area or land held by the Council as a water reserve will, upon demand, produce any such permit for inspection.

- (c) The Council may, at any time, by notice in writing, revoke or suspend any such permit for such time as may be stated in such notice.
- (d) No permit issued by Council may be transferred. Every person shall, upon the request of an authorised officer of the Council, immediately leave the controlled catchment area or land held by the Council as a water reserve.
- (e) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under this bylaw.

8.2.3 Restricted Catchments

- (a) Certain activities are permitted within Restricted Catchment areas, such activities being limited to:
 - (i) Tramping;
 - (ii) Hunting;
 - (iii) Trapping;
 - (iv) Shooting;
 - (v) Fishing
- (b) No person may camp overnight in a Restricted Catchment area.
- (c) Every person shall, upon the request of an authorised officer of the Council, immediately leave the Restricted Catchment area.

8.2.4 Open Catchments

In open catchment areas whether designated or not, there will generally be no restriction on activities other than the provisions of the Regional or the District Plan and the National Environmental Standards.

8.2.5 Spillages and Adverse Events

- (a) In the event of a spillage, or any event which may compromise potable water or the water supply system, the person responsible for the event shall advise the Council immediately. This requirement shall be in addition to those other notification procedures which are required for other authorities.
- (b) Where the owner or occupier of a premise allows or permits any item or items on the premises that may potentially contaminate or leach into the water supply and to accumulate on the premises contained within the catchment, the Council may request the owner or occupier to contain and remove the item or items using a Council approved method and location.
- (c) If the item(s) are not removed within the period specified, the Council or its authorised agents may remove the items and recover the costs from the Customer associated with containment, removal and disposal.

8. CONDITIONS OF SUPPLY

8.1 Connection, disconnection, and other works

- (a) No person shall, without Council's approval:
 - (i) connect to the water supply network;
 - (ii) disconnect from the water supply network;
 - (iii) carry out any other works on, or in relation to, the water supply network;
 - (iv) open any manhole, chamber, access point, or valve on, or otherwise tamper with, the water supply network.
- (b) Any person wishing to connect to or disconnect from the water supply network, or to otherwise carry out works on such a network or change level of service or end use of water supplied or supply changes or increase supply, must make a written application for approval to Council on the prescribed form, and must provide with that application all information relating to the application as is specified by Council.
- (c) Council may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.

The Council may require a Customer to enter into an individual Customer agreement and supply a Water Conservation and Demand Management Plan based on the Customer's water demand requirements.

- (d) Without limiting subclause (c), a condition imposed under that subclause may require that the connection, disconnection or works comply with any relevant code of practice.
- (e) Council may refuse an application for approval to connect or disconnect to a network where:
 - (i) the applicant has not paid fees or charges associated with the connection (including development contributions) within 20 working day that have been required by Council to continue with installation, or has refused to provide such information relating to the application as has been specified by Council; or
 - (ii) Council has a documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, codes of practice, or approvals granted under such bylaws or codes of practice; or
 - (iii) in Council's reasonable opinion, there is insufficient capacity in the network to accommodate the connection; or
 - (iv) in Council's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply including volume and/or pressure required for firefighting; or

- (v) the connection is outside the area currently served by the water supply, regardless of its proximity to any specific component of the water supply; or
- (vi) in Council's reasonable opinion, refusal is necessary to protect the water supply network, the health and safety of any person, or the environment.

8.2 Change of Use

- (a) An application shall be submitted to the Council for approval if a Customer seeks:
 - (i) a change in the level of service; or
 - (ii) end use of water supplied to the premises; or
 - (iii) a change in supply from ordinary to extraordinary (see clause 9.5) or vice versa; or
 - (iv) a physical change of location or size,
- (b) Any application under this clause 9.2 shall be treated as a new application for the purposes of clause 9.1 of this Bylaw.

8.3 Point of Supply

9.3.1 Ownership and Responsibility for Maintenance

- (a) The Council shall own and maintain the service pipe and fittings up to the point of supply. The Customer shall maintain the supply pipe and fittings beyond the point of supply.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the service valve and the Customer stopcock, the Customer may use the service valve to isolate the supply. However the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

- (b) The Customer shall maintain the area in and around the point of supply by keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access to the point of supply.
- (c) Unless otherwise specified in this Bylaw, change of ownership (between Council and Customer), of water supply pipes and fittings occurs at the point of supply.

9.3.2 Location

- (a) For each individual property there shall be only one point of supply which shall be located in the position as shown in Schedule I. Where fences, walls or other permanent structures make it difficult to locate it at the required position, the point of supply shall be located as close as possible to the required position indicated in Schedule I. The location of the point of supply in any position other than the required position shall require specific approval from Council. Any new point of supply shall be located outside the boundary of the premises in the position approved by the Council.

- (b) Existing points of supply may be located either inside or outside the property boundary. The Council may relocate the point of supply when deemed appropriate or on request from the Customer. The relocation of the point of supply, pipework and fittings from the new point of supply to the existing Customer supply pipe shall be the responsibility of the Council for six months from the time of relocation.

9.3.3 Multiple Ownership of Premises

Where the premises are held in multiple ownership, the point of supply shall be as follows:

- (a) In respect of company ownership for a company share/block scheme (Body Corporate), the point of supply shall be located as shown in Schedule I or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position, unless otherwise approved. Other positions shall require specific approval from Council.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title and any other form of multiple ownership, each Customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to the Council's approval.
- (c) Where a bulk meter feeds multiple units, a unit title must be nominated by the company or body corporate (whichever is relevant) to hold the bulk meter for payment purposes.

9.4 Access to, and about the Point of Supply

9.4.1 Rights of Access

- (a) Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day for:
- (i) Meter reading without notice being given.
 - (ii) Checking, testing and maintenance work, with notice being given when possible.
- (b) For works required outside the above hours (such as for night time leak detection), the Council shall give provide notice to the Customer.
- (c) If, after giving reasonable notice, an authorised agent is prevented from accessing the point of supply at any of the above times and a return visit is required, a fee may be charged in accordance with the fees and charges.
- (d) In accordance with section 173 of the Local Government Act 2002, where there is an emergency, the Council shall enter the property without notice and the Customer shall allow the Council unobstructed access to, and about the point of supply at any hour.

9.5 Types of Water Supply

9.5.1 General

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

9.5.2 On Demand Supply

- (a) All premises situated within the on demand water supply area shall be entitled to an ordinary supply of water subject to:
 - (i) Any restrictions on water use made by the Council under clause 9.8.1 of this Bylaw;
 - (ii) Payment of the appropriate charges in respect of supply to that premises;
 - (iii) Any other charges or costs associated with subdivisional development; and
 - (iv) Any other relevant conditions in section 8 of this bylaw.
- (b) Any premises which are located within the on-demand water supply area but do not connect to the public water supply may still be charged an availability charge in accordance with Council's fees and charges.
- (c) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 9.8.1 of the Bylaw).
- (d) The Council shall charge customers for the provision of the on-demand supply by either:
 - (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per cubic metre; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) For premises which use of a fire protection system complying with NZS 4517, in order for that use to be classified as ordinary, the Customer shall comply with the conditions set under clause 9.8.

9.5.3 Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.

- (b) This may include for the purposes of:
- (i) Rural supply within district.
 - (ii) Water demand management (including for drought, misuse and non-remedy of water leaks).
 - (iii) Properties subject to restriction under section 69ZH (Duty to provide information to territorial authority) of Health Act 1956.
- (c) The water supply shall be restricted so as to deliver 1.8m³ per day or the agreed number of water units at a steady flow rate through a water meter.
- (d) The Council shall charge for the restricted supply by:
- (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per m³; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas will be given twelve weeks written notice to install onsite water storage of a minimum volume of 22 cubic metres or the equivalent of at least 48 hours of average water use where this is greater than 22 cubic metres. After this period Council shall install the appropriately sized flow restrictor.
- (g) Owners are allowed to transfer water allocations subject to following conditions:
- (i) The initial property retains a 1.8 cubic metre allocation;
 - (ii) The transfer has to take place within the same water supply;
 - (iii) The new property to which water allocation is transferred or sold has to be located at a place where the Council is able to supply the allocation without further upgrading or extension works;
 - (iv) If upgrading or extension works are required then the Customer transferring the allocation has to pay up-front for the full cost of the upgrading or extension works; and
 - (v) The Customer transferring the allocation has to pay for the connection cost to the new property and a transfer fee.
- (h) Council allows property owners to apply for disconnection from the restricted water supply. No refund either in part or whole of any development contribution will be made. Such an application must state the

alternative water source the consumer will rely on. Council charges those property owners a disconnection fee to recover costs of effecting the disconnection. Should the owner wish to reconnect to a Council water scheme, reconnection fees will be charged.

Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.

Customers may also wish to consult with the New Zealand Fire Service about suitable measures to provide firefighting protection for their properties.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no (Owner) stopcock or where maintenance is required between the service valve and the (Owner) stopcock, the (Owner) may use the service valve to isolate the supply in an emergency. However, Council reserves the right to charge for maintenance of this valve if it is damaged by the (Owner) during use for this purpose.

9.6 Meters and Flow Restrictors

All water connections in Waikato District shall be metered.

9.6.1 Installation of meters

- (a) Meters for on demand supplies, and restrictors for restricted flow supplies shall be supplied, installed and maintained by the Council, and shall remain the property of the Council.
- (b) The Council may fit a meter to any connection on any Premises at any time for the purposes of determining water consumption.

OR.....

- (c) Where a premises is supplied with an on demand water supply and is not metered, the Council reserves the right to fit a meter at the Customers cost and charge accordingly.

9.6.2 Location

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

9.6.3 Accuracy

- (a) Meters shall be tested as and when required by the Council.
- (b) The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.
- (c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that the testing is not requested within six months of any previous test. If the test shows the meter is accurate, the Customer shall pay a fee in accordance with the Council's fees and charges. A copy of independent certification of the test result shall be made available to the Customer on request.
- (d) Restrictors shall be tested by measuring the quantity of water that flows through the restrictor within a period of not less than one hour, at the expected minimum operating pressure.

9.6.4 Adjustment

- (a) If a test is carried out and the meter is found to register a consumption which is different to the quantity of water which has actually passed through the meter, the Council shall

make an adjustment in accordance with the results shown by such tests, backdated for a period determined by the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.

- (b) Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in water demand, and charge the customer accordingly.
- (c) Where a meter is over-reading, the Council shall make appropriate adjustments to the Customer's account, based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

9.6.5 Estimating Consumption

- (a) Where a meter is damaged, ceases to register, has been removed or where the seal or dial of the meter is broken, or the meter has otherwise been interfered with, the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the Customer) and the Customer shall be liable for the amount estimated.
- (b) If the average of the previous four billing periods would be an unreasonable estimate of the consumption (due to seasonal or other causes), the Council may consider other evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.
- (c) Where the Customer is a non-profit organisation, and the meter indicates a significant increase in consumption, and it is established that the increase is caused by a previously unknown leak, the Council may estimate consumption as provided for in clause 9.6.5 (a) providing that the Customer repairs the leak as soon as is practicable.
- (d) Where an unauthorised connection has been made to the Council's water supply system, the Council will estimate the consumption for the period from when the connection was made, using the uniform charge for water on a pro rata basis. Where a meter has been installed without approval, and such meter complies with Council's standards for meters and installation, the full consumption registered on the meter shall be payable by the current occupier of the premises. Payment of the estimated charge does not preclude Council from taking any other enforcement action available to it.

9.6.6 Incorrect Accounts

- (a) Where a situation occurs, other than as described in clause 9.6.5, and the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised water supplies.
- (b) Where an adjustment is required in favour of the Council or the Customer, the adjustment shall not be backdated more than 12 months from the date the error was detected.

9.6.7 Leaks

- (a) It is the Customer's responsibility to detect and fix all leaks from taps and pipes, stop overflows from cisterns, hot water cylinder exhausts or stock troughs. If a leak is visible from fixtures and is not repaired, no leak relief remission will be available.
- (b) Relief may be available, at Council's discretion for leaks which are undetected.
- (c) Any Customer wishing to apply for relief must make such application in writing in accordance with Council's Water Leak Remission Policy.

9.7 Levels of Service and Continuity of Supply

- (a) Although Council shall make all endeavors to provide water in accordance with the level of service set out in Schedule 2, due to practical and physical limitations, the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular water pressure.
- (b) Where planned permanent or temporary works will affect an existing supply, the Council shall inform or give notice to all Customers who, in the opinion of Council, are likely to be substantially affected.
- (c) If a Customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that Customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

9.8 Demand Management

- (a) Where required by rules in a District Plan, owners must maintain devices that have been installed for the purposes of water demand management and in accordance with an associated integrated catchment management plan.

9.8.1 Water Alert and Emergency Restrictions

- (a) In circumstances where natural hazards (such as floods, droughts or earthquakes) or accidents result in disruptions to the supply of water, Council may declare a water alert level or an emergency for the purposes of the supply of water and shall be exempt from the levels of service requirements.
- (b) During a water alert and/or emergency the Council may restrict or prohibit the use of water for any specified purpose or period, and for any or all of its Customers. Such restrictions shall be advised by public notice.

The Customer shall comply with any restrictions imposed by Council, until such time as Council advises the restrictions are no longer in place

- (c) The Council may after serving notice and taking all practicable steps to contact a Customer, restrict and or meter the supply to reduce unnecessary and unauthorised water use and wastage where it deems necessary.

9.8.2 Maintenance and Repair

- (a) In circumstances where a scheduled maintenance shutdown of the supply is required, Council shall make all practicable attempts to notify Customers prior to any work commencing. Where Council is unable to notify the Customer, or immediate action is required, the Council may restrict the supply without notice, subject to its obligations under the Health Act 1956.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply system, the Council shall not be responsible for damage caused to the asset in order to maintain the Council water supply system.
- (c) If Council must carry out repairs or maintenance to privately owned supply pipes and/or water assets, the costs of such repairs or maintenance may be recovered from the Customer responsible for the pipes and/or assets.

9.9 Liability

The Council shall not be liable for any loss, damage or inconvenience incurred by a Customer (or any person using the supply) because of a reduced level of service of, or interruptions to the water supply.

9.10 Fire Protection Connection

9.10.1 Connection Application

An application to install a connection for fire protection purposes must be made, in writing, to the Council. Council may impose any conditions it determines are appropriate.

9.10.2 Design of Fire Protection Systems

As part of the application to install a connection for fire protection purposes, the Customer shall demonstrate to the Council that the available supply is adequate for the intended purpose. It shall also be the Customers responsibility to monitor the supply to ensure it continues to be adequate for the intended purpose.

9.10.3 Fire Protection Connection Metering

- (a) Where a fire connection has been installed (or located) so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may charge for the usage.
- (b) Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.
- (c) Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered, and water has been used for firefighting purposes, the Council shall estimate the quantity of (Waikato District Council Water Supply Bylaw 2014 Page 29) water used, and credit to the Customer's account an amount based on such an estimate.

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

9.11 Backflow Prevention

9.11.1 Customer Responsibility

In accordance with the Health Act 1956, the Building Act 2004 and clause G12 Water Supplies of the Building Regulations 1992, it is the Customer's responsibility to take all necessary measures on the Customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply. All necessary measures shall include:

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

Advisory Note: Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or a storage tank or fire pump that operates at a pressure in excess of the Council's normal minimum operating pressure

Advisory Note: The type of back flow prevention device to be used is dependent on the risk to the water supply posed by the Customer.

9.11.2 Unmanaged Risk

Where a Customer is unable to demonstrate that the risk of backflow is adequately managed or fails to take all necessary measures as required in clause 9.11.1 of the Bylaw, the Council may undertake the required works and fit a backflow prevention device on the Council side of the point of supply. In accordance with section 186 of the Local Government Act 2002, Council may recover such costs as a debt from the Customer.

Council will undertake a periodic surveying of existing connections to determine integrity and suitability of the backflow prevention device installed from each point of supply.

Advisory Note: Testable backflow prevention devices, require annual testing by a qualified or Council approved contractor. A test report shall be submitted to the Council for the Customer owned devices.

9.12 Council Equipment and Inspection

9.12.1 Care of Water Supply System

The Customer of the premises shall not damage or tamper with any part of the water supply system, including but not limited to pipe-work, valves, meters, restrictors, chambers, and backflow prevention devices. Should any damage occur which requires repairs, the Council reserves the right to recover the cost of such damage and/or repairs as a debt from the Customer.

9.12.2 Inspection

In accordance with section 182 of the Local Government Act 2002, the Customer shall allow the Council or its agents, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.

9.13 Plumbing System

9.13.1 The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with the Regional Infrastructure Specifications (RITS), Building Act 2004 and the New Zealand Building Code and is compatible with the water supply service as listed in Schedule 2.

9.13.2 Quick-closing valves, pumps, hydraulically driven equipment or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council at its discretion. A gate valve shall not be used to control the water supply flow to the premises.

9.14 Prevention of Water Loss and Waste

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

- 9.14.2** Water is provided by the Council for consumption purposes only. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.
- 9.14.3** The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the Council.
- 9.14.4** Where a Customer ignores advice from the Council to repair an on-going leak, the Council may after serving notice, repair the leak and charge the Customer all associated cost as provided in the Local Government Act 2002.

Advisory Note: The Waikato District Plan sets out water saving measures required for water supply connections.

9.15 Payment

- 9.15.1** The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's rates, fees and charges prevailing at the time.
- 9.15.2** The Council may recover unpaid water rates in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a premises, the occupier of a premises, or both.

9.16 Transfer of Rights and Responsibilities

- 9.16.1** The Customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.

9.17 Change of Ownership

- 9.17.1** In the event of a premises changing ownership the new owner will be recorded as the customer at those premises from the date of notification. Where the premises are metered, the outgoing Customer shall give the Council ten working days' notice to arrange a final meter reading.
- 9.17.2** The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.
- 9.17.3** The owner of the premises at the time of the consumption is responsible for any water charges.

9.18 Disconnection at the Customer's Request

The Customer shall give 10 working days notice in writing to the Council of a requirement for disconnection of the supply. Disconnection shall be at the Customer's cost.

9. BREACHES

9.1 Breaches of conditions of supply

10.1.1 The following are deemed to be breaches of the conditions to supply water.

- (a) An incorrect application for supply which fundamentally affects the conditions of supply;
- (b) Failure to meet any obligations placed on the Customer under all Codes and Standards specified in clause 5 of this Bylaw;
- (c) An act or omission including but not limited to any of the following:
 - (i) Any tampering or interference with Council equipment/assets, either directly or indirectly;
 - (ii) Failure to pay the appropriate charges by the due date;
 - (iii) Frustration of the Council's ability to adequately and effectively carry out its obligations;
 - (iv) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
 - (v) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service (subject to clause 9.5 of this Bylaw);
 - (vi) Failure to prevent backflow;
 - (vii) Failure to maintain, inspect backflow;
 - (viii) Using water or water pressure directly from supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council;
 - (ix) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - (x) Extending by hose or any other pipe a private water supply beyond that Customer's property;
 - (xi) Providing water drawn from the Council supply to any other party without approval of the Council;
 - (xii) Unauthorised removal of flow restrictors.
- (d) Every person commits a breach of this Bylaw and commits an offence who:

- (i) Does permits or allows anything to be done, which is contrary to this bylaw;
- (ii) Fails to do or perform any act, or thing, that he or she is required to do by this Bylaw, within the time and in the manner required by the Bylaw, or any part of it;
- (iii) Commits any breach of the terms and conditions of this Bylaw;
- (iv) Does anything prohibited by this Bylaw;
- (v) Fails to comply with any notice given under this Bylaw or any part of it or any condition that is part of any notice granted by the Council;
- (vi) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);
- (vii) Obstructs or hinders any authorised officer in the performance of any duty or in exercising any power conferred by this bylaw;
- (viii) Tamper or interferes with any part of the Council owned water supply system without a permit;
- (ix) Withdraws water from a fire hydrant without authorisation from the Council for any other purpose than fire protection;
- (x) Fails to comply with water use restriction or prohibitions introduced by the Council for any specific purpose;
- (xi) Fails to meet any obligations placed on the Customer through any permit conditions;
- (xii) Fails to meet any obligations placed on Customer through an individual Customer agreement;
- (xiii) Other than the Council or its authorised agents, who accesses the water supply system without a valid permit breaches this bylaw.

10.1.2. In the event of a breach of any provision of this bylaw, the Council shall serve notice on the Customer advising the nature of the breach, the steps to be taken, and required timeframe to remedy the breach to the satisfaction of the Council beyond timeframe indicated. If the Customer persists with the breach the Council reserves the right to:

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time.

- (c) For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.
- (d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without further notice to the Customer.

10.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw.

10. Offences and Penalties

- 10.1 A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002 or under the Health Act 1956.

11. Schedules

The following schedules can be amended through a Council resolution.

Schedule 1: Examples showing Single/Manifold Connection

Schedule 2: Table I Compatibility Features

Schedule 3: Water Supply Area Maps

12. General

- 12.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 12.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on ** September 2021.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Schedule 1: Examples showing Single/Manifold Connection

Example 1 – With Street Frontage

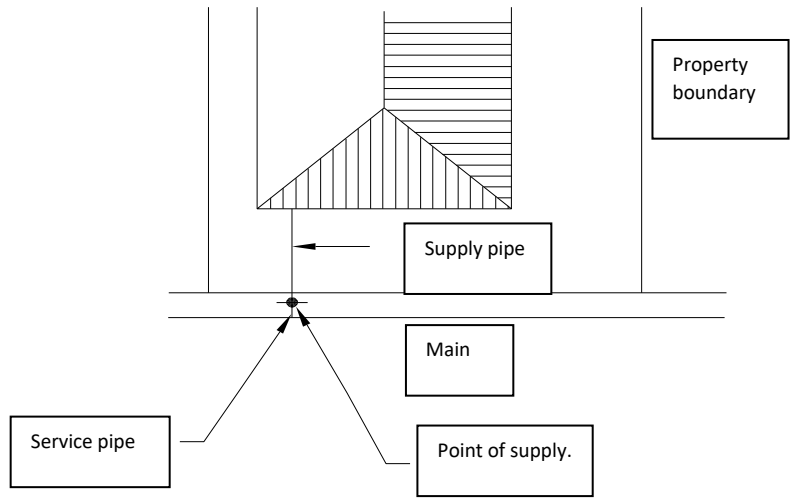


Figure 1: Point of supply outside property boundary

Example 2 – Rear lots on right of way (up to 2 customers)

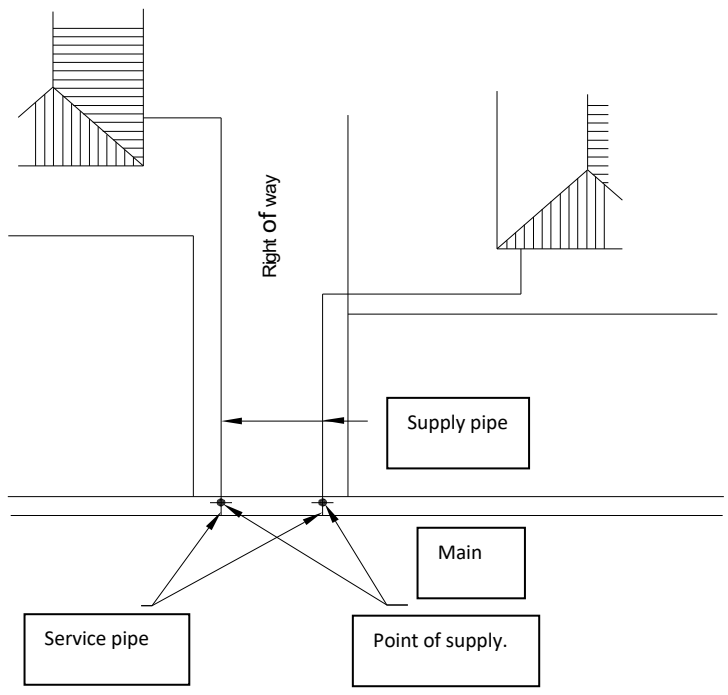


Figure 2: Point of supply outside property boundary

Example 3 – Rear lots on right of way (3 or more customers)

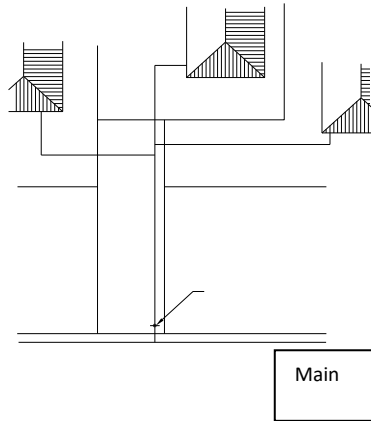
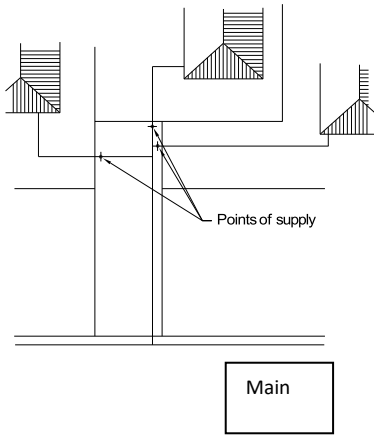


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

Example 4 – Industrial, commercial, domestic fire and service connections (including schools)

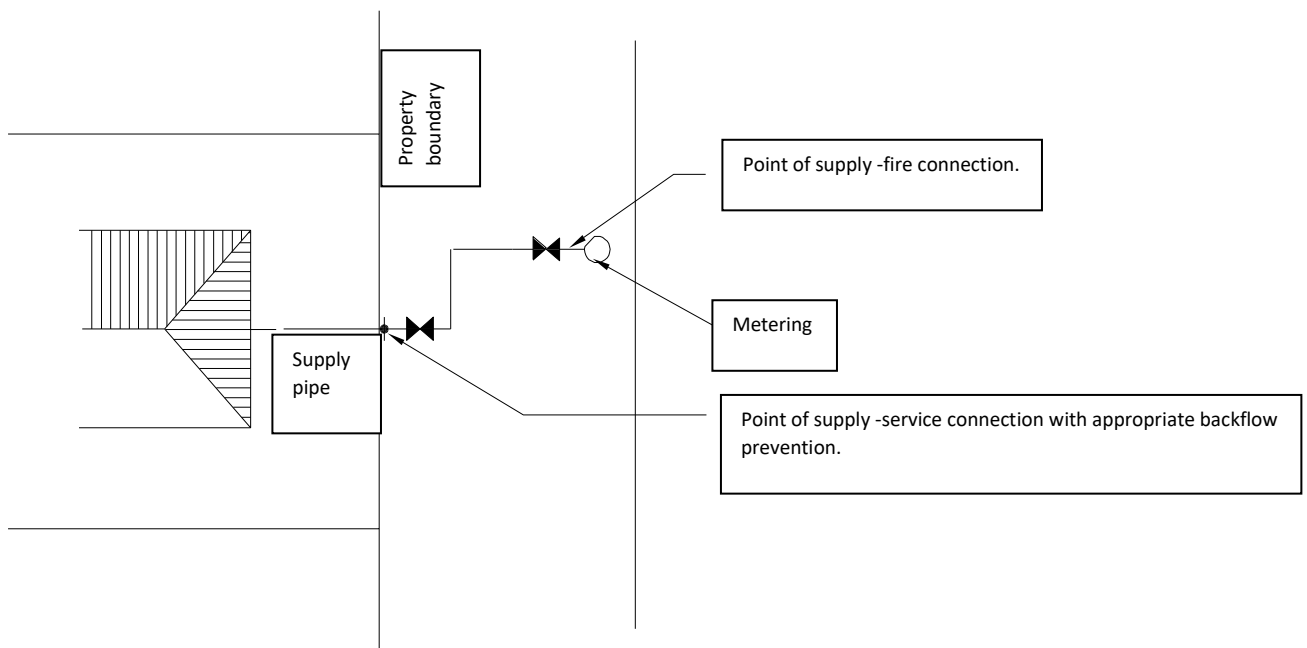


Figure 5: Combined fire and service connection

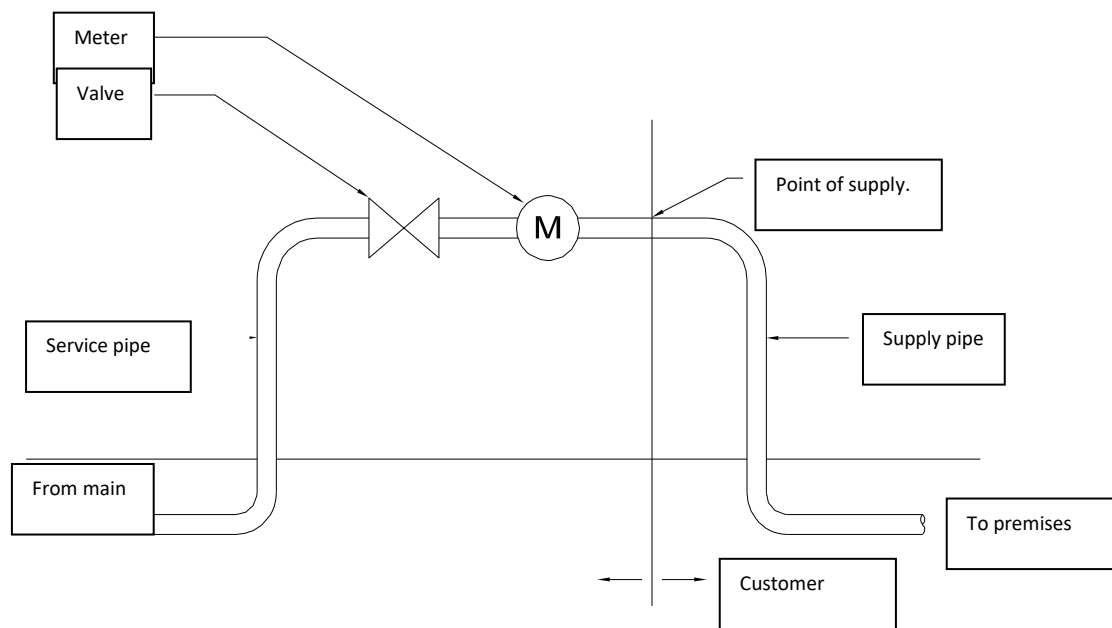
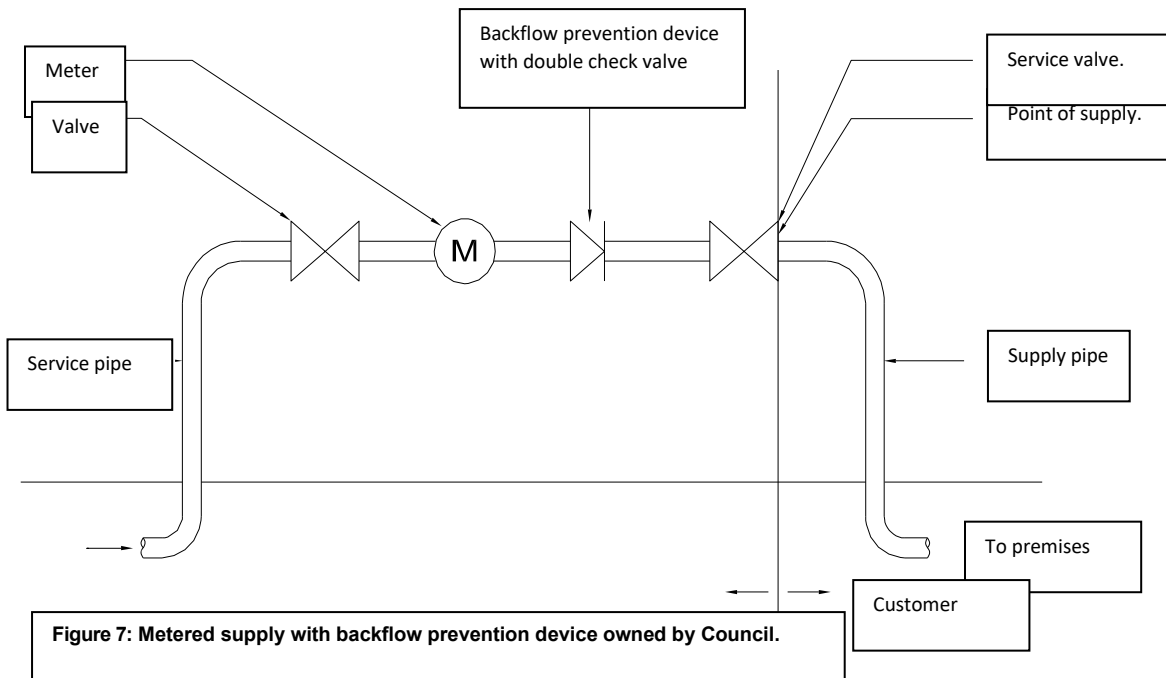


Figure 6: Domestic metered supply

Note:

- (1) Point of supply is tail piece of boundary box, meter, or service valve regardless of property boundary.
- (2) The New Zealand Building Code may require the Customer to install additional backflow prevention devices within the site, which will remain the responsibility of the Customer.



Note:

- (1) Point of supply is tail piece of boundary box, meter, or service valve regardless of property boundary.
- (2) The New Zealand Building Code may require the Customer to install additional backflow prevention devices within the site, which will remain the responsibility of the Customer.

Schedule 2: Table 1 Compatibility Features

Specific features of the Council supply which need to be taken into account are contained in Table 1 below.

Table 1 - Compatibility features

Feature	Value
Maximum pressure	100 metres head (1,000 kPa)
Minimum pressure*	10 metres head (100 kPa)
Normal operating pressure	20-30 metres head (200 - 300 kPa)
Free available chlorine	Up to 1.5 g/m ³

*Minimum pressure refers to on demand water supplies only

Schedule 3: Water Supply Area Maps

Pokeno

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=0f53c379-58ec-478f-87ad-6007b907c66c>

Raglan, Te Akau, Western Districts & Onewhero

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=9eced9b3-6082-4953-a0a9-f5b356f7af52>

Ngaaruawaahia, Taupiri & Hopuhopu

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=65013482-77a6-4af0-8a67-6d53aa305d97>

Huntly

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=6194a14a-ed47-43f5-a406-32fa0f59c262>

Southern Districts

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=612532cf-689b-4fde-b007-5ce575181538>

Te Kauwhata and Surrounds

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=a6cc5c6f-aea9-4e26-a726-ea7f97a2411c>

Tuakau and Port Waikato

<https://maps.waikatodistrict.govt.nz/IntraMaps97/?project=Waikato&module=Utilities&configId=b2549ae1-f643-4ac6-9586-211ba985dd8f&startToken=8736ba59-bf98-470b-8809-24626da37898>

Water Leak Remission Policy

Policy Owner	Chief Executive
Policy Sponsor	
Approved By:	Policy & Regulatory Committee
Approval Date:	
Resolution Number	
Effective Date	
Next Review Date:	

Introduction

Waikato District Council (“Council”) charges for the volume of water a customer receives (delivered through a water meter). When a leak occurs at a property, this affects the water bill as the consumption increases, and/or the water discharged reduces.

Council offers a leak remission to ensure customers understand the value of water and therefore encourage customers to fix leaks promptly. The leak remission is provided to offset some of the costs associated with the loss and to acknowledge the prompt repair of the leak.

Objective(s)

The objectives of this policy are to:

- Assist people in situations where water usage is higher than usual and can be attributed to an undetected water leak; and
- Allow Council to provide relief to domestic metered water users where there is evidence that repairs have been carried out within 20 working days of the leak being identified.

Definitions

An undetected leak is a leak which is completely concealed either underground, under a slab or in a wall cavity. Typically, these are leaks which occur in underground pipes leading into a household or pipes inside walls and ceilings in a home, garage or outbuilding, or hot water cylinders, on the customer side of the point of supply.

Plumber’s Invoice is a GST invoice which relates to the repair of the leak and is to contain:

- A valid GST number;
- The name of the plumber who completed the repair;
- Contact details;
- The plumber practicing license number; and
- Comprehensive description of the repair work and materials used.

Supporting Evidence of the leak includes but is not limited to:

- Photos and/or video footage clearly showing the leak (such photos or footage showing the extent of the leak with the cause clearly visible); or

- A report from a licensed or certified plumber confirming that the leak has occurred, where and how the leak was found, dates and an opinion as to how long the leak had been occurring.

Application

This policy applies to domestic customers and under extraordinary circumstances, non-domestic customers may be considered.

Principles

The property owner is responsible for maintaining after the point of supply all water pipes, fittings and/or plumbing and ensuring that it is in working order.

The responsibility of water leaks between the water outlet and the point of supply is ultimately the owners' and any water rates remitted will be a cost to other water users.

That property owners should take action within a reasonable period of time to avoid wasting water.

Conditions and Criteria

Council may remit half of the excess charge (measured over the last two bills) on water consumption rates where all of the following applies:

- An application for remission has been received within 6 months of leak being detected; and
- Council is satisfied that the excessive consumption is caused by a leak on the property (subject to the provision of Supporting Evidence of the leak); and
- The leak has been repaired within 20 working days of being identified (unless evidence has been provided that the services of an appropriate repairer could not be obtained within this period); and
- Proof of the leak being repaired by a licensed or certified plumber (Plumber's Invoice).

A remission may be granted where the water usage during the period of the leak is at least 50% higher than normal usage for the property (the normal average usage is based on the previous two bills where an actual read occurred at the property).

A remission will not be considered for leaks:

- that are or should be visible (including but not limited to header tanks, overflows from toilets, above ground pipes or fittings and those attached to raised flooring or in walls or ceilings); or
- originating from pipes or fittings:
 - on farms, commercial, industrial, public service, educational, or social service properties; or
 - in unoccupied properties (regardless of temporary or long term); or
 - in reserves; or
 - from irrigation, stock water, swimming pools, ponds, landscaping or similar systems on occupied properties; or
 - where no stopcock on water tank.

Council will only accept and consider one application for leak remission from the owner of a property once every five years. However, if the entire supply line between the point of supply and dwelling is replaced, Council may consider a further remission.

In extraordinary circumstances where a remission application would fall outside of the criteria above or where a remission of more than 50% is appropriate, a remission may be granted at the sole discretion of the Council's Authorised Officer. This may apply in situations where a water leak remission application has been declined, and where this could lead to cases of genuine financial hardship for the owner, or where timely detection of a leak could not have reasonably occurred.

An application for leak remission will be processed within 20 working days from the date on which the application (including all required information) is received.

Significance (refer to *Significance and Engagement Policy*)

The Water leak remission policy triggers the Significance and Engagement policy through the community interest threshold. Section 109 of the Local Government Act provides what is required for a rates remission policy and specifies that the policy must be reviewed once every 6 years using a consultation process that gives effect to s82.

Relevant Documents/Legislation

Local Government Act 2002

Local Government (Rating) Act 2002

Policy Review

This policy will be reviewed as deemed appropriate by the Chief Executive, but not less than once every six years.