

Agenda for a meeting of the Policy & Regulatory Committee to be held via Audio Visual Conference on **WEDNESDAY, 1 SEPTEMBER 2021** commencing at **9.30am**.

- 1. APOLOGIES AND LEAVE OF ABSENCE**
- 2. CONFIRMATION OF STATUS OF AGENDA**
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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-Tuwahangi (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 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 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 1, 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	Gavin Ion Chief Executive
Date	19 August 2021
Prepared by	Lynette Wainwright Democracy Advisor
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes for the meeting of the Policy & Regulatory Committee held on Wednesday, 21 July 2021.

2. RECOMMENDATION

THAT the minutes for the meeting of the Policy & Regulatory Committee held on Wednesday, 21 July 2021 be confirmed as a true and correct record.

3. ATTACHMENTS

P&R Minutes – Wednesday, 21 July 2021

Minutes for the meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 21 JULY 2021** commencing at **9.30am**.

Present:

Cr NMD Smith (Deputy Chairperson)
Cr AD Bech [from 9.31am]
Cr JA Church
Cr C Eyre
Cr JM Gibb
Cr SD Lynch
Cr FM McNally
Ms M Moana-Tuwhangai (Maangai Maaori)
Cr EM Patterson
Cr LR Thomson

Attending:

Mr GJ Ion (Chief Executive)
Mr T Whittaker (Chief Operating Officer)
Mr R MacCulloch (General Manager Service Delivery)
Ms S O’Gorman (General Manager Customer Support)
Mr V Ramduny (Acting General Manager Community Growth)
Ms A Diaz (Chief Financial Officer)
Ms B Clarke (Corporate Planner)
Ms H Beaven (Corporate Planning Team Leader)
Ms T Heera (Strategic Planner)
Mr J Ebenhoh (Planning & Policy Manager)
Mr G Bellamy (Senior Transportation Engineer)
Mrs LM Wainwright (Democracy Advisor)

The Deputy Chairperson opened the meeting and welcomed those in attendance.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Smith/Thomson)

THAT the apologies from His Worship the Mayor, Mr Sanson, Cr Henderson, Cr McGuire, Cr Sedgwick and Cr Woolerton be received.

CARRIED

P&R2107/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Thomson/Patterson)

THAT the agenda for the meeting of the Policy & Regulatory Committee held on Wednesday, 21 July 2021 be confirmed;

AND THAT in accordance with Standing Order 9.4 the order of business be changed with agenda item 6.6 [*Chief Executive's Business Plan*] being considered after agenda item 5.

CARRIED

P&R2107/02

Cr Bech entered the meeting at 9.31am during discussion on the above item and was present when voting took place.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Patterson/Gibb)

THAT the minutes of the meeting for the Policy & Regulatory Committee held on Wednesday, 9 June 2021 be confirmed as a true and correct record.

CARRIED

P&R2107/03

ACTIONS REGISTER

Agenda Item 5

Livestock Movement Bylaw

ACTION: This action to be closed and removed from the schedule.

Proposed Waikato District Council Stormwater Bylaw 2021

ACTION: This action to be closed and removed from the schedule.

REPORTS**Chief Executive's Business Plan**
Agenda Item 6.6

The following points were raised:

- New KPIs had been set by the Chief Executive's Performance Review Committee.
- As the financial year had just started, not a lot of progress had been made on the KPIs.
- Time had been spent on Future Proof and the Hamilton to Auckland Corridor project.
- The next Future Proof meeting would be held on Tuesday, 27 July 2021.
- Use of gold cards on the Te Huia train service. Gold cards could be used on the Saturday service. Discussion had been held on how this service would be extended to weekdays.

Resolved: (Crs Smith/Bech)

THAT the report from the Chief Executive be received.

CARRIED

P&R2107/04

Update on Policy & Bylaw Review Programme – July 2021
Agenda Item 6.1

The following points were raised:

- Submissions on the Water Supply Bylaw and Stormwater Bylaw had closed.
- A workshop on the Draft Livestock Movement Bylaw would be held on Wednesday, 28 July 2021.
- The Dog Control Bylaw consultation date should read "June 2021" not "October 2021".
- The Finance team would provide updated information on the Rates Remission and Postponement Policy to the Corporate Planning team.
- Availability of external facing policies on Council's website.

ACTION: Staff to review external facing policies to ensure they are available to the public on Council's website.

Concern was raised that the search engines on Council's website were not helpful.

ACTION: Staff noted policies could be found under "Your Council/Policies" on the website. Staff would check to ensure the links were working.

Resolved: (Ms Moana-Tuwhangai/Cr Church)

THAT the report from the Acting General Manager Community Growth be received.

CARRIED

P&R2107/05

National Policy Statement on Urban Development 2020 – Removal of Minimum Car Parking rules from the Operative Waikato District Plan
Agenda Item 6.2

The report was taken as read and no discussion was held. It was noted that the change to the rules was a Central Government requirement.

Resolved: (Crs Patterson/Thomson)

THAT the report from the Acting General Manager Community Growth be received.

CARRIED

P&R2107/06

Proposed 2021 Amendments to the Waikato District Council Speed Limits Bylaw 2011
Agenda Item 6.3

The report was taken as read and the following points were raised:

- A workshop would be held on Monday, 9 August 2021 to review the proposed speed limit changes. The outcome of the workshop would form the basis of a statement of proposal.
- There was no funding available to complete all signage changes.
- Engineering works would be required to support lower speed limits but have not been budgeted for in the Long Term Plan. Funding would be allocated in the three (3) year funding cycle of 2024 – 2027 and would be undertaken over that three (3) year period.

Resolved: (Crs McNally/Gibb)

THAT the report from the General Manager Service Delivery be received.

CARRIED

P&R2107/07

Fraud Prevention Policy Review

Agenda Item 6.4

The report was taken as read. It was noted that the policy had been reviewed by the Audit & Risk Committee at its meeting held on Tuesday, 8 June 2021 and minor amendments had been made to the policy.

Resolved: (Crs Bech/Gibb)

THAT the Policy & Regulatory Committee recommends that Council adopts the Fraud Prevention Policy, with amendments.

CARRIED

P&R2107/08

Risk Management Policy

Agenda Item 6.5

The report was taken as read. It was noted that the policy had been reviewed by the Audit & Risk Committee at its meeting held on Tuesday, 8 June 2021.

Resolved: (Crs Gibb/Bech)

THAT the Policy & Regulatory Committee recommends that Council adopts the updated Risk Management Policy.

CARRIED

P&R2107/09

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs Patterson/Thomson)**THAT** the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX 1 – Confirmation of Minutes	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
PEX 1 - Confirmation of Minutes		Refer to the previous Public Excluded reason in the agenda for this meeting.

CARRIED**P&R2107/10**

Resolutions P&R2107/11 to P&R2107/12 are contained in the public excluded section of these minutes.

There being no further business the meeting was declared closed at 10.14am.

Minutes approved and confirmed this day of 2021.

JD Sedgwick
CHAIRPERSON

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	19 August 2021
Prepared by	Lynette Wainwright Democracy Advisor
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Receipt of Minutes

1. EXECUTIVE SUMMARY

To receive the minutes for the meeting of the Proposed District Plan Subcommittee held on Wednesday, 4 August 2021.

2. RECOMMENDATION

THAT the minutes for the meeting of the Proposed District Plan Subcommittee held on Wednesday, 4 August 2021 be received.

3. ATTACHMENTS

PDP Minutes – Wednesday, 4 August 2021

Minutes for the meeting of the Proposed District Plan Subcommittee of Waikato District Council held in the Committee Rooms 1 & 2, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 4 AUGUST 2021** commencing at **9.30am**.

Present:

Cr NMD Smith (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr AD Bech
Cr EM Patterson

Attending:

Mr J Ebenhoh (Planning and Policy Manager)
Mrs S Kelly (Acting Resource Management Team Leader)
Mrs C Wratt (Contracted Principal Planner)
Ms J Macartney (Senior Policy Planner)
Mrs B Parham (Legal Counsel)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Bech/Patterson)

THAT the apology from Cr Church be received.

CARRIED

PDP2108/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Cr Bech/His Worship the Mayor)

THAT the agenda for the meeting of the Proposed District Plan Subcommittee held on **Wednesday, 4 August 2021** be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 4, which shall be considered with the public excluded;

AND THAT the following item be discussed at an appropriate time during the course of the meeting;

- **Verbal update on the Sleepyhead meeting held on Tuesday, 3 August 2021.**

CARRIED

PDP2108/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

EXCLUSION OF THE PUBLIC

Agenda Item 4

Resolved: (Cr Bech/His Worship the Mayor)

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX 1.1 Appeals: Ohinewai Rezoning – Sleepyhead Estate	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
PEX 1.1 Appeals: Ohinewai Rezoning – Sleepyhead Estate	7(2)(i)	To enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

AND THAT Mrs Bridget Parham and Mrs Carolyn Wratt be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the Proposed District Plan process. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter to inform and advise the Subcommittee members.

CARRIED

PDP2108/03

Resolution PDP2108/04 is contained in the public excluded section of these minutes.

There being no further business the meeting was declared closed at 10.45am.

Minutes approved and confirmed this day of 2021.

NMD Smith
CHAIRPERSON

Open Meeting

To	Policy and Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	20 August 2021
Prepared by	Evonne Miller PA General Manager Customer Support
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Actions Register

1. EXECUTIVE SUMMARY

Purpose of this report is to provide the Policy and Regulatory Committee with an update on actions arising the previous meeting.

2. RECOMMENDATION

THAT the report from the **General Manager Customer Support** be received.

3. ATTACHMENTS

Policy & Regulatory Committee Actions Register August 2021

	Action	Responsible to Action	Status/Update/Response
1.	<p><u>External facing policies</u></p> <ul style="list-style-type: none"> • Staff to review external facing policies to ensure they are available to the public on the Council website. • Staff to check the links are working. 	<p>Planning & Policy – Melissa Russo</p>	<p>Further to Jim Ebenhoh’s e-mail to the Committee on 21 July: Policies are available under the “Your Council” menu of our website, or through the search engine. At present, only policies deemed to be of interest to the public or that have been publicly consulted on are displayed, to help reduce clutter on the webpage.</p> <p>The search engine in the website assigns a higher rating to newer pages and action items rather than older PDFs, as in the past many irrelevant PDFs were appearing as search results. Because of this weighting, searching for an older policy will not always return the PDF of that policy as a first page result, though the policy will always remain available on the website. Options are available to increase the likelihood of the search engine finding the policy document, such as inserting 'tags', and the Corporate Planning and Comms team are working through these options.</p>

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	18 August 2021
Prepared by	Bessie Clarke Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 3224935
Report Title	Update on Policy and Bylaw Review Programme – September 2021

I. EXECUTIVE SUMMARY

The purpose of this report is to update the Policy and Regulatory (P&R) Committee on progress made on the Policy and Bylaw Review Programme since the previous report in July 2021. Staff have worked on a number of bylaws and policies since then. In addition, work is currently being scoped on other policies and bylaws.

In addition to the standard report, staff are also following up on an action from the July Policy and Regulatory Committee meeting where a discussion was held on the policies available on Council's website. The policies available are included in Attachment 2. Staff are seeking direction on any additional policies to be included on the website.

2. RECOMMENDATION

THAT the report from the Acting General Manager Community Growth be received;

AND THAT the Policy and Regulatory Committee provide feedback to staff on the policies available for the public to view on Council's website.

3. BACKGROUND

Progress made

Policies and bylaws are key decision-making and regulatory monitoring documents. They need to be kept up to date so any decision or enforcement action using the bylaw or policy that is taken by Council is appropriate and consistent.

The following bylaws and policies have had work carried out on them since the last report (details provided in attachments):

- Livestock Movement Bylaw 2011 and related policies – A consultation approval report containing the Statement of Proposal and Proposed Bylaw, is on the agenda for the 1 September Policy and Regulatory Committee meeting. Consultation is planned to run from 20 September to the 29 October 2021.
- Dog Control Bylaw 2015 and Dog Control Policy 2015 – Feedback received from the councillors at the second workshop on 21 July 2021 requested more work to be done to correct the maps, which accompanying the policy, to better reflect the current prohibited, on-leash and dog exercises areas across the district.

Staff have since reviewed the word descriptions and maps from the policy. Pre-consultation stakeholder engagement on these maps will take place with community boards prior to the next workshop scheduled for 20 September 2021.

- Water Supply Bylaw 2014, proposed Stormwater Bylaw and proposed Water Leak Relief Policy – Both bylaws and the proposed Water Leak Relief Policy were open for public consultation from 16 June to 16 July. A hearing was held on 11 August 2021, followed immediately by deliberations. A report recommending adoption is going to the 1 September Policy and Regulatory Committee meeting.
- Speed Limit Bylaw 2011 – A pre-notification report was presented to the Policy and Regulatory Committee in July and a workshop was held on 9 August 2021. A second workshop is tentatively booked in September. Proposed changes to the schedules and minor amendments to the bylaw will be presented at the October Policy and Regulatory meeting for approval to consult.
- Solid Waste Bylaw – Development of this bylaw has begun, and an initial Council workshop was held in mid-June. Stakeholder engagement is underway at present and a second workshop is scheduled with Council on 6 September 2021.
- Keeping of Animals Bylaw 2015 – The amended Keeping of Animals Bylaw 2015 was adopted by Council on 17 May 2021. Following adoption, a legal opinion on the adopted bylaw from a member of the public was received. Council's legal team are currently reviewing this legal opinion. Staff are investigating the scope and process for a review relating to the contested clauses.

Further details on the bylaw and policy review program are provided in both attachments to this report.

The review timings noted in the attachments are an estimate only. If the Committee would like to see the review of a policy or bylaw fast-tracked, then direction for staff is requested so that other reviews can be re-prioritised or delayed. This is to ensure resourcing in the Corporate Planning team, as well as from subject matter experts is allocated to meet any re-prioritisation.

Policy Criteria for Website

The current approach to determine which policies are included on Council's website is focussed on perceived level of public interest and whether the policy is publicly consulted on.

Staff are seeking feedback on whether the Policy and Regulatory Committee are satisfied with this approach.

Policies

Council has a number of policies that relate to a broad range of acts. These policies cover a variety of activities and while some are on legislated review cycles, policies not required by legislation are intended to be reviewed every 3-5 years or as required. Policies that are required by legislation are generally given higher priority than those that are not.

Bylaws

Under s.156 of the Local Government Act 2002 (LGA), bylaws must be reviewed 5 years after they are made and every 10 years thereafter. The LGA gives a grace period of 2 years (i.e. years 6 and 7 of the bylaw on its first review or years 11 and 12 on the second review cycle), within which the bylaw must be reviewed or it will automatically expire two years after the date on which it should have been reviewed by. It is considered best practice to review a bylaw before the start of the grace period.

Review Process

The process of review often starts with discussion in a Council workshop environment to identify any improvements / corrections / issues related to the policy or bylaw. Once these have been discussed and considered by Council staff will work through these and produce a report seeking consultation approval from the Policy and Regulatory Committee. Consultation then occurs as appropriate under s.82 or s.83 (which includes a hearing) of the LGA. The results of the consultation are presented to the Committee who can request further changes or corrections to the policy or bylaw in response to submissions. The Committee may recommend that Council formally adopt the policy or bylaw. The adopted policy or bylaw is publicly notified, and the review is complete. The whole process can take anywhere from 6 to 18 months depending on the complexities of the document and related issues.

A review may be triggered by a legislated review period or change in legislation, a political driver or an issue having been identified that requires an amendment.

4. ATTACHMENTS

1. Register of Bylaws September 2021
2. Register of External Policies September 2021

NOTE: Attachment 2 – Policies in red indicate they are overdue for review, policies in green are current and policies in beige have been tagged to be revoked. Charters are noted in purple.

Register of Bylaws

Updated: 10th August 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at September 2021	Comments	Related Legislation
Livestock Movement Bylaw (new)	new	1	Jul-17	Jul-19	Jul-21	Oct-21	Mar-22	Consultation approval on a proposed Livestock Movement Bylaw 2022 is sought from the Policy and Regulatory Committee on 1 September 2021. Consultation is planned from 20 September to 29 October 2021.	The Livestock Movement Policy and the Stock Underpass Policy is also reviewed concurrently with the bylaw.	Land Transport Act 1998
Water Supply Bylaw 2014	current	2	Oct-19	Oct-21	May-21	Jun-21	Sep-21	A hearing was held on 11 August 2021. Deliberations were held after the hearing and a recommendation to adopt report is going to the 1 September Policy and Regulatory meeting	Review to occur concurrently with proposed Stormwater Bylaw.	Health Act 1956
Speed Limit Bylaw 2011	expired	3	Jun-16	n/a	Sep-21	Oct-21	Mar-22	A pre-notification report went to the Policy and Regulatory Committee in July and a workshop was held on 9 August 2021. Changes to the bylaw schedules and minor amendments to the bylaw will be presented at the October Policy and Regulatory meeting for approval to consult. A hearing is planned for December.	Section 6 of the Land Transport (Speed Limits Validation and Other Matters) Act 2015 validates the Speed Limits Bylaw i.e., this bylaw can expire but cannot lapse	Land Transport Act 2015
Dog Control Bylaw 2015	Reached start of 2 year grace period	4	May-20	May-22	Oct-21	Oct-21	Early 2022	A second workshop is scheduled for 21 July 2021 which I focused on the Dog Control Policy. Feedback was received from the workshop requesting more work to be done to correct the maps which accompanying the policy. Staff have since reviewed the word descriptions and maps of prohibited, on-leash, and dog exercise areas. Pre-consultation stakeholder engagement will take place with community boards in the coming weeks prior to another workshop scheduled for the 20 September 2021.	Dog Control Policy must be reviewed at the same time (s.10AA Dog Control Act).	Dog Control Act 1996
Solid Waste Bylaw (new)	new	-	-	-	Sept-21	Nov-21	Early 2022	The development of this bylaw has begun. An initial workshop with Council was held on 14 June 2021 to present the draft bylaw. Stakeholder engagement is currently underway, with a second Council workshop scheduled on 21 July 2021.		Waste Minimisation Act 2008
Freedom Camping Bylaw 2016	current	5	Oct-21	Oct-23	TBC	TBC	TBC	Work has not yet started on this bylaw review. Awaiting direction following MBIE's consultation regarding 'Supporting Sustainable Freedom Camping Aotearoa New Zealand.'		Freedom Camping Act 2011

Register of Bylaws

Updated: 10th August 2021

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at September 2021	Comments	Related Legislation
Public Places Bylaw 2016	current	8	Feb-22	Apr-23	TBC	TBC	TBC	Work has not yet started on this bylaw review. Council resolved to begin this review in 2022 to allow other bylaw reviews to progress.		Land Transport Act 1998
Cemeteries Bylaw 2016	current	9	Jul-21	Jul-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Burial and Cremation Act 1964
Reserves and Beaches Bylaw 2016	current	10	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Reserves Act 1977
Trade Waste and Wastewater Bylaw 2016	current	11	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Health Act 1956
Stormwater Bylaw (new)	new	NA	-	-	May -21	Jun-21	Sep-21	A hearing was held on 11 August 2021. Deliberations were held after the hearing and a recommendation to adopt report is going to the 1 September Policy and Regulatory meeting	Review to occur concurrently with Water Supply Bylaw.	Health Act 1956
Alcohol Control Bylaw 2020	new	NA	Dec 2030	Dec-2032	NA	NA	NA	As a recently reviewed bylaw, no review is required until 2030.	S.11 of the Local Government Alcohol Reform Amendment Act 2012 gave all existing bylaws made prior to the commencement of the act an expiration date of December 2018	Sale and Supply of Alcohol Act 2012 and the Local Government (Alcohol Reform) Amendment Act 2012
Keeping of Animals Bylaw 2015	new	NA	May-31	May-33	TBC	TBC	TBC	The amended Keeping of Animals Bylaw 2015 was adopted by Council on 17 May 2021. Following adoption, a legal opinion on the adopted bylaw from a member of the public was received. Council's legal team are reviewing this legal opinion. Staff are investigating the scope and process for a review relating to the contested clauses.		Health Act 1956

Register of External Policies

Updated: 10th August 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	External/Internal Policy i.e. affects communities/ or not	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Climate Response and Resilience Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Aug 2020	October 2021	External	Yes	N/A	Review has been update of this policy has been deferred to: <ul style="list-style-type: none"> • Allow for collaborative work on climate change that is scheduled later this year with peer Councils • Facilitate recruitment of a role who will be responsible for the Climate Resilience programme and the progression and maintenance of the policy. 	CURRENT		
Community Partnership Loan Funding Scheme	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2009	Dec 2020	External		N/A	The policy is still in effect until the last loan is repaid – 1 December 2020 and then the policy ceases to exist. Otherwise replaced by Treasure Risk Management Policy.	CURRENT		
Dangerous and Insanitary Buildings Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2018	Sep 2023	External	Yes	Building Act 2004		CURRENT		
Development Contributions Policy 2021	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2021	Jun 2024	External	Yes	Local Government Act 2002		CURRENT		
Development Contributions, Remissions for Subsidiary or Second Dwelling for dependents only	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2007	N/A	External	Yes			CURRENT		

Register of External Policies

Updated: 10th August 2021

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	External/Internal Policy i.e. affects communities/ or not	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Development or Financial Contributions		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	N/A	External	Yes	Y, Local Government Act 2002		CURRENT	
Easter Trading Policy		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Apr 2017	Apr 2022	External	Yes	Shop Trading Hours Act 1990		CURRENT	
Fraud Prevention Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	Jul 2018	Jul 2021	External	Yes	N/A		CURRENT	
Gambling Venues Policy		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Oct 2018	Oct 2021	External	Yes	Gambling Act 2003 and Racing Act 2003	This review has been delayed to the last quarter of 2021 due to staffing constraints. This policy is required to be reviewed by October 2021; however, the policy cannot cease to have effect if it is overdue for review.	CURRENT	YES – A consultant has been engaged to complete a social impact assessment to support the review, when this commences.
Library Policy		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Oct 2019	Oct 2024	External	Yes	N/A	Replaces Library Services Policy and Library Lending Policy. New single policy.	CURRENT	
Local Alcohol Policy 2017		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Dec 2016	Dec 2022	External	Yes	Sale and Supply of Alcohol Act 2012		CURRENT	
Petitions Guidelines		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Mar 2021	Mar 2024	External	Yes	N/A		CURRENT	

Register of External Policies

Updated: 10th August 2021

<div style="background-color: #f4a460; padding: 2px;">Overdue for review</div> <div style="background-color: #d9d9d9; padding: 2px;">Policy is current</div> <div style="background-color: #d9d9d9; padding: 2px;">Due to be revoked</div> <div style="background-color: #d9d9d9; padding: 2px;">Charters</div> <div style="background-color: #fff2cc; padding: 2px;">Under review</div>	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	External/Internal Policy i.e. affects communities/ or not	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?												
												Psychoactive Substances Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Jul 2019	Jul 2024	External	Yes	Psychoactive Substances Act 2013		CURRENT	
												Rates Remission and Postponement policy	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2012	Not stated	External	Part of LTP	N/A		CURRENT	
												Remission or postponement of Rates on Maori Freehold Land	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2012	Not stated	External	Part of LTP	Local Government Act 2002		CURRENT	
												Sensitive Expenditure	WDC	Operations	Alison Diaz (Chief Finance Officer)	Nov 2018	Nov 2021	External	Yes	N/A		CURRENT	
Significance and Engagement Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Dec 2020	Dec 2023	External	Yes	Local Government Act 2002		CURRENT													
Strategic Land Acquisition and Disposal Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Oct 2019	Oct 2024	External	Yes			CURRENT													
Treasury Risk Management Policy (including Liability and Investment Policies)	WDC	Operations	Alison Diaz (Chief Finance Officer)	Dec 2018	Dec 2021	External	Yes	N/A		CURRENT													
Risk Management Policy	WDC	Operations	Katja Jenkins (Risk Advisor)	Mar 2018	Mar 2021	External	Yes	N/A	Went to the June Audit and Risk Meeting. On the agenda for July P&R Committee meeting.	UNDER REVIEW													

Register of External Policies

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<div style="background-color: #f4a460; padding: 2px;">Overdue for review</div> <div style="background-color: #d9d9d9; padding: 2px;">Policy is current</div> <div style="background-color: #d9d9d9; padding: 2px;">Due to be revoked</div> <div style="background-color: #d9d9d9; padding: 2px;">Charters</div> <div style="background-color: #ffff00; padding: 2px;">Under review</div>	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	External/Internal Policy i.e. affects communities/ or not	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?												
												Activity Management Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jun 2017	Jun 2020	External		N/A		REVIEW	
												Application of Interest to Council Reserves Policy	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	External		N/A		REVIEW	
												Appointing Directors and Trustees to Council Controlled Organisations Policy	WDC	Operations	Chief Executive Group	Feb 2014	Feb 2017	External	Yes	N/A		REVIEW	
												Bus Shelter - Public and Private	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	External		N/A		REVIEW	
Cellular Network Site Policy	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2008	Jan 2011	External		N/A	The property team were consulted and recommend maintaining the policy until it can be incorporated into lease agreements or other appropriate operational templates. Once this is complete, it can be revoked.	REVIEW													
Community Water Fluoridation Policy	WDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2012	Jan 2015	External		N/A		REVIEW													
Control of Business Advertising Signs/Displays in public places	FDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Jan 1998	Jan 2002	External		N/A		REVIEW													

Register of External Policies

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												Policy is current
												Due to be revoked
												Charters
												Under review
Debts Write-Off Policy	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2000	Jan 2003	Internal		N/A	Out of date – just gives power to CE & CSGM to write off debt less than \$2,500. Needs to be contained within the delegations policy and manual.	REVIEW		
District minor improvement programme policy	WDC	Operations	Unknown	Jan 2011	Jan 2014	Internal		N/A		REVIEW		
District Tree Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Apr 2015	Apr 2018	External	Yes	N/A		REVIEW		
Easements Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2014	Dec 2017	External	Yes	N/A		REVIEW		
Fencing - Council Reserves Land	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	External		N/A		REVIEW		
Firearms Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Jun 2014	Jun 2017	Internal		N/A		REVIEW		
Footpath prioritisation	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2011	External		N/A		REVIEW		
Funding for road closures for community events	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	Jan 2011	External		N/A		REVIEW		

Register of External Policies

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	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Grass Verge Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Oct 2019	External	Yes	N/A		REVIEW		
Halls and community centres policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	External		N/A	The contents of this policy are now covered under the Terms of Reference for halls. Delete when General Halls Policy is adopted	REVIEW		
Heritage Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2014	Apr 2017	External	Yes	N/A	Review has been delayed for Heritage Strategy to progress to provide a direction.	REVIEW		
Leases to Individuals and Commercial Organisations Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	External		N/A	Will be merged into Occupancy Policy. Revoke once General Occupancy Policy is reviewed.	REVIEW		
Leasing of Reserve Land	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	External		N/A		REVIEW		
Licences – grazing policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1990	Jan 1993	External		N/A	To be included in Occupancy Policy. Revoke once included in General Occupancy Policy.	REVIEW		
Lump Sum Payment Policy (Rates)	WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2004	Jan 2007	Internal		N/A		REVIEW		
Non-Standard Road Name Signs and Entrance Structures	FDC	Service Delivery	Roger MacCulloch (General	Not stated	Not stated	External		N/A		REVIEW		

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												Policy is current
												Due to be revoked
												Charters
												Under review
			Manager Service Delivery)									
Notable Tree Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)			External		N/A		REVIEW		
Plaques, Memorials and Monuments Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Sep 2019	External	Yes	N/A		REVIEW		
Property Management	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	External		N/A		REVIEW		
Rating for services		Operations	Alison Diaz (Chief Finance Officer)	Jan 2005	Jan 2008	External		N/A		REVIEW		
Rating Rural Community Centre Areas	FDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2009	Jan 2012	External		N/A		REVIEW		
Refuse Collection and Disposal	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2014	Jan 2017	External		N/A		REVIEW		
Relocatable Home Parks & Camping Grounds Policy	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	External		N/A		REVIEW		
Reserve Contributions & Conservation Covenants	WDC	Service Delivery	Roger MacCulloch (General	Jan 1998	Jan 2001	External		N/A		REVIEW		

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												Policy is current
												Due to be revoked
												Charters
												Under review
			Manager Service Delivery)									
Reserves – Committees of Management Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	External		N/A		REVIEW		
Road Closure for Motor Sport Events Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2012	Mar 2015	External	Yes	N/A	Was planned to be reviewed in Jan 2021. Review still pending.	REVIEW		
Road Naming Policy 2016	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2016	Oct 2018	External	Yes	N/A		REVIEW		
Roading financial contributions - expenditure of	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2016	Jan 2019	Internal		N/A		REVIEW		
Roadside Fencing Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2016	Feb 2019	External	Yes	N/A		REVIEW		
Roadside weedspraying – no spray zones	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	External		N/A		REVIEW		
Rural Halls – Administration Services for	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	External		N/A	The contents of this policy are now covered under the Terms of Reference for halls. Delete when General Halls Policy is adopted	REVIEW		

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												Policy is current
												Due to be revoked
												Charters
												Under review
Rural Halls (Operation and Election of Hall Committees)		Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	External		N/A	The contents of this policy are now covered under the Terms of Reference for halls. Delete when General Halls Policy is adopted.	REVIEW		
Rural road lighting prioritisation	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	External		N/A		REVIEW		
Sponsorship of, and advertising on, council properties and assets	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	External		N/A		REVIEW		
Stock Underpasses – Financial Assistance	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	External		N/A		REVIEW		
Street Lighting and other security/amenity lighting	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	External		N/A		REVIEW		
Te Kaupapa Here o Ngaa Tohu Reorua - Bilingual Signage Policy	WDC	Operations	Chief Executive Group	May 2017	May 2020	Internal	Yes	N/A		REVIEW		
Te Reo Maori Policy	WDC	Operations	Chief Executive Group	Apr 2016	Apr 2019	Internal		N/A		REVIEW		
Town Halls – Administration	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2004	Jan 2007	External		N/A	The contents of this policy are now covered under the Terms of Reference for halls. Delete when General Halls Policy is adopted.	REVIEW		

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	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Vehicle Crossings	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	External		N/A		REVIEW		
Vehicle Entrance Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	External		N/A		REVIEW		
Community Board Charter	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Oct 2013	Oct 2016	External	Yes	N/A		REVOKE		
Meremere Community Committee Charter	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Oct 2013	Oct 2016	External	Yes	N/A	This was updated after the 2016 elections and will shortly be reviewed for this triennium. Therefore, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated, the policy can be revoked.	REVOKE		
Te Kauwhata Community Committee Charter	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Oct 2013	Oct 2016	External	Yes	N/A	This was updated after the 2016 elections and will shortly be reviewed for this triennium. Therefore, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated, the policy can be revoked.	REVOKE		
Water Policy	WDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Aug 2016	Sep 2021	External		N/A	To be reviewed concurrently with the WaterSupply Bylaw. Work will be scoped to occur with the review of the Water Supply Bylaw	UNDER REVIEW		

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	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Trade Waste Agreements	FDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2007	Jan 2010	External		N/A	Policy has been reviewed by Watercare consultant recommending revocation. A report will be brought to the October Policy and Regulatory Committee alongside the new water supply bylaws recommending revocation of this policy	UNDER REVIEW		
Trade Waste Bylaw Charging Policy	FDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2010	Jan 2013	External		N/A	Policy has been reviewed by Watercare consultant recommending revocation. A report will be brought to the October Policy and Regulatory Committee alongside the new water supply bylaws recommending revocation of this policy.	UNDER REVIEW		
Water rates - discontinuing supply	FDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2009	Jan 2011	External		N/A	Policy has been reviewed by Watercare consultant recommending revocation. A report will be brought to the October Policy and Regulatory Committee alongside the new water supply bylaws recommending revocation of this policy.	UNDER REVIEW		
Discretionary Grants Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	External	Yes	N/A	Staff reviewing policy to align with recent changes to Council's funding procedures.	UNDER REVIEW		
Temporary Road Closures and Events on Roads	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Not stated	Not stated	External		N/A	Draft version under development.	UNDER REVIEW		

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	Policy is current											
	Due to be revoked											
	Charters											
	Under review											
Dog Control Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Apr 2015	With Dog Control Bylaw	External	Yes	Dog Control Act 1996	Currently being reviewed alongside Dog Control Bylaw	UNDER REVIEW		
Stock Underpass Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2006	Dec 2009	External		N/A	Being reviewed with the Livestock Movement Bylaw currently underway	UNDER REVIEW	YES – Legal feedback on draft bylaw received.	
Lead Developer Fund (Water/ Wastewater)	WDC	Watercare	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2005	Jan 2008	External		N/A	Policy has been reviewed by Watercare consultant recommending revocation. A report will be brought to the October Policy and Regulatory Committee alongside the new water supply bylaws recommending revocation of this policy	REVOKE		
Livestock Movement Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2011	Jan 2014	External		N/A	Needs to be reviewed in conjunction with the Livestock Movement Bylaw during 2020/21 to be timed with the Bylaw review currently underway	REVIEW	YES – Legal feedback on draft bylaw received.	

Open Meeting

To	Policy & Regulatory Committee
From	Ian Cathcart Special Infrastructure Projects Manager
Date	1 September 2021
Prepared by	Jodi Bell-Wymer Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	P&R2021; ECM # 3228043
Report Title	Adoption of the proposed Waikato District Council Stormwater Bylaw 2021

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the Policy and Regulatory Committee's (the Committee) recommendation for Council to adopt the Waikato District Council Stormwater Bylaw 2021 (Bylaw).

At the meeting on 9 June 2021, the Policy and Regulatory Committee resolved to consider and approve the Waikato District Council Proposed Stormwater Bylaw for public consultation, in accordance with section 83 (special consultative procedure) of the Local Government Act (LGA) 2002.

The proposed Bylaw was notified for public consultation on 16 June 2021 with submissions closing on 16 July 2021. In total, nine submissions were received. One submitter presented at the hearing on 11 August 2021. Deliberations were held immediately following the hearing and as a result of points raised in the submissions, minor amendments were suggested to staff by the Committee. An explanation of the suggested amendments can be found in section 4.2 of this report.

Changes proposed by staff and suggested by the Committee are:

- The addition of Te Ture Whaimana o Te Awa o Waikato – the vision and strategy of the Waikato River into the 'purpose' of the bylaw.
- Clear indication of the exclusion of discharge consents falling under Waikato Regional Council's jurisdictions.
- Re-defining 'High-Risk Facility' and 'Overland Flow Path' to align with suggestions and improve consistency with other Councils.
- Removal of references to Trade Waste, including Trade Waste Management Plan and ensure these are specific to Stormwater, including defining Pollution Control Plan.
- Addition of 'fish passage' to 'Obstructions and Capacity of Stormwater System'.

The following document is included as an appendix to this report:

Appendix I - Proposed Waikato District Council Stormwater Bylaw 2021

2. RECOMMENDATION

THAT the report from the Special Infrastructure Projects Manager be received;

AND THAT subject to any amendments, the Policy & Regulatory Committee recommends that Council adopt the Proposed Stormwater Bylaw 2021 (as detailed in Appendix I of this report) at the Council meeting to be held on Monday, 20 September 2021.

3. BACKGROUND

Waikato District 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.

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.

3.1 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

An invitation to provide feedback was distributed to key stakeholders including Community Boards and Committees, and Māori representatives, and information was made available via our Waikato District Council offices, libraries, and website.

Consultation was open from 16 June 2021 to 16 July 2021. A total of nine submissions were received. All but one submission supported the Bylaw amendments in principle. One submitter attended the hearing to present their submission verbally.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 SUMMARY OF HEARING

A summary of the submitter’s comments is tabled below:

Name of Submitter	Submission
Maggie Wilcock	Provided comment on the hearing process and recommended staff advise where responses to submissions are located. Provided comment that clarity was needed on the definition of overland flow paths and watercourses. Points were discussed on stormwater in rural zones.

4.2 DISCUSSION

The majority of feedback received was in support. The Committee agreed with the staff comments provided with the hearing report, and provided some amendments as discussed in the deliberations.

Recommended changes	Explanation
The addition of Te Ture Whaimana o Te Awa o Waikato – the vision and strategy of the Waikato River into the ‘purpose’ of the bylaw.	This was a change suggested by Waikato Regional Council to add reference to Te Ture Whaimana o Te Awa o Waikato and acknowledge the impacts of stormwater on biodiversity in the purpose of the bylaw. Both Council and Watercare staff agreed with this.
Re-defining ‘High-Risk Facility’ and ‘Overland Flow Path’ to align with suggestions and other Councils.	The change to these definitions is a response to multiple submissions. Staff have agreed to make these changes to Improve consistency with neighbouring Councils and have greater clarity.
Remove references to Trade Waste, including Trade Waste Management Plan and ensure these are specific to Stormwater, including defining Pollution Control Plan.	This change is a response to multiple submissions, including Oil NZ (Z Energy, Mobil Oil and BP Oil). References to trade waste appear to have been made in error and have now been correctly replaced with stormwater.
Addition of ‘fish passage’ to ‘Obstructions and Capacity of Stormwater System’.	This change is a response to a submission made by Waikato Regional Council. Staff agree with the insertion of fish passage requirements as it would result in consistency with the National Policy Statement (NPS) and National Environmental Standards (NES) for freshwater management.

5. CONSIDERATION

5.1 FINANCIAL

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

5.2 LEGAL

Council is authorised under S.145 of the Local Government Act 2002 to make a Stormwater Bylaw. When making or amending a bylaw, the special consultative procedure under section 83 of the Local Government Act 2002 must be observed.

5.3 Strategy, Plans, Policy and Partnership Alignment

Staff have identified there are no specific Council policies, plans or strategies related to the Proposed Stormwater Bylaw 2021 however acknowledges that the Bylaw supports Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).

5.4 Assessment of Significance and Engagement Policy and of External Stakeholders

This Bylaw review triggered Council's Significance and Engagement Policy and 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Section 83 consultation was completed					

The below stakeholders were engaged with:

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local Iwi and Hapuu
		✓	Households
		✓	Business
		✓	Water consent holders

6. CONCLUSION

The proposed Waikato District Council Stormwater Bylaw 2021 was notified for public consultation under the Special Consultative Procedure. One member of the public attended the hearing and presented their submission.

Considering the public submissions and the recommendations by Council staff and the Committee, the proposed bylaw is included in Appendix I.

7. ATTACHMENTS

Appendix I - Proposed Waikato District Council Stormwater Bylaw 2021

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. INTRODUCTION

1.1. This stormwater bylaw provides Waikato District Council with the tools to enable sustainable management of stormwater within the urban areas as defined by the District Wide Stormwater Discharge consents issued by Waikato Regional Council. The management of stormwater ultimately aims to assist in achieving positive outcomes for the Waikato Region by helping to protect aquatic habitats, minimising scour, erosion and flooding and improving water quality. Waikato District Council's Comprehensive Stormwater Discharge resource consents and Stormwater Management Plans aim to manage stormwater discharge for quality and quantity to avoid, remedy and mitigate any adverse effects on the environment.

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

~~1.2. boundary of these expands over time which is~~ **SHORT TITLE, COMMENCEMENT AND APPLICATION**

2.1. The bylaw shall be known as the "Waikato District Council Stormwater Bylaw 2021".

2.2. The bylaw shall apply to the Waikato District and covers areas which are identified within the Waikato District Council's Urban Discharge consent boundaries (as amended from time to time) and those areas which have independent discharge consents issued by WRC and such consents have been transferred to Waikato District Council.

2.3. The bylaw shall come into force on 01 October 2021.

~~1.1. — Advisory note: this Bylaw does not cover any rural areas which are managed by Waikato Regional Council. The bylaw shall be known as the "Waikato District Council Stormwater Bylaw 2021".~~

~~1.2. — The bylaw shall apply to the Waikato District.~~

~~The bylaw shall come into force on 01 October 2021.~~

~~1.3.~~

3. SCOPE

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

~~1. — SCOPE~~

~~1.5.~~ 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.

4. PURPOSE

~~4.1.~~ The purposes of this bylaw are to enable Waikato District Council to:

~~1.~~ 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 as part of Te Ture Whaimana o Te Awa o Waikato - the vision and strategy of the Waikato River.~~PURPOSE~~

~~2.0.~~ The purposes of this bylaw are to enable Waikato District Council to:

~~(c)~~ 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.

~~(d)~~(a) Manage the land, structure or infrastructure associated with stormwater drainage within its control.

~~(e)~~(b) Meet any compliance requirements of any Waikato District Council discharge consents relating to stormwater.

~~(f)~~(c) Protect and regulate against damage, misuse, or loss of the land, structures, or infrastructure related to stormwater drainage.

~~(g)~~(d) Prevent the unauthorised use of the land, structures or infrastructure related to stormwater drainage.

~~(h)~~(e) Ensure flood risk is managed watercourses, that form part of Waikato District Council's stormwater systems, remain clear and unobstructed.

~~(i)~~(f) Protect, promote, and maintain public health and safety.

~~(g)~~ Protect the public from nuisance materials.

~~(j)~~

~~2.5.~~ COMPLIANCE WITH OTHER ACTS AND REGULATIONS, BYLAWS AND CODES

~~2.1.5.1.~~ This Bylaw has been developed in accordance with all relevant legislation, Council policy relating to Stormwater and guidance.

~~2.2.5.2.~~ 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.

3.6. DEFINITIONS

3.1.6.1. 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.
Nuisance material	Means anything that is not stormwater, including but not limited to substances that; <ul 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. <u>(k)</u>
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	<u>A low point in the terrain, excluding a permanent watercourse, where surface runoff will flow over the ground surface.</u> Means the route along which stormwater flows. A subset of an overland flow path is called a “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.

<u>Pollution Control Plan</u>	<u>Means a plan that includes appropriate policies, procedures and a review timetable that is held onsite that which guides appropriate management of any material either held on site or intended or likely to be onsite that may cause entry of prohibited materials into the stormwater system or any other breach of this bylaw.</u>
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 intoenters 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.
<u>Stormwater High Risk Facility</u>	<u>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.</u>
Stormwater System	Includes any land, structure or infrastructure associated with stormwater drainage, including: <ul style="list-style-type: none"> (b)(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. (c)(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 waterrainwater 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 (Refer current Waikato District Trade Waste and Wastewater Bylaw).~~

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.

4.7. STORMWATER SYSTEMS REQUIREMENTS

4.1.7.1. Connecting to the Public Stormwater System

- (a) No person may, without written approval from the Council, connect into the Public Stormwater ~~System;~~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~~the applicant (owner or occupier) to:
 - 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 Management Plans.

4.3.7.2. 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, of 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 public 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
 - i. Inform Council as soon as practicable.
 - ii. Inform Council as soon as practicable.
- (e) Any owner, occupier, or manager of a ~~Stormwater~~~~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.
- (e) Advisory Note 1: 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.
- (f) Any owner, occupier or manager of a ~~Trade Waste~~~~Stormwater~~ identified High-Risk Facility must, upon request, 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)~~ Pollution Control Plan, that is approved in writing by WDC, 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~~~~Stormwater~~ identified High-Risk Facility must comply with the requirements of the ~~Trade Waste Management Plan~~Pollution Control Plan.
- (g)(h) A person must not make any modification(s) to private systems that must operate to a specific level as part of the resource consent requirements (i.e. detention tanks or treatment devices).

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.

4.4.7.3. 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 [as soon as practical, immediately.](#)

4.5.7.4. Building works in proximity to the Public 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;~~System.
 - ii. not proceed with any works until such time as Approval is ~~granted;~~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~~Infrastructure Technical Specifications.

4.6.7.5. 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 the Public or Private Stormwater System in a manner that is likely to cause a nuisance to the public, increase flood risk or cause a health and safety issue.
 - 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 without a consent. ;
 - 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.
 - vi.~~vii.~~ Do anything that directly or indirectly obstructs, alters, or impedes fish passage in the stormwater system as far as practical.
- (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.

4.7.7.6. 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~~ [vegetation](#) for a ~~swaleraingarden~~ designed for the purpose of stormwater treatment)

5.8. ACCESS

5.1. 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.

8.1.

5.2.8.2. 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.

8.3. 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.

5.3.

6.9. FEES & CHARGES

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

6.1.

7.10. BREACHES

7.1.10.1. 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.

7.2.10.2. 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.

7.3.10.3. 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.

7.4.10.4. 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~~; 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.

(c)

8.11. OFFENCES AND PENALTIES

11.1. 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

~~8.1.~~

9.12. 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 20 September 2021

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

Mayor

Chief Executive
Councillor

Councillor

Chief Executive

Schedule One

Waikato District Council Stormwater Bylaw

Stormwater High Risk Facilities Register

The following is a list of [stormwater](#) 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 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.

Manufacture of paper and paper products	Hazardous substances such as chlorine based 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. <u>Advisory note: Open burning of stockpiled tyres is a prohibited activity under rule 6.1.13.4 of the Waikato Regional Plan.</u>

Open Meeting

To	Policy & Regulatory Committee
From	Ian Cathcart Special Infrastructure Projects Manager
Date	1 September 2021
Prepared by	Jodi Bell-Wymer Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	P&R2021; ECM3228061
Report Title	Adoption of the 2021 Proposed Amendments to the Waikato District Council Water Supply Bylaw 2014 and the Proposed Water Leak Relief Policy

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the Policy and Regulatory Committee's recommendation for Council to adopt the Proposed Amendments to the Waikato District Council Water Supply Bylaw 2014 and the Proposed Water Leak Relief Policy 2021.

At the meeting on 9 June 2021, the Policy and Regulatory Committee (Committee) resolved to consider and approve the Waikato District Council Proposed Water Supply Bylaw (Bylaw) and the Proposed Water Leak Relief Policy (Policy) for public consultation, in accordance with section 83 (Special Consultative Procedure) of the Local Government Act 2002 (LGA).

The proposed amendments to the Bylaw were notified for public consultation on 16 June 2021 with submissions closing on 16 July 2021. In total, six submissions were received. Two submitters presented their submissions at the hearing on 11 August 2021.

The options for the key proposals were deliberated on the day of the hearing and suggested by the Committee with minor amendments. An explanation of the suggestions can be found in section 4.2 of this report. No changes were suggested to the Policy.

The following points are additional changes to the Bylaw made by staff and suggested by the Committee:

- Reference Fire and Emergency Standards 4515 and 4541 to 'Relevant Codes and Standards' section.
- Addition of 'water alerts and emergency provisions' to the definition of 'Extraordinary Use'.
- Reference to and addition of the definition of 'Fire and Emergency Personnel'
- One point of supply for each individual property unless 'written approval' is given by Council.

The following documents are included as appendices to this report:

Appendix 1 - Proposed Waikato District Council Water Supply Bylaw 2014

Appendix 2 – Proposed Water Leak Remission Policy 2021

2. RECOMMENDATION

THAT the report from the Special Infrastructure Projects Manager be received;

AND THAT subject to any amendments, the Policy & Regulatory Committee recommends that Council adopt the Proposed Water Supply Bylaw 2014 (as detailed in Appendix 1 of this report) and the Water Leak Relief Policy 2021 at the Council meeting on Monday, 20 September 2021.

3. BACKGROUND

Any Bylaw produced under s.145 of the LGA (General bylaw-making power for territorial authorities) must be fully reviewed 5 years after it is adopted and every 10 years thereafter as per s.158 of the LGA. The LGA gives a grace period of 2 years (i.e., 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 automatically expire two years after the date on which it should have been reviewed.

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

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.

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.

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. Through the review process, staff proposed the removal of these clauses from the proposed Bylaw to create a separate Water Leak Remission Policy. This Policy is attached as Appendix 2. No submissions were received on this Policy.

3.1 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

An invitation to provide feedback was distributed to key stakeholders including water consent holders, Community Boards and Halls Committees, and Maaori representatives. Information was also made available via our offices, libraries and website.

Consultation was open from 16 June 2021 to 16 July 2021. A total of six submissions were received. All but one submission supported the Bylaw amendments in principle. Two submitters attended the hearing to present their submission verbally.

4.0 DISCUSSION AND ANALYSIS

4.1 Summary of Hearing

A summary of the submitters' comments is tabled below:

Name of Submitter	Submission
Grace (Maggie) Wilcock	Provided comment on the hearing process and recommended staff advise where responses to submissions are located. Additional emphasis was also given about improving the clarity of definitions in the bylaw.
Tony Webb of Webb Trustees	Would like the ability to have separate water meters where there are multiple household units on one title (not separated by subdivision or crosslease).

4.2 DISCUSSION

Following the hearing, the below changes are proposed to those previously recommended:

Recommend changes	Explanation
Reference Fire and Emergency Standards 4515 and 4541 to 'Relevant Codes and Standards' section.	These changes were suggested by NZ Fire and Emergency. Along with NZS 4517 Fire sprinkler systems for houses, there are other sprinkler standards that should be referenced as indicated by NZ Fire and Emergency.
Addition of 'water alerts and emergency provisions' to the definition of 'Extraordinary Use'.	This change is a response to the submission made by NZ Fire and Emergency to include all sprinkler standards under 'Ordinary use'. The definition of 'Extraordinary use' now clarifies the types of restrictions by including the two main types, water alerts and emergency provisions.
Reference to and addition of the definition of 'Fire and Emergency Personnel'.	Response to the submission suggested by NZ Fire and Emergency to correctly reference fire employees, volunteers, and contractors as 'Fire and Emergency Personnel'.
One point of supply for each individual property unless 'written approval' is given by Council.	This change is a response to the submission made by Webb Trustees Limited. This change will enable Council more leniency on allowing more than one meter depending on a separate set of guidelines which will be produced following this Bylaw.

In response to a submission, it was also recommended during deliberations that staff develop a set of internal guidelines detailing when exceptions may be granted for more than one point of supply.

5 CONSIDERATION

5.2 FINANCIAL

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

5.3 LEGAL

Council is authorised under S.145 of the Local Government Act 2002 to make a Water Supply Bylaw. When making or amending a bylaw, the special consultative procedure under the Local Government Act 2002 must be observed.

5.3 Strategy, Plans, Policy and Partnership Alignment

Staff have identified that the Proposed Water Supply Bylaw 2014 is not in conflict with other Council plans and policies. 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.

An internal guideline will be produced to provide staff (and Watercare) parameters to take into consideration where more than one point of supply is requested.

5.4 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Section 83 consultation has been completed				

The below stakeholders were invited to make a submission:

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local Iwi and Hapuu
		✓	Households
		✓	Business
		✓	Water consent holders

6 CONCLUSION

The proposed Waikato District Council Water Supply Bylaw 2014 was notified for public consultation under the Special Consultative Procure. Two members of the public attended the hearing and presented their submissions verbally.

Considering the public submissions and the suggestions by Council staff and the Committee, the proposed bylaw and schedules are included in Appendix I.

7 ATTACHMENTS

Appendix 1 - Proposed Waikato District Council Water Supply Bylaw 2014

Appendix 2 – Proposed Water Leak Remission Policy 2021

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.

~~3.2.~~ 3.2. 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.

~~4.3.~~ 4.3. Purpose

~~4.13.1~~ 4.13.1 The purposes of this bylaw are:

- ~~(a)~~ (a) ~~Protecting, promoting and maintaining public health and safety;~~
- ~~(c)~~ (a) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;
- ~~(d)~~ (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
- ~~(e)~~ (d) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

5.4. Compliance with Other Acts and Codes

5.14.1 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 Services Act 1975.~~ [Fire and Emergency Act 2017.](#)
 - ~~(iii) Health (Drinking Water) Amendment Act 2007.~~
 - ~~(v)(iii)~~ Health Act 1956.
 - ~~(vi)(iv)~~ Local Government (Rating) Act 2002.
 - ~~(vii)(v)~~ Local Government Act 2002.
 - ~~(viii)(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)~~ [NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies \(up to 2000 square meters\).](#)
 - ~~(v)(vii)~~ [NZS 4541:2020 Automatic fire sprinkler systems.](#)
 - ~~(vi)(viii)~~ Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
 - ~~(vii)(ix)~~ Water Meter Code of Practice 2003, Water New Zealand.
 - ~~(viii)(x)~~ Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
 - ~~(ix)(xi)~~ [Hamilton City Development Manual, or its successor, and any other codes of practice adopted by Council.](#) [Waikato Regional](#)

Infrastructure Technical Specification.

7.5. Interpretation

7.15.1 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.

7.25.2 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.

8.6. Definitions

8.16.1 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~~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 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.

~~**Commercial Use**~~ 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.

Advisory note: Commercial components of retirement villages will be metered and classified as commercial activity.

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**~~**Detector Check Valve** A- check -(non-return) -valve- which- has- a positive closing pressure ~~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.

~~**Domestic Purpose 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~~ Water taken and used for the purpose of providing for individual household use and for human drinking and sanitation needs and for individual household use which includes:

- ~~(a) Washing down a vehicle;~~
- ~~(b) Garden watering by hand using a hand held device;~~
- ~~(c) Garden watering by any portable sprinkler device.~~

Development contribution As defined in the Local Government Act 2002 and the 2002 and the relevant Waikato District Council Development Contributions Policy.

DistrictDistrict The Waikato District.

Extraordinary Supply A category of on demand supply used for extraordinary use ~~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 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. This applies to the following water users:

Extraordinary Use ~~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: Extraordinary use is subject to water alert and emergency provisions and includes:~~

- ~~Residential properties with spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity;~~
- (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

Residential properties with fixed garden irrigation systems;

Commercial or business premises (including home based commercial activities);

Industrial premises;

Any properties at which agricultural, horticultural or viticultural land use is occurring;

Lifestyle blocks (rural supplies);

Fire protection systems other than sprinkler systems installed to comply with NZS 4517;

Outside of Waikato District customers (supply to, or within another local authority);

Temporary supplies

Any other property found by Council to be using water above 15m³/day (a consent from the Waikato Regional Council is required);

Water carriers

Any other auxiliary supply

Domestic – spa or swimming pool in excess of 6 cubic metres capacity and fixed garden irrigation systems;

(a) Commercial and business;

(a) Industrial;

(a) Agricultural;

(a) Horticultural;

(a) Viticultural;

(a) Lifestyle blocks (rural supplies);

(a) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;

(a) Outside of Waikato District (supply to, or within another local authority);

(a) Temporary supply;

(a) Water use above 15m³/day; a consent from the Regional Council is required;

(a) Water carriers; and (m) 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.~~

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.~~

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:

~~(a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities.~~

~~(b) Laboratories and research facilities.~~

~~(-) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities.~~

~~(-) Laboratories and research facilities.~~

~~(-) Trade and industry facilities, being premises accommodating specialised education and training facilities where groups of people are given trade or industry tuition and training on a formal basis.~~

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 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.~~

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, <u>excluding any identified extraordinary water use.</u>
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:~~Premises include the following:~~

- (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; ~~and for which a certificate of title is available; or~~
- (c) an individual unit in a building where units are separately leased; or

~~(c) — a supplementary building or part of a building which can be defined as an individual unit with an area for food preparation, toilet and bathroom facilities that can be used as a flat, granny flat or holiday home; or~~

~~(c)(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

~~**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;
- (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
- (c) Includes any other public notice that the Council thinks desirable in the circumstances.

~~(-) One or more daily newspapers circulated in the region or district of the Council; or~~

~~(-) 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 e
~~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 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.~~

~~**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, for specified purposes via restricted flow supplies which do not have firefighting capability.~~

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:

- (a) 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.

~~**Storage Tank**~~ Any tank having a free water surface in which water supplied by the Council is stored for use.

Water Unit The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

~~**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.~~

11.7. Protection of Water Supply System

11.17.1 Water Supply System

~~Access and connection to System~~

7.1.1 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 7.1.2 (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.

~~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.~~

~~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.~~

~~Where the water supply system becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.~~

~~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.~~

~~7.1.25~~ General

~~Any person who owns or occupies premises in the District must ensure that water is used for and maintained in a manner that ensures no public health hazard or public health nuisance occurs that could affect the public water supply system.~~

~~7.1.25~~ No person to Connect to, or Interfere with a Water Supply System

~~Except as set out in clauses 8.1.1, 8.1.3 and 8.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.~~

~~7.1.25~~ Access to System

~~No person other than the Council and its authorised agents and permit holders shall have access to any part of the water supply system, except to connect to the point of supply, and to operate the service valve.~~

7.1.17.1.2 Fire Hydrants

- (a) No person may take water from a fire hydrant unless that person is:
 - (i) is taking the water for the purposes of firefighting and is a member of fire and emergency personnel – as defined in the Fire and Emergency

New Zealand Act; or

- (ii) is Council or its authorised agents; or
- (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.

- ~~— No person may take water from a fire hydrant unless that person is:~~
 - ~~— is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting; or~~
 - ~~— is Council or its authorised agents~~
 - ~~— 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~~
- ~~— 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.~~
- ~~— 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.~~
- ~~— 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.~~
- ~~— Permit holders shall only use approved blue coloured metered standpipes and have two non-return valves to draw water from fire hydrants.~~

~~Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.~~

~~7.1.5 Other Users~~

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

- ~~(-) — The Council or its authorised agents.~~
- ~~(-) — Permit holders, 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. Non-compliance with any condition of a permit renders the permit invalid.~~
- ~~(-) — 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.~~
- ~~(-) — Permit holders shall only use approved blue coloured metered standpipes to draw water from fire hydrants. Those standpipes could either be hired from the Council or permitted users can have their own standpipes approved by the Council.~~

~~7.1.17 Unauthorised Access~~

~~(-) Without prejudice to any 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.~~

~~(-) Where the water supply system becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.~~

~~(-) 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.~~

7.1.257.1.3 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.

~~(-) No person shall carry out any excavation without first reviewing the Council's records of the location of its services.~~

(b) Where appropriate the Council may in its absolute discretion mark out to within ±0.5m 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.

(a) —

(e)(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 excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the water supply system and in a manner that does not risk public safety.

~~(d) Every person who fails to reinstate excavation work in accordance with Council specifications shall be liable for the costs incurred by the Council in completing such work.~~

(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.

7.2 Protection of Water Sources

~~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.~~

~~7.2 Protection of Water Sources~~

7.2.1 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.

7.2.2 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.

The following conditions apply:

~~() — Entry~~

~~Catchment areas which are designated as controlled, or any area held by the Council as a water reserve, shall not be entered by any person except those persons specifically authorised or holding a permit issued by the Council. Within such areas no person shall:~~

~~() — Camp.~~

~~() — Take or allow to stray any livestock.~~

~~() — Bathe or wash anything.~~

~~() — Deposit any dirt, rubbish, or foul material of any kind.~~

~~() — Defecate.~~

~~(a) — Permits to enter Controlled Catchment Areas~~

~~Entry permits shall forbid or control the following activities:~~

~~() — Hunting, trapping, shooting, or fishing.~~

~~() — Lighting or maintaining any fire.~~

~~() — Taking any dog or other animal.~~

~~() — Damaging or destroying any trees, shrubs, or other existing vegetation cover, or interfering with any property.~~

~~()~~ — Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or other animals.

~~()~~ — Use of any pesticide or toxic substance for any purpose whatsoever.

~~(b)~~ — Permits to be presented Unless the Council permits:

~~()~~ — No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a water reserve without presenting such a permit for inspection by an authorised officer.

~~()~~ — No permit issued by the Council shall be transferable.

~~()~~ — The Council may at any time, by notice in writing sent by mail to the permit holder, revoke or suspend any permit for such time as stated in the notice.

~~(b)~~ — Interference and obstruction

In any controlled catchment area or any land held by the Council as a water reserve:

~~()~~ — 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.

~~()~~ — 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.

7.2.3 Restricted Catchments

~~(a)~~ Certain activities are permitted within Restricted Catchment areas, such activities being limited to:

~~(i)~~ Tramping;

~~(ii)~~ Hunting;

~~(iii)~~ Trapping;

~~(iv)~~ Shooting; or

~~(v)~~ Fishing

~~Catchment areas which are designated as restricted shall be allowed for certain activities, but shall be as for controlled catchments for other activities. Those activities may include unrestricted entry for:~~

~~(c)~~ Tramping;

~~(e)~~ Hunting;

~~(g)~~ Trapping;

~~(i)~~ Shooting;

~~(k)~~ Fishing;

~~(h)~~(b) No person may camp overnight in a Restricted Catchment area.

~~(m)~~(c) _____ Every person shall, upon the request of an authorised officer of the Council, immediately leave the Restricted Catchment area.

7.2.4 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.

7.2.5 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.

12.8. 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.

~~12.0~~ Application for Supply

~~(1) Any person wishing to:~~

~~(1) establish a point of supply,~~

~~(1) seek a change in the level of service,~~

~~(1) change the use of an existing supply,~~

~~(1) make a change to backflow requirements,~~

~~(1) increase use to greater than 15 cubic metres per day, or~~

~~(1) use water for any purpose other than ordinary supply, shall make a written application to Council.~~

~~(1) Every application for the supply of water shall be made in writing to the Council on the prescribed form, and accompanied by the prescribed charges. The Customer shall provide all the details required by the Council.~~

~~(1) On receipt of an application the Council shall, after consideration of the matters stated in clauses 9.5 and 9.6:~~

~~(1) Approve the application and inform the Customer of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or~~

~~(1) Refuse the application and notify the Customer of the decision giving the reasons for refusal.~~

~~(1) 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.~~

~~(1) For the agreed level of service to the Customer, the Council will determine the size of all pipes, fittings and any other equipment, up to the point of supply. The Council or a contractor approved by the Council shall supply and install the service pipe up to the point of supply at the Customer's cost.~~

~~(1) No water shall be drawn through a new connection before the Council has deemed the connection to meet the requirements of the Drinking Water Standards for New Zealand and the Council has provided approval.~~

~~(1) The Council may require the Customer to meet all associated costs with the provision of a new connection including upgrade to infrastructure needed to provide the service.~~

~~(1) If the Customer is not the owner of the premises, the Customer shall provide written evidence that he/she has the authority to act on behalf of the owner.~~

~~(1) An approved application for supply which has not been actioned within twelve months of the date of application will lapse unless a time extension has been received in writing from the applicant and approved by the Council. Any further fees and charges shall be at the discretion of the Council.~~

~~12.0~~ Change of Use

~~If a Customer seeks a change in the level of service or end use of water supplied to the premises, or the supply changes from an ordinary to an extraordinary type (see clause 9.5) or vice versa, a physical change of location or size, a new application for supply shall be submitted by the Customer for approval by the Council. Any new application for supply under this clause shall be considered as if it is an initial application pursuant to clause 9.1 of this Bylaw.~~

~~12.18.3~~ 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.~~

~~9.3.49.3.2~~ Location

- ~~(a) For each individual property there shall be only one point of supply, unless otherwise approved in writing by the Council. A point of supply 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.~~

~~(-) For each individual Customer there shall be only one point of supply, unless otherwise approved.~~

~~(-) For both ordinary and extraordinary supplies, the point of supply shall be located outside the boundary of the premises in the position approved by the Council.~~

- ~~(a)(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.

~~9.3.5 Ownership~~

~~Unless otherwise specified in this Bylaw, change of ownership, between the Council and Customer, of water supply pipes and fittings occurs at the point of supply being the point directly after the last fitting which connects the supply pipe to the meter/backflow assembly or the outlet of the meter box.~~

~~9.3.5 Single Ownership~~

- ~~(-) For individual customers the point of supply shall be located as shown in Schedule 1 or as or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval from Council.~~
- ~~(-) For each individual customer there shall be only one point of supply, unless otherwise approved by Council.~~

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 1 or as 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.

~~9.3.5 Multiple Ownership~~

~~The point of supply for the different forms of multiple ownership of premises shall be:~~

~~(-) In respect of company ownership for a company share/block scheme (Body Corporate): As for individual ownership.~~

~~(-) 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.~~

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:

~~(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:~~

~~(iv)(i)~~ Meter reading without notice being given.

~~(iv)(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. 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:

(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.

~~(-) For works required outside the above hours (such as for night time leak detection), the Council shall give provide notice to the Customer.~~

~~— 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.~~

~~(-) Where access is not made available for any of the above times and a return visit is required by the Council or its agents, a fee may be charged in accordance with the Council's approved fees and charges.~~

~~— 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.~~

~~(-) Under emergency conditions the Customer shall allow the Council unobstructed access to, and about the point of supply at any hour as per section 173 of the Local Government Act, 2002.~~

9.12.0 Maintenance of Access

~~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.~~

9.169.5 Types of Water Supply

9.16.19.5.1 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'.

9.16.29.5.2 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 ~~the following conditions:~~
- ~~(i) Any restrictions on water use made by the Council under clause 9.8.1 of this Bylaw;~~
- ~~(i) The exclusion of its use under any restrictions made by the Council under clause 9.8.1;~~
- (ii) Payment of the appropriate charges in respect of supply to that ~~property 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.~~
- ~~(a) Properties located within the on-demand water supply area that do not connect to the public water supply may be charged an availability charge.~~
- ~~(b)(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~~).
- ~~(c)(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 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.

- ~~(c) 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.~~

9.16.39.5.3 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.
- (ii) ~~(-) 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.

~~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.~~

~~(f) _____~~

~~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.~~

9.179.6 Meters and Flow Restrictors

~~All water connections in Waikato District shall be metered or progressed towards metering and be charged in accordance with clause 9.15. Where an extraordinary supply is used for fire protection only, the supply shall not normally be metered.~~

9.17.19.6.1 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.

~~(a) Where on demand supplies are not metered, and the Council considers water use is unusually high or the premises are used for commercial activity the Council reserves the right to fit a meter at the Customer's cost, and charge accordingly.~~

9.17.29.6.2 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.

9.17.39.6.3 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.

~~(b) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested. Where a test has been conducted within six months of the request for testing, Council has the discretion as to whether a further test will be carried out. If the test shows non-compliance with the stipulated accuracy, the Customer shall not be charged for the test. If the test shows compliance with the stipulated accuracy, the Customer shall pay a fee in accordance with the Council's current fees and charges schedule. A copy of independent certification of the test result shall be made available to the Customer on request.~~

~~(e)~~(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.

9.17.49.6.4 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.

~~() If any meter, after being tested, is found to register a greater or lesser consumption than 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.~~

~~(a)~~(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.

~~(b)~~(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.

9.17.69.6.5 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.

~~() — Should any meter not work or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the Customer) and the Customer shall pay according to such an estimate.~~

(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.

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

(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.

~~Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate water consumption as described in clause 9.6.5 (a).~~

(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.

~~(e) Where the Customer concerned is a non-profit organisation, and if metering indicates a significant increase in consumption, which is established as being 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 with undue delay.~~

~~(f) 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. The Council will use the uniform charge for water on a pro rata basis to make the estimation. Where a meter has been installed without approval, the meter reading shall be used as the basis for the estimation provided it complies with the Council's standards for meters and installations. The full consumption registered on the meter shall be payable by the current owner of the property. Estimating and charging for water will be in addition to other legal actions that the Council decides to take for breaches of this bylaw or other acts and regulations.~~

9.17.79.6.6 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.

9.17.89.6.7 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.

~~It is the Customer's responsibility to detect and fix all leaks from taps and pipes, to stop overflows from cisterns, hot water cylinder exhausts or stock troughs.~~

~~(-) There will be no relief available if the leak is from fixtures easily seen, e.g. leaking taps, overflowing cisterns, hot water cylinders, exhausts in stock trough.~~

~~(-) Relief is available for the following undetected leaks:~~

~~(-) Leak in an underground pipe or fitting under the house. No relief will be given for the second time, because it indicates a faulty system.~~

~~(-) Leak within the meter box repaired by the Council or its contractor.~~

~~(-) The Council reserves the right to approve relief at its discretion.~~

~~(-) Half of the excess charges on water accounts (measured over the last two bills) caused by undetected leaks may be remitted where all of the following circumstances exist:~~

~~(-) There has been a substantial excess water usage over 50% of the average use over the last two bills; and~~

~~(-) The water usage was from an undetected leak (site inspected and viewed by the Council); and~~

~~(-) A plumber's account is produced by the Customer for the repairs to the water leak.~~

~~(-) If the repair has been made by the property owner (not plumber) a statutory declaration must be completed and repairs inspected by the Council.~~

~~(-) In considering remissions of excess charges on water accounts caused by undetected leaks, the Council has to be satisfied that:~~

~~(-) The leak has been fixed: Proof will be required to show that the leak was fixed to the satisfaction of the Council.~~

~~(-) The leak will not reoccur: The Council may require a site assessment to determine the adequacy of the system and identify other factors that the Customer may need to address to limit the occurrence of further leaks in the future.~~

~~(-) Situation monitored where appropriate: The Council may require the owner to monitor the water meter on a regular basis for excess water usage.~~

~~Advisory Note: Assessment by the Council on the overall adequacy of the private water system does not remove the responsibility of the owner of the system to maintain the adequacy of the system, and the responsibility of all water usage.~~

9.17.8 Authority to Grant Relief for Excess Water Usage

~~Council officers with appropriate delegated authority may grant relief in respect of excess water usage in accordance with 9.6.7.~~

9.189.7 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) The Council shall provide water in accordance with the level of service set out in Schedule 2.~~

~~(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.~~

~~(a) — 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, but shall aim to meet the continuity of supply levels in accordance with clause 9.5, subject to the exemptions contained in clauses 9.8.1 and 9.8.2.~~

~~(a) — Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall consult with, or inform or give notice to all known Customers likely to be substantially affected.~~

~~(b)~~(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.

9.199.8 Demand Management

~~(a) — The Customer shall comply with any water alert or emergency restrictions enacted by the Council to manage high seasonal or other demands. Such restrictions shall be advised by public notice. Even when such restrictions apply, the Council shall take all practicable steps to ensure that an adequate water supply for human drinking water or sanitation is provided to each point of supply.~~

(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.

9.19.19.8.1 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.

~~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.~~

~~Natural hazards (such as floods, droughts or earthquakes) or accidents which result in disruptions to the supply of water shall be deemed an emergency and shall be exempted from the levels of service requirements.~~

~~(a) During a water alert and/or emergency the Council may restrict or prohibit the use of water for any specified purpose, for any or specified period, and for any or all of its Customers. Such restrictions shall be advised by public notice.~~

~~(a) The Customer shall comply with any restrictions imposed by Council, until such time as Council advises the restrictions are no longer in place. Any restrictions must be adhered to until further notice.~~

~~(a) 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.~~

9.19.29.8.2 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.~~

~~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.~~

~~(-) In accordance with the Local Government Act s193 and Health Act 1956, the Council shall endeavour to notify the Customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice.~~

~~(-) 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.~~

~~(-) It is the responsibility of the Customer to maintain all supply pipes and water assets within their property in a serviceable and safe condition.~~

~~— 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.~~

~~(-) The Council may recover the costs of repairs or maintenance to private supply pipes and water assets.~~

9.209.9 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.~~

~~The Council shall endeavour to meet the level of service requirements of clause 9.5, but shall not be liable for any loss, damage or inconvenience which the Customer (or any person using the supply) may sustain as a result of a reduced level of service of, or interruptions to, the water supply.~~

9.219.10 Fire Protection Connection

9.21.19.10.1 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.~~

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

9.21.29.10.2 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.~~

~~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.~~

~~In discussion with the Council, it shall be the Customer's responsibility to ascertain and monitor whether the supply available is adequate for the intended purpose.~~

9.21.39.10.3 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.~~

~~Where the supply of water to any premises is metered the Council may allow the supply of water for the purposes of firefighting to be provided in a manner which bypasses the meter provided that:~~

~~(a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or~~

~~(b) A Council approved detector check valve has been fitted on the meter bypass.~~

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

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

9.21.3 Type of Fire Hose Reels

~~Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.~~

9.21.3 Charges

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

~~water so used, and credit to the Customer's account an amount based on such an estimate.~~

9.21.3 Ongoing Testing and Monitoring

~~Customers 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.~~

9.229.11 Backflow Prevention

9.22.19.11.1 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:~~

~~It shall be the Customer's responsibility (under the Health Act 1956, the Building Act 2004 and clause G12 Water Supplies of the Building Regulations 1992) to take all necessary measures together on the Customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply. These measures include:~~

- ~~(a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device; and/or~~

~~The provision for the exclusion of any cross-connection between the Council water supply and~~

- ~~(a) The prohibition of any cross-connection between the Council water supply and~~

~~(vii)(i) Any other water supply (potable or non-potable)~~

~~(viii)(ii) Any other water source~~

~~(ix)(iii) Any storage tank~~

~~(x)(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.

9.22.49.11.2 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.

~~Notwithstanding clause 9.11.1, the Council (consistent with the Health (Drinking Water) Amendment Act 2007) may fit a backflow prevention device on the Council side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed.~~

9.239.12 Council Equipment and Inspection

9.23.19.12.1 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 ~~The~~ Council reserves the right to recover the cost of such damage and/or repairs as a debt from the Customer.

9.23.29.12.2 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.

~~Subject to the provisions 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.~~

9.249.13 Plumbing System

9.24.19.13.1 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~~ 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~~ 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.

9.24.1**9.259.14 Prevention of Water Loss and Waste**

9.25.19.14.1 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 ~~property 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.~~

~~**9.25.1** The Council provides water for consumptive use, not as an energy source. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.~~

9.25.29.14.3 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~~ the Council.

9.25.39.14.4 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.

9.269.15 Payment

9.26.19.15.1 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.

9.26.29.15.2 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.

9.279.16 Transfer of Rights and Responsibilities

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

~~**9.27.1** A supply pipe shall serve only one Customer, and shall not extend by hose or any other pipe beyond that Customer's property.~~

~~**9.27.1** Any water which the Customer draws from the Council supply shall not be provided to any other party without the prior approval of the Council.~~

~~**9.27.1** Individual Customer agreements shall not be transferred unless approval by a Council Authorised officer has been obtained in writing.~~

~~9.28.0~~

9.30.17 Change of Ownership

~~9.30.19.17.1~~ In the event of a premises changing ownership the ~~Council~~ new owner shall record the new owner as being the will be recorded as the ~~C~~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.

~~9.30.29.17.2~~ The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.

~~9.30.39.17.3~~ The owner of the premises at the time of the consumption is responsible for any water charges.

9.319.18 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.

13.9. BREACHES

13.19.1 Breaches of conditions of supply

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

- (a) ~~An incorrect~~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:
 - ~~(-)~~ ~~Failure by the Customer to meet and comply with the conditions of supply;~~
 - (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~~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) A-Every person commits a breach of this Bylaw and commits an offence who:
- ~~(ii)~~(i) Does Ppermits or allows any condition to exist or continue to existanything 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) Tampers 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.

- ~~(f) — comply with any lawful notice of direction given under this bylaw;~~
- ~~(f) — Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);~~
- ~~(f) — Obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in excess of any power conferred by this bylaw;~~
- ~~(f) — Interferes with any part of the water supply system without a permit;~~
- ~~(f) — Withdraws water from a fire hydrant without authorisation from the Council for any other purpose than fire protection;~~
- ~~(f) — Fails to comply with water use restriction or prohibitions introduced by the Council for any specific purpose;~~
- ~~(f) — Fails to meet any obligations placed on the Customer through any permit conditions;~~
- ~~(f) — Fails to meet any obligations placed on Customer through an individual Customer agreement;~~
- ~~(f) — Other than the Council or its authorised agents, who accesses the water supply system without a valid permit breaches this bylaw.~~

~~10.1.20.10.1.2.~~ 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:

- ~~(b)(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.
- ~~(c)(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.
- ~~(d)(c)~~ For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.
- ~~(e)(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.

~~10.1.3 If the breach is such that in the opinion of the Council is required to disconnect the supply for health or safety considerations, such disconnection shall be carried out forthwith.~~

10.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw. ~~Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with clause 9.6.5 of this Bylaw) and charge for the additional water consumption not recorded or allowed to pass through where a meter or restrictor has been tampered with, and recover~~

~~any costs incurred.~~

14.10. 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.

~~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.~~

~~14.1~~ A person who fails to comply with the requirements of this Bylaw in relation to a high level water alert and/or emergency is in breach of clause 10.1 of this Bylaw, commits an offence and will be liable to a penalty.

15.11. 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 8 September 2014.

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

Mayor

Chief Executive

This bylaw was reviewed and amended on 20 September 2021. A further review will occur on or before 20 September 2028.

Activity	Key Date	Council Resolution
Bylaw made	01 October 2014	
Bylaw reviewed	20 September 2021	
Next review due date	20 September 2028	

Schedule 1: Examples showing Single/Manifold Connection

-Example 1 – With Street Frontage

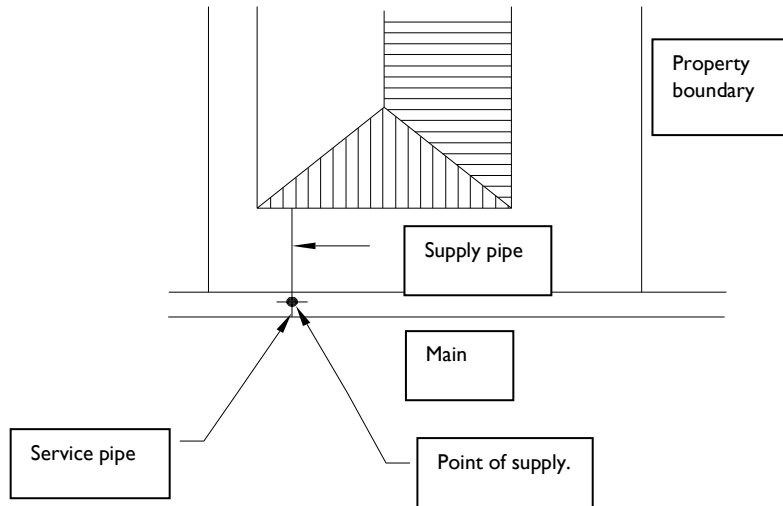


Figure 1: Point of supply outside property boundary

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

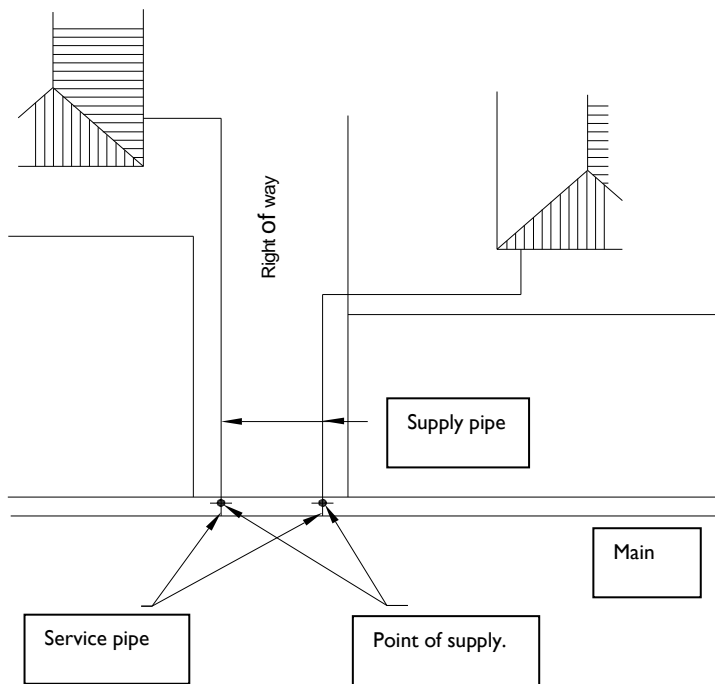
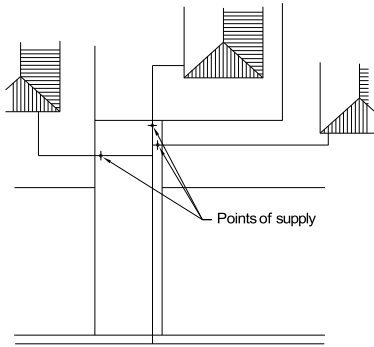
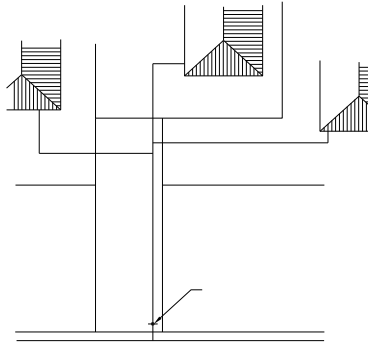


Figure 2: Point of supply outside property boundary

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



Main



Main

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)

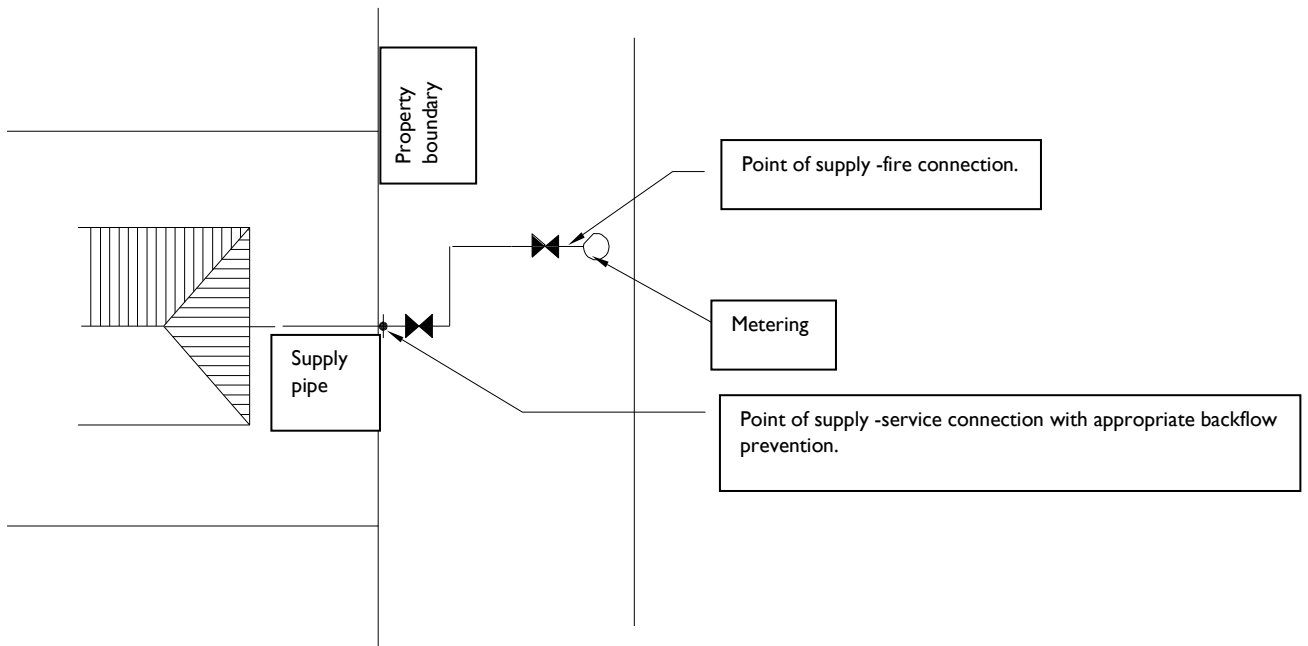
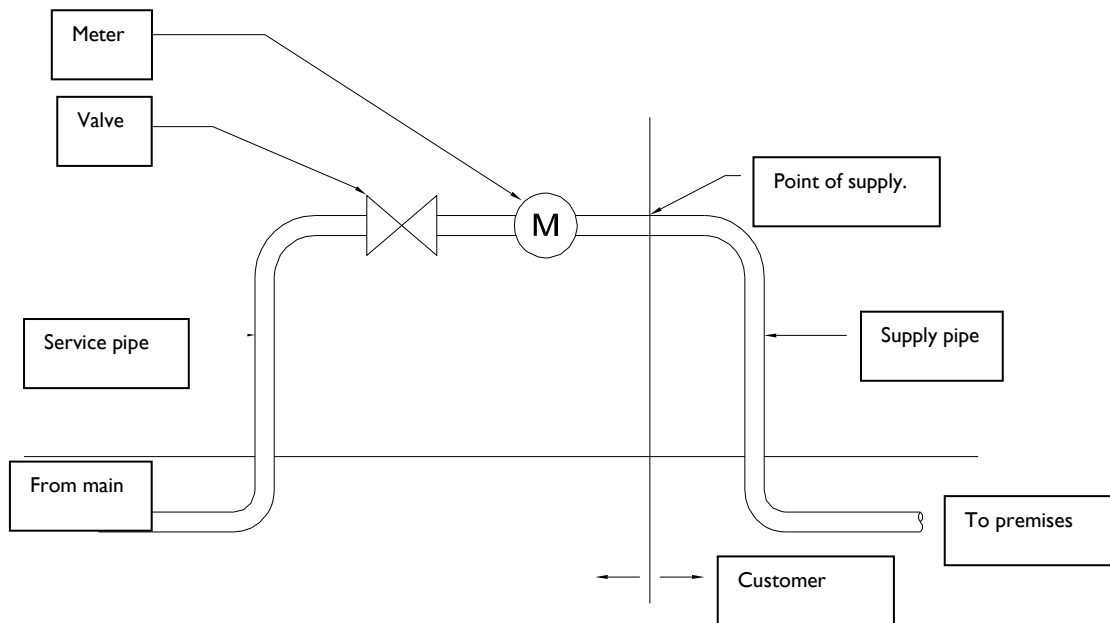
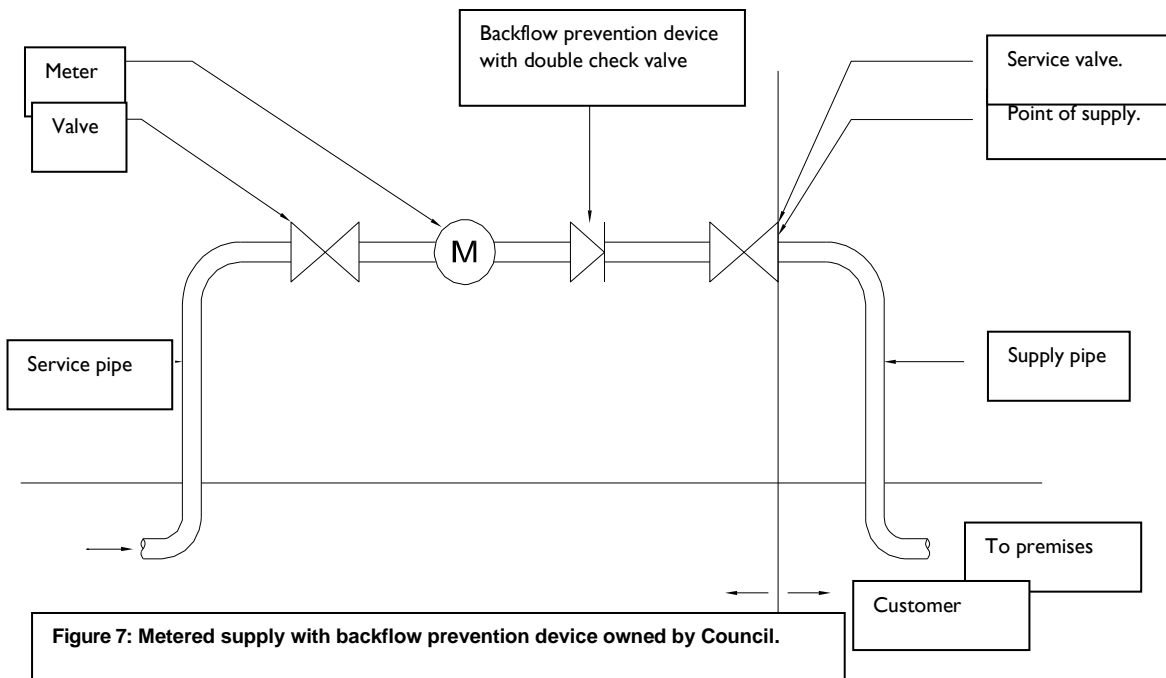


Figure 5: Combined fire and service connection**Figure 6: Domestic metered supply****Note:**

- (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 I below.

Table I - 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:

- (a) An application for remission has been received within 6 months of leak being detected; and
- (b) 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
- (c) 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
- (d) 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:

- (a) 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
- (b) originating from pipes or fittings:
 - i. on farms, commercial, industrial, public service, educational, or social service properties; or
 - ii. in unoccupied properties (regardless of temporary or long term); or
 - iii. in reserves; or
 - iv. from irrigation, stock water, swimming pools, ponds, landscaping or similar systems on occupied properties; or
 - v. 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.

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	16 August 2021
Prepared by	James Fuller Strategic Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 3226023
Report Title	Submission on the Natural and Built Environments Act - Exposure Draft

I. EXECUTIVE SUMMARY

The purpose of this report is to provide information on the submission to the Natural and Built Environments Act (NBEA) - Exposure Draft.

Waikato District Council (the Council) provided feedback on the initial step - The Randerson Report in transforming the Resource Management System in February 2020.

Submissions on the NBEA: Exposure Draft closed on 4 August 2021. The submission was approved by Council's Submission Forum and submitted to Ministry for Environment (MfE) on 4 August 2021.

This item was not brought to the Policy and Regulatory Committee meeting on 21 July 2021, as the submission was not finalised in time for the committee agenda close. The additional time allowed for a review of the Local Government New Zealand submission and alignment with it and other relevant submissions.

2. RECOMMENDATION

THAT the report from the Acting General Manager Community Growth be received;

AND THAT the Policy and Regulatory Committee notes that the approved submission¹ on the NBEA - Exposure Draft (as attached to the staff report), was lodged with the Ministry for the Environment on 4 August 2021.

¹ The following excerpt from the Council's "Terms of Reference and Delegations for Council, and Committees of Council," provides details on the Submission Forum and associated processes:

Submissions and legislation

3. BACKGROUND

The purpose of the Natural and Built Environments Act (NBEA) - Exposure Draft submission is to guide the Ministry for the Environment (MfE) to finalise the NBEA. The exposure draft was released on 29 June by MfE and provided the purpose and some information on the National Planning Framework (NPF) and the Natural and Built Environment (NBE) Plans.

This carries on from the comprehensive report released in November 2019 for resource management reform, commonly referred to as the Randerson Report 2020.

In February 2021, the government announced it would repeal and replace the Resource Management Act (RMA), based on the Resource Management Review Panel's recommendations (Randerson Report).

The scope of the review is wide-reaching around Resource Management reforms, and it links into many other Government programmes. For example, this reform will influence and be influenced by current Government work on Three Waters, freshwater allocation reform and addressing Maori rights and interests in freshwater, climate change, biodiversity, housing and social infrastructure, plus the future for local government.

The three proposed Acts are the:

- Natural and Built Environments Act (NBEA), to protect and restore the environment while better enabling development, as the primary replacement for the RMA.
- Strategic Planning Act (SPA), to help coordinate and integrate decisions made under relevant legislation through requiring the development of long-term regional spatial strategies.
- Climate Adaptation Act (CAA) to address complex issues associated with managed retreat.

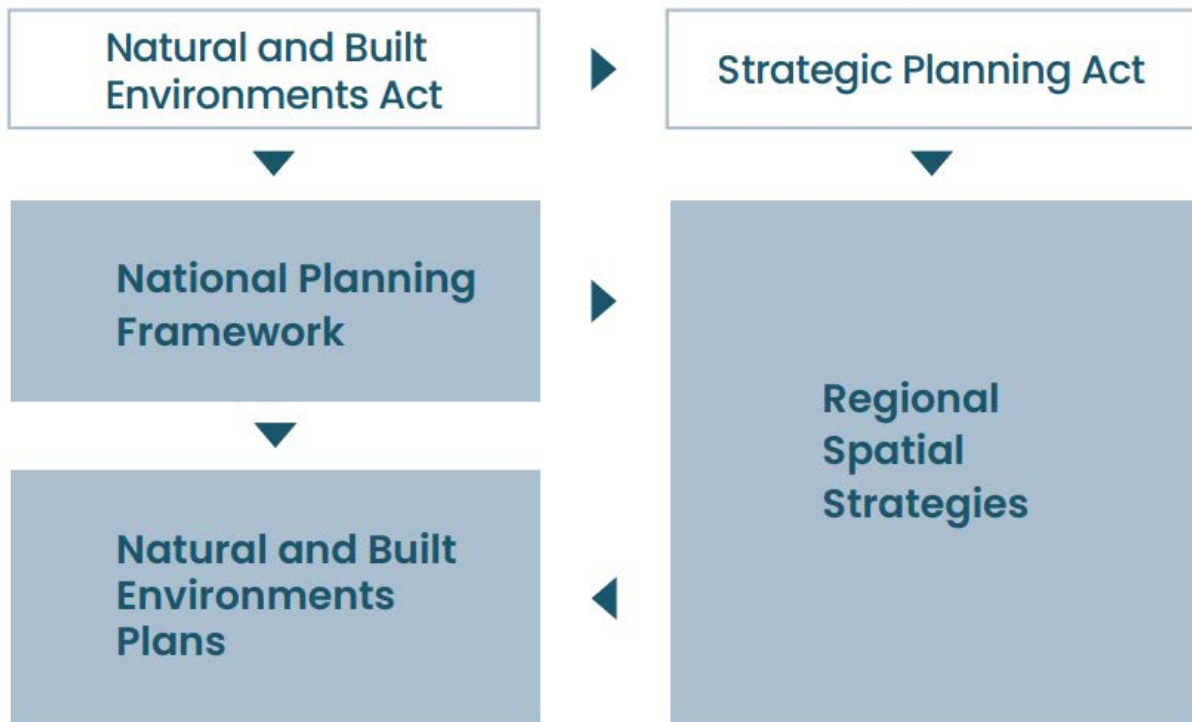
The Natural and Built Environments Bill (the Bill) will progress in a two-stage select committee process to deliver the NBEA. The first stage is a select committee inquiry into a partial draft of the Bill, i.e., the exposure draft. The second stage will be a standard legislative process for the whole Bill early next year.

The exposure draft for the NBEA does not cover the entire Bill. It provides an early look at key aspects of this legislation, including the NBEA's purpose (including Te Tiriti o Waitangi clause), related provisions, NPF and NBE Plans.

7. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters.

NOTE: The following process can be used in the event that a submission cannot be presented to the relevant committee prior to the due date for submission:

- a. The Mayor, Deputy Mayor and Chairpersons of the Infrastructure, Policy & Regulatory and Strategy & Finance Committees ('the Submission Forum') may jointly approve a submission.
- b. Officers will circulate the submission to the Submission Forum for approval, providing at least 24 hours for the review of the submission.
- c. Each member of the Submission Forum will confirm by response whether they approve the submission or have any feedback on the submission.
- d. Where possible, a consensus of the Submission Forum members should be sought. If required, a majority view will prevail.
- e. Any submission approved via this process must be presented to the next relevant committee meeting for noting.



The NBEA exposure draft was divided into three categories:

- Part A: Explanatory material that describes each clause's policy intent along with the broader reform context.
- Part B: Exposure Draft of the Natural and Built Environments Bill.
- Part C: Appendices including the terms of reference for the Select Committee Inquiry.

4. DISCUSSION – COUNCIL'S SUBMISSION

Council's submission responded to each of the areas above and supported several key focus areas, including:

- Incorporating Tangata Whenua interests into decision making.
- Emphasising regional spatial planning as a critical tool for growth and commentary on environmental limits and outcomes.
- The need for horizontal and vertical integration in the Resource Management system.

Council's submission seeks better alignment of central, regional, and local government objectives in decision-making. It also suggests incentivising compliance and good practice, rather than an over-focus on punitive regulatory enforcement. Council would like to see better funding and guidance around the implementation of the NBEA and the NPF.

The NBE plans are proposed to be amalgamated regional and district planning documents (condensed to 14 for New Zealand). Council submission notes that the exposure draft provided very little detail about how the NBE plans and NPF process will get to that position and what it means for local democracy.

Council's submission on the NBEA exposure draft is consistent with the Local Government New Zealand, Waikato Regional Council, Auckland Council and Taituarā submissions. Council

will review the final draft of the NBEA when it is released as part of the select committee process at the end of 2021 and seek Council's input into a submission at that time.

5. ATTACHMENT

Council submission to Ministry for Environment titled Natural and Built Environments Act - Exposure Draft

4 August 2021

Ministry for the Environment
PO Box 10362
Wellington 6143

Postal Address

Private Bag 544
Ngaruawahia, 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Submit online: <https://www.parliament.nz/en/pb/sc/how-to-make-a-submission/>

Dear Sir/Madam

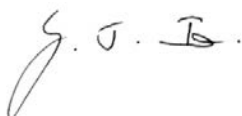
SUBMISSION ON NBEA EXPOSURE DRAFT 2021

Thank you for the opportunity to submit on the NBEA Exposure Draft as part of the Resource Management Systems Review.

Please find attached the Waikato District Council's submission, which has been formally approved by the Council on 4 August 2021.

Should you have any queries regarding the content of this submission, please do not hesitate to contact James Fuller – Senior Environmental Planner, by email James.Fuller@waidc.govt.nz or phone 0800 492 452.

Yours faithfully



Gavin Ion
CHIEF EXECUTIVE

Submission to Ministry for the Environment on the Natural and Built Environments Bill: Exposure Draft and supporting Parliamentary Paper

Introduction

The Waikato District Council (**WDC**) appreciates the opportunity to make a submission on the Natural and Built Environments Act (**NBEA**) Exposure Draft (RMA System Review) 2021 (**Draft**). WDC notes that the Draft includes only the purpose and 25 clauses of the final bill at this stage, with a number of placeholders. This submission primarily covers Part 1 matters, including definitions and Part 2 matters.

WDC is located in the Waikato Region and is a partner in Future Proof¹. It is also a member of Local Government New Zealand (LGNZ) and Taituarā, both of whom are making submissions on the issues and options paper. The WDC submission provides a specific district-level view of the Draft, based predominantly on the NBEA exposure draft entitled 'Natural and Built Environments Bill (Consultation draft)' and the Parliamentary paper prepared by the Ministry for the Environment (**MfE**). WDC supports the NBEA direction and notes its high-level nature, reflected in the attached submission.

The Draft does indicate the direction of the new legislation. It mentions key areas, such as Te Oranga o te Taiao, the introduction of environmental limits, people and communities' use of the environment now and for future generations, the principles of Te Tiriti and giving effect to the Treaty of Waitangi, and a new National Planning Framework (**NPF**). Under the Draft, the development of Natural and Built Environment Plans (regional-scale plans including district provisions) (**NBE Plans**) will be considered through independent hearings panels and approved by planning committees after submissions have been received and assessed.

As noted, rather than providing any detail, the Draft contains several placeholders on how all of this could work, particularly regarding Schedules 1 (Preparation for the NPF) and 3 (Planning Committees). WDC does not intend to provide a full assessment of the Draft, and related documentation as that exercise is being carried out by other submitters, including Waikato Regional Council and other district councils, Taituarā, and New Zealand Planning Institute. The key focus of this document will be on setting the scene for the Waikato District and some constructive examples of how WDC has approached its environmental management, resource management issues, strategic growth and collaboration with other councils within and outside the region.

Waikato District supports LGNZ, Waikato Regional Council (including the CDEM), Auckland Council, Waikato Tainui and Taituarā's submissions in general and many of the issues and options raised in their submissions. WDC considers that further consultation between MfE and local government on the NBEA and NBE Plans would be beneficial. It would enable MfE to identify good examples of collaboration like Waikato's Future Proof and the Hamilton to Auckland Growth Corridor (H2A). If the NBEA is to achieve its goals of efficiency and effectiveness, it should utilise existing examples and test new systems and processes with as many parties as possible. The content of the submission follows below.

Background: Waikato District and its Proposed District Plan

The Waikato District spans more than 400,000 hectares between Hamilton City and Auckland City. It comprises six towns (the largest being Huntly with approximately 7800 people) and multiple villages of various sizes. The Waikato District has strong employment, social and economic relationships with both Hamilton City and Auckland City. WDC, as a regulator, manages large rural and significant ecological environments and recognises the importance of the Resource Management Act 1991

¹ Future Proof is a joint project set up by the partners (including local and central government) to consider how the sub-region should develop in the future. See link <https://futureproof.org.nz/>

(RMA) and how it helps manage the Waikato District’s social, economic, environmental and cultural values.

Waikato District and part of the former Franklin District amalgamated in 2010 as part of the Auckland reorganisation. Since then, the Waikato District Plan has comprised two distinct sections (i.e., the Waikato Section and Franklin Section) with varying objectives, policies and rules.

In 2014, Council decided to commence its district plan review. From that point, significant investment has been made in the form of financial expenditure, staff time and other resources. This process has culminated in the recent completion of 46 hearings over a period of almost two years, with decisions expected to be released in the next few months.

WDC is concerned that this investment of ratepayers money could be effectively wasted if regional NBA plans do not build upon these years of work; this would effectively disregard the progress that WDC has achieved in partnership with its local communities.

Overall Comments

The release of the Draft is a welcome first step in reviewing the RMA system. The reorientation from **sustainable management** to Te Mana o te Taiao and environmental limits (bottom lines), protecting, restoration and providing for future generations is commendable. However, WDC is concerned with how this will work in practice, given the inherent conflict between environmental limits while still enabling urban development. WDC has dealt with this tension in terms of its District Growth and Economic Development Strategy (Waikato 2070) and the district plan review by providing for a measured amount of growth around some existing urban and village settlements.

Environmental Limits

The definition for environmental limits could use further detail and parameters. This could help narrow what councils need to consider in terms of environmental management. Is it a better concept to use an ecosystem approach or emphasise environmental targets where environmental limits are less understood? These can be seen within a wider set of social and political processes?

Given the rapid growth currently being experienced in places like the Waikato District, environmental limits could potentially restrict growth, particularly if a precautionary approach is favoured. The retention of the terminology “Avoid”, “Remedy”, and “Mitigate” will provide consistency with existing legislation and case law through to the proposed new regime. However, mitigation should consider the appropriate valuation of the environment as an asset and offsetting to enable the progression of urban development that provides for current and future generations. An ecosystem approach could work better in this context, particularly concerning future generations.

The missing steps in identifying environmental limits and urban development within an ecosystem approach appears to be the non-existent strategic mapping exercise (including constraints mapping) and the non-existent valuation of the environmental assets. Would the identification of high-value areas mean they become potentially prohibited areas for most activities? WDC would like MfE to investigate other categories of medium to low-value areas with environmental limits that may be subject to appropriate environmental valuations in some circumstances, e.g., urban development or key infrastructure. There is an opportunity to introduce offsetting as a way to mitigate effects on potential environmental limits. As the NBEA seeks to be more prescriptive around policies, we note that using a precautionary approach could see resource consenting becoming harder and more costly to execute.

The key area lacking in the Draft is prioritising where the environments are and the associated limits set, who decides this and how they are ultimately assessed. It is not clear if the NBEA allows flexibility in using those environments and resources or if they are effectively locked out (avoidance) for use with a prohibited status. Would a tiered approach provide more scope for managing the future conflict of these areas, and could these be based on a constraints mapping exercise for each region?

The above could start influencing where key infrastructure may be placed, e.g., renewable energy projects like wind farms may be better suited to, e.g., low ecological areas with high wind than high-value ecological areas that don't meet the environmental limits, and mitigation/offsetting is marginal. This could influence the placement of key infrastructure in one region compared to another; therefore, this is where national direction could become a critical component of the process.

Large scale projects such as hydropower plants contribute to New Zealand's aspirations in converting itself to a Net Zero economy. However, the consensus is that these types of large-scale infrastructure projects that have been built historically (e.g. those created under "Think Big") could not be built today (RMLA Conference 2018) under the RMA. Future large scale infrastructure projects, if they were to be progressed, would take a lot of money and time to consent and can illustrate where it would be appropriate (or necessary) for environmental limits to be breached.

Wind farms (both land and coastal based), geothermal plants, solar farms, and tidal energy are examples of infrastructure projects that may not be achievable under the NBEA. There will need to be a balanced approach to their locations and effects to avoid inherent conflict between having this infrastructure in a location and whether it could impact environmental limits? These examples possibly need to be looked at from a national perspective.

As noted in our previous submission on the RMA systems review, the Schedule 1 process for plan development and associated hearings can be **costly, take a significant amount of time** and be subject to **hijacking by private parties or organisations with vested interests**. There are multiple groups in these processes to contend with and many conflicting interests to try and balance. There is a concern about whether the NPF and Planning Committee(s) can realistically condense down the number of district and regional plans into a single NBE Plan(s) for the 14 regions. For example, the Waikato Region has 11 district councils with different geographical environments from rural, urban, coastal, rivers, lakes, geothermal and native bush areas.

Proposed Waikato District Plan

As noted above, WDC is close to releasing decisions on its proposed district plan². This process has involved significant consultation with our communities and mandatory partnership with iwi. It has been mindful of its districtwide and local area blueprints that reflect local sentiment about growth and environmental protection; their implementation could be at risk unless the resulting district plan is incorporated somehow into a new regional NBA plan. WDC risks losing years of work, investment, and goodwill from our local communities and iwi, who have been vital participants in this review process. How do you reconcile WDC information and loss of identity in whatever organisation ultimately implements the new NBE plans with other council information based on a different viewpoint, e.g., Hamilton City urban versus WDC rural perspective?

Community consultation is a requirement and valuable input into the RMA System and other local government processes. However, it can also be hard to engage all of the community and keep them interested in these regulatory spaces, as single-issue interest groups can often dominate community engagement processes. Councils have to expend significant resources to engage appropriately, manage feedback or submissions and keep communities interested through lengthy processes. However, the

² <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/stage-1>

new regime of an independent hearings panel and planning committee does seem to take away a large proportion of that local community engagement. This can speed up the process but may not lead to good local outcomes.

Councils also now have to guard against engagement fatigue when dealing with the community on multiple, ever-changing national, regional and local processes. These can include controversial resource consents, Long Term Plans, growth strategies, private plan changes, designations, urban development, town centre upgrades, and ecological matters like water quality and biodiversity. Councils do not initiate all of these policy changes, yet they are charged with multiple roles in the process, from the gatekeeper through to the decision-maker.

Transition and implementation

The Draft does not provide enough information to allay concerns WDC has in relation to whether the proposed bill will be able to address the concerns of local democracy and what might be lost in the process. The new system will need to provide **guidance, implementation, and resourcing** of the NBE Plan and look at what tools could improve issues, e.g., spatial planning and nationally coordinated databases. Transition and implementation guidance and funding is required; it needs to pull in more than just local government.

Examples abound in the regulatory and policy areas of urban and natural environments as competing areas and where trade-offs are made or challenged. There is a need for **horizontal** and **vertical integration** in the NBEA. Better alignment of central, regional and local government objectives in decision-making is required; **incentivising compliance** and **good practice** rather than over-focusing on regulatory enforcement may be a better way to frame this new legislation. Providing appropriate guidance and funding on these areas through the NPF will help in the transition and implementation. There is also a concern at regionalisation of Waikato district; although regional councils have an environmental focus, they struggle with urban development and growth pressures.

The setting of environmental limits to protect natural areas will conflict with urban development opportunities. The Randerson report identified that the environment is suffering, but would re-addressing this area of the NBEA lead to unintended social and economic impacts? The Draft has 16 environmental outcomes but does not indicate any hierarchy of those outcomes. This potentially results in confusion as to which outcomes are to take precedent. A fair market valuation of the environmental outcomes may aid in this process, allowing for offset mitigation or better alternatives. WDC is concerned that setting environmental outcomes may preclude discussion on the use of resources.

As discussed in the LGNZ and Taituarā submissions, the NBEA process could cause significant upheaval amongst local government politicians and staff. WDC does not support the staging option of the Taituarā submission. The NBEA's transitional and implementation elements need to be considered and discussed before releasing the NBEA select committee version. Staging the legislation will likely result in delays to the implementation of the overall Act; this would then run the risk of the legislation falling victim to the political cycle and overall resulting in sections being removed etc. Delays could see the coherence of the NBEA lost, as happened with the RMA. WDC requests that local government be consulted about these issues to ensure that local representatives and staff will continue to be engaged in the transition and implementation of new legislation.

Consultation Issues and Questions

Part I – Preliminary Provisions

Interpretation and definitions

The Draft is incomplete but sets several road markers for moving environmental and built environment legislative reforms and changes. The definitions section is also incomplete, and it would be useful to have seen a full suite of definitions, including definitions of the built environment, matarangi Maori, and urban form, and guidance on how they work would also be useful. It is anticipated that this will come in the final version to go before the select committee.

How the Act binds the crown

The NBEA places several requirements on the crown (central government) to direct and support environmental limits and urban form through local government. WDC is not sure that the same consideration is given to urban form, built environment, and the importance of infrastructure, both strategic and local, to balance current and future generations' social and economic well-being.

Part 2 – Purpose and related provisions

The Draft suggests there is currently insufficient protection for the natural environment, and there is a need to set firm or environmental limits. Guidance and improvements on implementation will need to be key parts of the bill. A key concept to consider is that environmental management and limits will spill over into urban development and planning as they are all interconnected. Some consideration is needed to accommodate these interactions, which should be encapsulated in the guidance and policies. An alternative methodology could be an ecosystem approach (integrated management of land, water and living resources), and this is consistent with a wide variety of international environmental legal regimes.

The RMA has failed to deliver on the partnership principles, but the level of failure varies across the country, districts and regions. There are difficulties in consultation processes in some places; for example, there are multiple iwi, hapū and overlapping rohe, which can be difficult to navigate. WDC supports better resourcing of iwi and the development of a consistent partnership approach. Iwi, who have received treaty settlements, have generally engaged better, and we are starting to see an improved partnership approach. Those awaiting settlements have not always been able to engage to the same level in the RMA process. Delays and rising costs have meant frustration for councils, Māori, communities and those seeking to change the environment (applicants).

Giving guidance on engagement with te ao Māori (i.e. the Maori worldview) for all parties and seeking consistency across the country would be beneficial. The MfE needs to agree on a consistent approach with some of the larger iwi and hapu groups and resource other te ao Māori groups to initially establish this level of participation. WDC has had success by partnering directly with Waikato-Tainui, Tangata Whenua and the Waikato River Authority through a Joint Management Agreement (JMA), introduced through Waikato River settlement legislation.

As discussed in its previous submission, Tangata Whenua engagement varies between iwi and hapu depending on their resourcing and ability to engage. WDC would like to see improvements gained with more guidance and resources to help Tangata Whenua provide consistent engagement in the RM System. The above are good examples of Tangata Whenua engagement, and these should inform future guidance as well as the Waikato-Tainui submission to the NBEA Exposure Draft.

The central government's role in the RM System is essential but extending their decision-making abilities over local and regional areas needs careful consideration. Centralising decision making may shift away from local values and disrupt transparency and accountability. The LGNZ and Taituarā submissions reflect on regional spatial planning as a vehicle to bring the government perspective into decision making without upsetting the balance between national and local directions. The added benefits of this approach are that it may insulate decision making from governmental political cycles.

Part 3 – National Planning Framework

WDC supports a national direction to create consistency around setting environmental limits and managing urban development or, better still, an ecosystem approach. National directions need to be considered and developed in partnership with the relevant organisations. Local government should be a key partner in this given the requirements for local government to administer NBEA at the coal face. The processes should be simple, tested and ground-truthed and achievable from a local perspective before they are widely adopted. National directions should be worked through the appropriate levels of local government with appropriate resourcing.

The central government should consider funding a national data set to monitor any environmental limits or ecosystems shared across the local government. Being able to upload a range of environmental information gathered from policy and consenting sources would fast track some of the development of environmental limits. Applying machine learning methods to this information could improve decision making and augment spatial data, as illustrated by Taiao (<https://taiao.ai/>).

The NPF appears to be a useful addition to the system, particularly where there are conflicts amongst National Policy Statements (NPS) and National Environmental Standards (NES). For example, the NPS – Urban Development (UD) places high value on the urban compact form, but development in a high-quality coastal environment is likely to be incompatible with the New Zealand Coastal Policy Statement. Clarity around resolving these conflicts and the processes around how this is to occur will be important.

WDC considers that the above highlights the need for additional members to be added to the regional planning committees; if there is a representative from the Ministry of Conservation, there may also need to be a representative from the Ministry of Housing and Urban Development or Ministry for Business, Innovation and Employment to balance the increased protection of the environment with urban development and employment opportunities. The Ministry for Fisheries and Oceans may also need to play a role around the coastal elements of any new NBE Plan. The H2A project has had success between regional and district boundaries (Auckland and Waikato) while partnering with the central government to improve a range of social and economic indicators.

Given a failure of the previous RMA system was a lack of national direction and guidance initially, it is hoped that the NPF is well resourced and financed. It may be appropriate for the NPF to be adopted prior to the commencement of the NBEA to ensure a smoother transition of the NPS/NES system into the new legislation. It would be good to pick up key professionals in various backgrounds and organisations to test some of the provisions proposed (locally or regionally) before a national rollout.

WDC supports the simplification of the contents of plans and making them easily navigable and more consistent throughout the country. It is anticipated that the implementation of the NPF would provide that consistency in that there would be a central document which would be the reference point for interpretation (assuming the NPF would be similar to the standard instrument approach adopted by the NSW State Government). In addition, enhancing technology over the top of plans to make information more accessible for organisations and individuals is desirable. We support more significant linkage and strengthening via strategic and spatial plans that support urban planning and areas for protection and environmental management. While WDC supports the National Planning Standards approach, it should caution that this should not over-specify format or plan content to ensure a reasonable degree of local autonomy is retained.

Part 4 – Natural and built environment plans

Developing these plans will be crucial, but it is not clearly outlined how they will be put together. The Auckland Unitary Plan (**Unitary Plan**) is one of the most recent examples of combining regional and

district plans into one document. Aside from the Regional Coastal Plan, which had been recently completed, the creation of the Unitary Plan was from scratch. WDC, therefore, questions whether this process lends itself to a consistent template approach, with a range of standardised environmental limits, urban form and environmental outcomes? Auckland Council was able to develop a comprehensive plan, but it had many resources to put together the draft and undertake consultation on the Unitary Plan. That level of resources may not be able to be matched in other regions throughout the country. It is recognised, however, that independent commissioners seem to help facilitate this process, and WDC would support this aspect of plan development.

WDC supports spatial planning and considers this should play a substantial role in better integration across all levels of government. The technology rollout of this process needs to be consistent nationally, regionally, and locally. Development of legislative linkages between agreed strategic directions, subsequent spatial plans and council plans is required. A consistent engagement mechanism with the central government, iwi, private and public sectors needs to be considered and developed to allow integrated planning. The data and mapping systems should be in alignment or, if councils are running multiple systems, these need conversion at a regional or national level to implement a consistent approach.

Spatial planning may be the key to better integrating these three Acts from a top-down national, regional and local level. The detail could come at a local level with urban development plans as a bottom-up approach. Spatial planning also can bring complex socio-political issues and institutional processes together to enable transformational projects within an urban area or a region. WDC is supportive of this and has worked with other Future Proof partners to develop the Hamilton - Waikato Metro Spatial Plan. WDC also notes that there are provisions of the LGA 1974 concerning roads that are still in force that require updating. This is not an issue for strategic planning but may add cost and confusion to any implementation processes, given that the regimes have changed. Any legislative review should consider addressing these gaps.

WDC supports the use of spatial planning as an essential tool to improve environmental outcomes by visualising constraints and opportunities within an environment at a sub-regional scale while preventing ad-hoc development. Additionally, measuring environmental impacts at all levels of government with consistent data sets (converted data systems) would be an essential step to inform spatial planning. All government (central and local) information may need to shift to consistent systems over time in order to get a significant picture of environmental changes from a national to a local level, and all parties should have access to the information.

WDC supports working with stakeholders around strategic plans and sees merit in having some statutory weighting for them. If not statutory, spatial plans should be recognised through a public process that identifies constraints and opportunities concerning growth, environmental and economic issues. Any spatial planning information that has been through this public process should not be relitigated.

WDC supports the three areas that the Taituarā submission has highlighted around a spatial regional planning framework: the first being a lack of horizontal and vertical integration with the resource management system, the second being that the objectives and incentives at different tiers of decision making (central, regional and local government) are often not aligned. The third is that too much emphasis is placed on making strategies and plans and developing and designing resource consents versus monitoring and maintaining good regulatory outcomes.

From a regulatory authority's perspective, the disconnect between the entire RM process is most clear when viewed as a whole. The drafting of plans and strategies often does not consider how the rules will work from a practical perspective, and it isn't until the consenting assessment process is underway that flaws in the rules are identified. Likewise, once a consent is assessed and granted, the flaws in the consent itself often are not picked up until the monitoring phase becomes active.

The process of RM consenting almost needs to look at how monitoring and enforcement is to be conducted and then work back to the consenting phase and then to the drafting phase rather than operating in silos.

At present, most plans and policies are too complicated for the average individual to navigate. Plans and policies could use an interface (dashboard) that simplifies the planning information for laypeople, and this could be developed nationally and given to councils. Using this approach would be consistent across the country. The RMA includes a requirement for justification of plan provisions through s32 reporting; however, this system often fails to deliver the intended outcomes. Some tightening of s32 practice could be a valuable way of curbing excessive plan provisions, possibly requiring independent peer review to test the rules. Plan changes and variations need to be processed faster and not relitigate the original plan. This could be linked to monitoring and reporting that shows the need for the plan changes with a full Schedule 1 process.

Schedule 1 - Preparation of the national planning framework

Given this section is blank and still a work in progress, WDC wants the central government to consider forming an agile type working group or similar with a representative(s) from central, regional, local government and practitioners. The purpose of this group would be to support the NPF. This group could help deal with unusual situations that require quick and decisive policy development and change, e.g., natural hazards, significant infrastructure, and environmental areas under threat. This agile working group could also support smaller less-resourced councils, provide collaboration opportunities across sectors and industries, and respond to rapidly changing environments on behalf of the NPF.

Schedule 2 - Preparation of natural and built environment plans

WDC supports a better link between spatial plans and a national monitoring database. The use of technical information supplied for consenting and Notice of Requirements (**NOR**) processes could supplement this environmental database of information. Similar projects in an area should be able to make use of this information or build on it. The costs of procuring similar technical information are often prohibitive and can lead to non-compliance. WDC consider it would be beneficial for there to be linking back to spatial plans if they identify areas of protection, growth, development and the best sites for critical infrastructure, avoiding critical ecological and cultural areas where possible.

A layered approach is preferred where spatial plans could stay at a national or regional level. At a regional level, spatial planning could replace some current regional policy statements (**RPS**) provisions of the RMA. WDC believes the current RPS requirements and outcomes are of little value, and the costs of developing an RPS could be better put towards spatial planning. District or city councils experiencing rapid growth could develop finer-grained development or precinct plans consistent with the spatial plans.

Schedule 3 - Planning committees

WDC notes that most territorial authorities in the Waikato region pool services so as to ensure their services are consistent. Regional and district councils are undertaking combined decision-making functions where possible. Future Proof is an excellent example of councils collaborating on growth initiatives. Central government agencies could be more hands-on in producing new policies and helping to implement them with councils. Connections between central, regional and local governments need to be improved. WDC has concerns with the lack of detail around the planning committees. The makeup of the planning committees (political or technical) and removing the decision-making process from our communities.

Resource Consenting and Monitoring

The area of resource consenting is not covered in the exposure draft, but it appears that the planning regime will favour a more prescriptive approach to resource use activities. While this may give certainty from the perspective of resource consenting and remove the Non-Complying activity classification, the reliance on the precautionary approach could hinder resource consenting in terms of time taken and costs. Giving effect to Te Tiriti o Waitangi is supported, but this will need funding and guidance for mana whenua to take part.

Outstanding questions include:

- What is the transition mechanism for resource consents and designations into the new NBA regime, who will hold the information (consent conditions), and how long will they be valid?
- Is there potential for existing consents to be at odds with new environmental limits and outcomes?
- Would the consent conditions require review, and what are the legal implications of this?
- Does MfE or the NPF need to support councils in these early legal processes to establish clear legal guidance?

Where private interests reap the reward of resource use, communities can face social, economic, cultural and ecological costs beyond any social benefits. The new system needs to place value on environmental areas and not shift the costs of protecting and rehabilitating these areas back into their communities. Areas of high ecological value benefit all community members, districts, regions, and countries; even if they sit on private land, an inter-generational approach may help navigate these complexities.

WDC agrees there has been insufficient monitoring and collection of data information in some areas, which has led to a less than adequate state of the environment and performance of the resource management system. WDC supports improved capability and resourcing of central and local government as identified. WDC would support a central government led stocktake of the data and consistency across local government (data and systems) — consistency of cultural requirements and ecological monitoring, linking them to environmental reporting and planning responses.

WDC acknowledges that it is particularly challenging to monitor urban matters versus regional and land-based terrestrial areas like conservation covenants. The development of some key indicators to be shared with all local government agencies could improve this process. Local government should still collect and monitor data (general indicators). Still, investment should be made into national databases that collate this information (from different systems and territorial authorities) and analyse it to support national policy.

WDC has concerns if MfE or a new agency would have institutional oversight. The concern is that this would be adding another layer of bureaucracy to an already unwieldy system. There is potential that these national organisations are one step removed from communities and regions. WDC would prefer localised agencies district/city and regional versus a national organisation taking over this function. An existing (MfE) or new national agency could have a high-level overview and rationalise some of the data collection into a consistent format for guidance, implementation and policy development. But the transitional and implementation issues will be significant; as mentioned, a task force that combines a range of local government politicians, practitioners (private and government) may be a good advisory group augment MfE.

Information collected from environmental limits or based on environmental targets could sit with regional and district councils. However, it makes sense to improve the consistency of information (data) or rationalise it across the range of different local government systems, formats and types. MfE or a new agency could identify what data and information local governments hold and the gaps. Then

a national organisation could then have access to the data for State of the Environment reporting or to use for analysis against other legislation, e.g., Biodiversity Strategy.

Reducing complexity

WDC queries whether the NBEA will simplify the policy and resource consent processes and make it easier to change plans and associated resource consents if the effects are minimal or show an improved environmental benefit. Resource consents proposed or issued within the last ten years may need a mechanism to review consent conditions in the context of climate change effects.

Broad-based merits appeals in the Environment Court, particularly in plan reviews, have added cost and caused extensive delays. Given these decision-making processes and practices have gone through an extensive hearing process with evidence, minimising the ability to relitigate substantive matters may improve processing times and outcomes.

The Environment Court does help narrow the issues down in the appeal process. However, most of this could be better dealt with through the council hearing process with independent commissioners unless matters relate directly to a question of law. The independent commissioners involved in the hearing processes are generally better connected to the community outcomes than the Environment Court. The Auckland Unitary Plan process (under special legislation) took one step further and eliminated the general right of appeal, with only appeals on points of law. The outcome resulted in a reduced timeframe and the plan becoming operative, with significant cost savings.

WDC supports a similar process, which only allows appropriate appeals to plan reviews and plan changes. Appeals would then only be allowed where substantive issues have been identified and backed by the community's views. Improved integration between all levels of government and testing of major changes before they are implemented is crucial. Developing coherent spatial plans and improved linkage to decision making that reduces legal challenges to subsequent decisions would help.

In terms of the current RM process, it is expensive from an applicant's perspective and time and resource-intensive from a consenting authority's perspective. Any new process should be less complex and resource-intensive. The notification process alone is one that can be particularly complex and is often the most complained about by the public. Once that has been determined, a consent application may then be subject to a hearing and then a further determination in the Environment Court. Arguably, a resource consent can be litigated twice, and parties are often reliant on the expertise of their consultants.

Any new regime needs to make the process simpler and more accessible to parties who will not necessarily be prevented from participating due to financial constraints.

In addition, WDC is of the view that the notification aspect of the current RM process is unnecessarily complex and is often the cause of discontent in the community. The limitations around who is an 'affected party' mean that the community often feels unheard. If the ability to make decisions around the setting of planning rules from the local authorities, thus potentially making it more difficult for communities to have their say, the consenting process (i.e., the granting of consents) should then be made more accessible to those affected.

Open Meeting

To	Policy & Regulatory
From	Roger MacCulloch General Manager Service Delivery
Date	16 August 2021
Prepared by	Hannah Beaven, Corporate Planner Ross Bayer, Roding Team Leader
Chief Executive Approved	Y
Reference #	P&R2021; ECM # 3225531
Report Title	Approval for Consultation: Proposed Waikato District Council Livestock Movement Bylaw 2021

I. EXECUTIVE SUMMARY

This report seeks approval to consult on the proposed Waikato District Council Livestock Movement Bylaw 2022 (the Bylaw). Consultation will be undertaken in accordance with Section 83 of the Local Government Act 2002 (LGA).

Bylaws help to ensure that the community is vibrant, healthy and safe. They are a useful way to deal with local problems or 'nuisances', as they focus on those issues Council and the community deem necessary for local regulation.

The proposed Bylaw regulates the controlled movement of livestock on or across Council's roads. The purpose of the proposed bylaw is to: a) Ensure the safety of road users, persons moving livestock and the livestock; and b) Protect the structure and surface of roads. It allows Council to issue permits for the movement of livestock and sets out the criteria to move livestock safely.

The Waikato District Council Livestock Movement Bylaw was last revised in 2011, when the Waikato District and Franklin District Livestock Movement Bylaws were brought together. This bylaw has subsequently lapsed in 2018 and is no longer enforceable.

Council staff and elected members have worked with Federated Farmers over a five-year period to develop the proposed Bylaw.

Staff propose to consult on the proposed Bylaw from 20 September 2021 to 29 October 2021. Hearings will be held on 30 November 2021.

2. RECOMMENDATION

THAT the report from the **General Manager Service Delivery** be received;

AND THAT, as required under section 83 of the **Local Government Act 2002**, the **Policy & Regulatory Committee**:

- (a) adopts the **Statement of Proposal (Attachment 1 to the staff report)**; and
- (b) approves the commencement of public consultation on the proposed **Waikato District Council Livestock Movement Bylaw 2021 (Attachment 3 to the staff report)** to be undertaken between **Monday, 20 September 2021 to Friday, 29 October 2021**;
- (c) considers the submissions on the **Bylaw** be considered, and if requested by submitters, be heard by the **Policy & Regulatory Committee** at a hearing to be held on **Tuesday, 30 November 2021**;
- (d) recommends to **Council** that the **Bylaw** is the most appropriate form of **Bylaw**;
- (e) recommends that **Council** confirm the **Bylaw** does not give rise to any implications under the **New Zealand Bill of Rights Act 1990** and that it is satisfied that the **Bylaw** can be justified as a reasonable limitation on people's rights and freedoms; and
- (f) in the event that the consultation period is affected by the **Covid** pandemic, alternative means of consultation and hearing of submitters, including audio visual, may be used as required to meet the timeframe for consultation with communities.

3. BACKGROUND

Bylaws

Bylaws help to ensure that the community is vibrant, healthy and safe. They are a useful way to deal with local problems or 'nuisances', as they focus on those issues with Council and the community deem necessary for local regulation.

A bylaw allows Council to respond to such nuisances and/or problems in ways that are appropriate and practical and for the local community.

The Council has general bylaw making powers prescribed under Sections 145 and 146 of the Local Government Act 2002 (LGA). Bylaws do not have the authority to override primary legislation (such as Acts of Parliament), instead they seek to supplement and support national rules with local rules. All bylaws must be reasonable.

In reviewing and developing bylaws, Council is required to follow both the decision making and consultation requirements set out in the LGA. Each bylaw must be assessed in terms of its costs and benefits to the community, as well as an assessment of the other options available to the council to regulate or remedy the problem.

Process

Council staff and elected members have worked with Federated Farmers over a five-year period to amend Council's lapsed Livestock Movement Bylaw. Elected Members, Federated Farmers and staff met most recently in April 2021 to discuss the proposed Bylaw.

Council had a workshop on 28 July 2021 as part of the proposed Bylaw process. This workshop was an opportunity to receive Elected Member feedback on the Bylaw.

Consultation is planned from 20 September 2021 to 29 October 2021. Hearings are scheduled 22 November 2021, with adoption planned for February 2022.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Proposed Livestock Movement Bylaw

The proposed Bylaw regulates the controlled movement of livestock on or across Council's roads. Within rural areas of the Waikato District, livestock are moved using roads as part of the everyday operations of some farms. This activity has the potential to cause nuisance and adversely affect the safety of road users, and efficiency and structure (surface of roads) of the road network.

The purpose of the proposed bylaw is to:

- (a) Ensure the safety of road users, persons moving livestock and the livestock; and
- (b) Protect the structure and surface of roads

The Waikato District Council Livestock Movement Bylaw was last revised in 2011, when the Waikato District and Franklin District Livestock Movement Bylaws were brought together. This bylaw has subsequently lapsed in 2018 and is no longer enforceable

The Bylaw addresses the issues outlined below:

1. Road Safety (Full bylaw)

Livestock are being moved on local roads during day-to-day farming activities. This causes road safety issues if not managed correctly as the movement of stock interrupts traffic flow.

The proposed Bylaw sets out conditions for how stock can be moved safely. The proposed Bylaw also identifies where livestock movement is allowed, prohibited, or requires a Council Livestock Crossing or Movement Permit, based on the safety profile of the road.

2. Maintenance of Crossings (Appendix 2 – Permits)

Some farmers are not maintaining stock crossings and are thereby making roads unsafe for users. WDC's expired livestock movement bylaw did not allow staff to actively enforce conditions of the Bylaw, including maintenance of stock crossings.

The proposed Bylaw 'Appendix 2 – Permits' includes requirements for how stock crossing entranceways should be constructed and maintained.

3. Road and environmental damage (13.1 and 13.2)

The movement of stock can cause nuisance and environmental harm through excessive excrement, and can cause damage to roading and infrastructure.

The proposed Bylaw requires that persons moving livestock must remove excessive stock excrement from the road and avoid damage to the road and infrastructure. It allows Council the right to recover costs if moving livestock caused damage to the road resulting in unscheduled maintenance, or if excessive stock excrement or mud is required to be removed.

4. Stock crossings at night (6.1a)

In some cases, farmers are crossing stock during the hours of darkness. This creates road safety issues for road users.

The proposed Bylaw does not allow livestock to be moved during the hours of darkness, addressing this road safety issue.

Permitted, restricted and prohibited roads

The proposed Bylaw outlines when the movement of livestock is prohibited, permitted, or required to obtain a Council permit. This is outlined below:

1. Prohibited:
 - In Any Urban Area;
 - On Any National, Regional and Arterial Road;
 - On Any other road, public reserve or public place that Council may restrict from time to time; and
 - If the livestock can be moved across private land.
2. Permitted for unsealed and rural roads, subject to safety conditions and average number of days stock are crossing.
3. Permits are required for moving stock along or across Urban Collector Roads and Rural Connector Roads, depending on the average number of days stock are crossing.

Table 2: Assessing permit application requirements.

Road hierarchy	Description	Average number of days stock crossing / moving per week								
		<1	1	2	3	4	5	6	7	
Main Streets	Roads less than 70km/h – such as CBD and main roads through townships and villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Local Streets	Roads less than 70km/h residential streets in urban areas/ townships/ villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Urban Collectors	Roads above 70km/h - main roads outskirts of urban areas/ townships/ villages) with more than 200 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
High Volume Sealed Rural Collectors	Roads in rural areas above 70km/h that have more than 1000 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
Low Volume Sealed Rural Collectors	Roads more than 70km/h in rural areas that have less than 1000 vehicles per day	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red
Sealed Rural Roads >70km/h	Roads less than 70km/h and less than 200 vehicles per day)	Green	Green	Green	Green	Green	Yellow	Yellow	Red	Red
Unsealed Roads		Green	Green	Green	Green	Green	Green	Green	Green	Yellow

	Permitted (i.e. no permit required)
	Restricted (permit required)
	Prohibited (stock movement is not permitted)

Proposed New Clauses

At the Council workshop on 28 July 2021, it was queried if the Bylaw should refer to inspections. Following this, Council's legal team have advised that the following new clause 'Inspections of Stock Crossings' should be included within the proposed Bylaw:

14.0 INSPECTION OF STOCK CROSSINGS AND ROADS

1.1 Council may choose to inspect stock crossings, roads and/or the environment for the purpose of:

- (a) Identifying if the Bylaw has been breached; or*
- (b) Identifying if Livestock Crossing or Livestock Moving Permit Conditions are being met; or*
- (c) Validating data contained in any Livestock Crossing or Livestock Moving permit applications.*

1.2 The frequency of inspections will be at Council's discretion.

1.3 Based on inspections, Council may:

- (a) Require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads or*
- (b) Decline, revoke or suspend permit applications*

The purpose of these clauses is to outline how Council will be aware of breaches of the bylaw. It does not give Council additional inspection powers but is suggested for clarification and transparency by summarising the potential penalties of not complying. This proposed clause has been included in track changes in Attachment 3.

The Bylaw also now includes Appendix 4 which notes how costs will be shared for stock underpasses by referring to the New Zealand Transport Agency subsidy rules.

4.2 ANALYSIS

It is recommended that Council consult on the proposed Bylaw, subject to Council amendments. The advantages of these recommendations are:

- Allows Council to better manage issues regarding road safety, environmental degradation and infrastructure damage.
- Allows Council to issue livestock movement and crossing permits.
- Allows Council to prohibit the movement of stock in urban areas and on National, Regional and Arterial Roads.

The disadvantages of a Livestock Movement Bylaw:

- Will require staff resource to administer livestock movement permits.

4.3 OPTIONS

The options that have been identified are:

Option 1: Do nothing

This option is **not** recommended.

This option would see no bylaw relating to the control of Livestock Movement within the Waikato District. This option would mean that Council is unable to manage where and how livestock movement occurs. The impacts of this are potential safety issues and nuisances to road users, and damage to Council's roading network. It also means Council would not be able to issue permits for the movement of livestock. As such, the option is not recommended.

Option 2: Do not approve Public Consultation at this time

This option is **not** recommended.

This option is not recommended as Council staff have planned for consultation at this time, and this allows hearings and deliberations to occur within 2021. Consulting on the Bylaw at this time will allow the issues identified above, such as road safety, to be better managed by Council.

Option 3: Amend Bylaw and Approve Public Consultation in accordance with Section 83 of the LGA and make the relevant recommendations

This option is **not** recommended.

Amending the bylaw at this stage is not recommended as the bylaw has been engaged extensively with Federated Farmers, as key stakeholders. Further changes could be made when considering submissions.

Option 4: Approve Public Consultation in accordance with section 83 of the LGA and make the relevant recommendations.

This option **is** recommended.

The approval of public consultation will mean adoption of the statement of proposal and public notification inviting submissions on the proposed Bylaw. As such, this option is recommended.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial implications associated with this bylaw, however, if any arise it is anticipated these associated costs can be covered within existing budgets

5.2 LEGAL

Legislative requirements

Determination of Significance

Section 156 of the LGA requires the local authority to decide whether public consultation is undertaken in accordance with Section 82 or Section 83 of the LGA. If it is determined that the bylaw concerns a matter which is identified in the Significance and Engagement Policy or there is or likely to be a significant impact on the public due to the proposed bylaw, then the special consultative procedure as set out in section 83 must be used.

Consultation under the special consultative procedure in accordance with Section 83 of the LGA requires Council to:

- Adopt a Statement of Proposal which includes information regarding Council's consideration of the matters referred to in section 155 of the LGA;
- Provide an opportunity for people to make oral submissions (this will require Council to facilitate a public hearing); and
- Allow no less than one month for public consultation.

As the Bylaw is likely to have a significant impact on the public, corporate planning staff have determined that the public consultation should be undertaken in accordance with Section 83. In addition, the special consultative procedure allows for the community to respond to the proposed areas which may be affected by the Bylaw and for Council to hear any concerns through the holding of a public hearing.

Requirements for Special Consultative Procedure (Section 83 of the LGA)

Because it has been determined that the Bylaw should be subject to the special consultative procedure, Section 86 of the LGA requires that additional information to be included in the Statement of Proposal.

The additional information to be included in the Statement of Proposal is a report on any determinations made under section 155 of the LGA which requires Council to determine whether the proposed bylaw:

- a. is the most appropriate way of addressing the problem or perceived problem;
- b. is the most appropriate form of bylaw; and
- c. gives rise to any implications under the New Zealand Bill of Right Act 1990.

Corporate planning staff have considered and determined that a bylaw is the most appropriate way of addressing the associated issues with the movement of livestock and that the Bylaw, as drafted, is the most appropriate form of bylaw.

Legal have also considered that the Bylaw is not in conflict with, or gives rise to any implications under the New Zealand Bill of Rights Act 1990.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The proposed Waikato District Council Livestock Movement Bylaw triggers the Significance and Engagement Policy through the community interest threshold which is normal for this type of consultation.</p> <p>Information on the consultation will be made available to the public at all council offices and libraries, as well as online via the Council website on the 'Say It' page. The available information will include a Statement of Proposal, the proposed bylaw, submission forms and a link to the online submission collector.</p> <p>Stakeholders will be contacted to advise the consultation is open. Stakeholders that will be contacted include iwi, Federated Farmers, Community Boards and Community Groups, Waikato Regional Council and New Zealand Transport Agency. Staff will also investigate contacting current and past Livestock Movement Permits holders.</p>					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	y		Internal
y			Community Boards/Community Committees
y			Waikato-Tainui/Local iwi/Mana whenua
y			Households
y			Current and past Livestock Movement Permit holders
	y		Federated Farmers
y			New Zealand Transport Agency / Waikato Regional Council

6. CONCLUSION

This report seeks approval to undertake public consultation on the proposed Waikato District Livestock Movement Bylaw 2021. This is in accordance with Section 83 (Special Consultative Procedure) of the LGA.

7. ATTACHMENTS

The following documents are included as attachments to this report:

1. Statement of Proposal - Waikato District Council Proposed Livestock Movement Bylaw 2021
2. Proposed Livestock Movement Bylaw Submission Form
3. Waikato District Council Proposed Livestock Movement Bylaw 2021 (clean)
4. Waikato District Council Proposed Livestock Movement Bylaw 2021 (track changed)



STATEMENT OF PROPOSAL

PROPOSED LIVESTOCK
MOVEMENT BYLAW

HAVE
YOUR
SAY

waikatodistrict.govt.nz

0800 492 452

Document Set ID: 3225533
Version: 1, Version Date: 19/08/2021

Waikato

DISTRICT COUNCIL
Te Kaunihera aa Takiwaa o Waikato

This Statement of Proposal is made
for the purposes of Sections 83, 86 and 156
of the Local Government Act 2002.

IT INCLUDES:

- Background to the proposal
- Reasons for the proposal
- Summary of the proposed changes
- 'have your say' details

BACKGROUND

Waikato District Council does not currently have a Livestock Movement Bylaw. We are proposing to create one that helps ensure our community is vibrant, healthy and safe and we want your feedback.

Within rural areas of the Waikato District, livestock are moved using roads as part of the everyday operations of some farms. This activity has the potential to affect the safety of road users and the surface of the road network. Stock movement can cause environmental harm through excessive excrement, and damage to roading and infrastructure.

The purpose of the proposed Livestock Movement Bylaw is to:

- a) Ensure the safety of road users, persons moving livestock and the livestock
- b) Protect the structure and surface of the road

Council has the power to make bylaws to respond to nuisances or problems in ways that are appropriate and practical, and work for the local community.

Council previously had a Livestock Movement Bylaw 2011 which has now expired and is therefore no longer enforceable.

Consultation on the proposed Bylaw is from 20 September to 29 October 2021.

REASONS FOR A BYLAW



When livestock are moved on public roads as part of farming activity, this can pose a risk to other road users. Livestock can be moved in an unsafe manner if they are moved without adequate warnings or controls in place, are moved too often, or on roads which have high volumes of traffic.

Livestock can also cause environmental harm through excessive excrement, and cause damage to roading and infrastructure.

A bylaw will allow for stock to move more safely down and across roads. It puts in place conditions to ensure that livestock are moved safely and allows Council to issue permits for the movement of livestock.



SUMMARY OF PROPOSED LIVESTOCK MOVEMENT BYLAW

What is the proposed Livestock Movement Bylaw?

The proposed Livestock Movement Bylaw includes rules for how the movement of livestock should be regulated. It also allows Council to issue permits.

Under the Bylaw, all stock movement is required to meet certain safety conditions.

The movement of livestock is permitted in all cases, if it is for an animal escape or similar emergency.

The Bylaw also specifies how costs will be shared for stock underpasses in Appendix 4. This refers to the New Zealand Transport Agency subsidy rules.

Where can you move livestock in the Waikato District?

The bylaw also says on what type of roads the movement of livestock is permitted, restricted (and a Council permit is required) or prohibited.

All roads are categorised according to the one network road classification. This classifies roads based on how busy they are (see table below).

To find out what type of classification your road is, this map and table of road classifications in the Waikato District can be found on pg. 5 in this Statement of Proposal and on <https://shape.waikatodistrict.govt.nz/livestock-movement-bylaw-2022>

Table I is part of the draft bylaw. It explains when stock movement is allowed, considering both the type of road and average number of days stock are crossing or moving per week.

Table I: Assessing permit requirements

Road hierarchy	Average number of days stock crossing/moving per week							
	<1	1	2	3	4	5	6	7
Main Streets	Red	Red	Red	Red	Red	Red	Red	Red
Local Roads	Red	Red	Red	Red	Red	Red	Red	Red
Urban collectors	Yellow	Yellow	Red	Red	Red	Red	Red	Red
High volume sealed rural collectors	Yellow	Yellow	Red	Red	Red	Red	Red	Red
Low volume sealed rural collectors	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red
Sealed rural roads >70km/h	Green	Green	Green	Green	Green	Yellow	Yellow	Red
Unsealed rural roads	Green	Green	Green	Green	Green	Green	Green	Yellow

	Permitted (no permit required)
	Restricted (permit required)
	Prohibited (stock movement is not permitted)

How is the proposed bylaw enforced?

Council can undertake inspections to assess the bylaw or permit condition are being complied with. Council can require a person to apply for a permit if they are on a permitted road but are not meeting the required safety conditions, or can decline, revoke or suspend permit applications.

The full proposed bylaw can be viewed here: shape.waikatodistrict.govt.nz/livestock-movement-bylaw-2022

SUBMISSIONS CAN BE:

ONLINE:

shape.waikatodistrict.govt.nz/xxx



POSTED:

Waikato District Council
Private Bag 544
Ngaruawahia 3742

DELIVERED:

Waikato District Council
Attn: Corporate Planner
15 Galileo Street, Ngaruawahia 3742



EMAILED:

consult@waidc.govt.nz
Subject heading should read:
"Livestock Movement Bylaw –
Submission"

Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710

WHAT HAPPENS NEXT?

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of submissions on 29 October 2021 all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 30 November 2021 (or as soon thereafter as possible).

This meeting is open to both submitters and the public to attend.

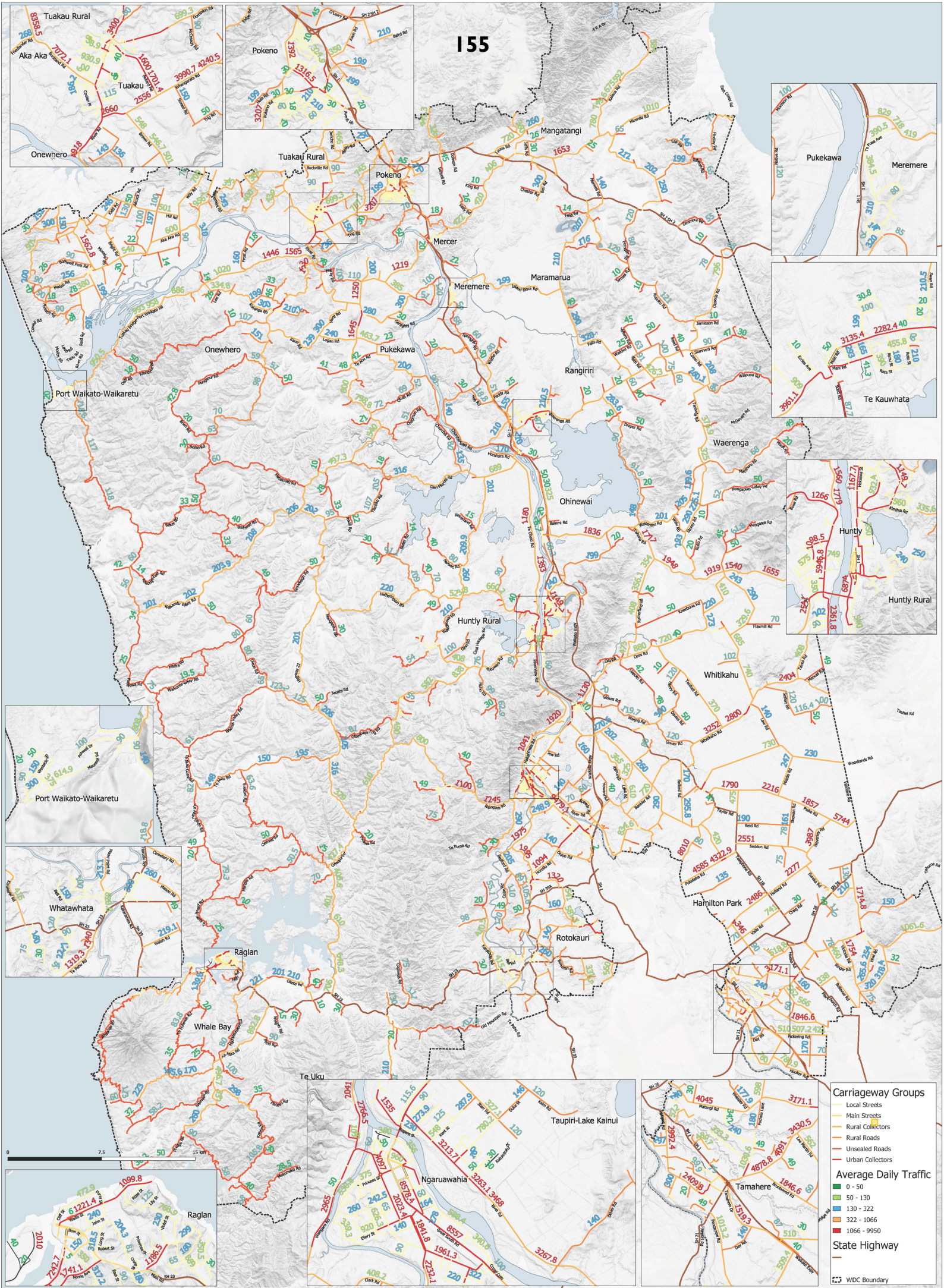
IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 20 September 2021

SUBMISSIONS CLOSE – 29 October 2021

HEARING OF SUBMISSIONS – 30 November 2021

If you have any further queries or would like further copies of the proposed Bylaw, please contact Hannah Beaven via email at Hannah.Beaven@waidc.govt.nz



Carriageway Groups

- Local Streets
- Main Streets
- Rural Collectors
- Rural Roads
- Unsealed Roads
- Urban Collectors

Average Daily Traffic

- 0 - 50
- 50 - 130
- 130 - 322
- 322 - 1066
- 1066 - 9950

State Highway

WDC Boundary



waikatodistrict.govt.nz



[facebook.com/waikatodistrictcouncil](https://www.facebook.com/waikatodistrictcouncil)



0800 492 452

Proposed Livestock Movement Bylaw 2021

Submission form *Please provide your feedback by 29 October 2021*

Name/Organisation (if applicable).....

Address **Postcode**.....

Email **Phone**.....

A hearing will be held on *** (or as close thereafter as possible).**

Do you want to speak about your submission at the hearing? Yes No

Preferred method of contact Email Post

Do you support the proposed Livestock Movement Bylaw? Yes No In Part

Please tell us why:

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What changes would you like to see to the proposed Livestock Movement Bylaw 2021?

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Any additional comments?

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Prefer to do it online?
You can complete the submission form online at <https://shape.waikatodistrict.govt.nz/XXX> (added once page is finalized)

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The contents of your submission (not including your address and contact details) will be made public through Council agendas and as a result will be published on our website. If you would like your name also kept confidential, please let us know on your submission form.

Waikato District Council

Proposed Livestock Movement Bylaw 2022.

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, the Land Transport Act 1998 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

Introduction

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the “Waikato District Council Livestock Movement Bylaw 2022”
- 1.2 This bylaw shall come into force on (Day) (Month) (Year)

2.0 PURPOSE OF BYLAW

- 2.1 Within rural areas of the Waikato District Council, livestock are moved using roads as part of the everyday operations of some farms. This activity has the potential to adversely affect the safety of road users and the efficiency and structure (surface of roads) of the road network. The purpose of this Bylaw is to:
- (a) Ensure the safety of road users, persons moving livestock and the livestock; and
 - (b) Protect the structure and surface of roads.

3.0 APPLICATION

- 3.1 This Bylaw applies to all roads under the control and/or management of the Council.

4.0 INTERPRETATION

In this Bylaw, unless inconsistent with the context:

Authorised Officer	means any employee of the Council appointed to carry out general or specific duties arising from any of the provisions of this bylaw, unless stated otherwise in this bylaw.
Council	means the Waikato District Council.
Crossing Manager	means the person managing the livestock crossing or moving.
Drove	means to move a herd of animals from one place to another.
Drover	means any person in the process of moving livestock from one point to another along a road.
Farm	means an area of land which is used for the purpose of agriculture including grazing of livestock.
Livestock	means all animals that are likely to be kept for commercial purposes and taken onto the road for the purpose of moving from one part of the farm to the other or to another destination. 'Stock' shall have the same meaning as 'Livestock'.

Livestock Crossing Permit	is a time specific permit allowing for the movement of livestock across a public road between gates which are generally opposite each other, or are of a maximum distance of 100 meters from each other.
Local street	Roads less than 70km/h residential streets in urban areas/ townships/ villages
Main street	Roads less than 70km/h – such as CBD and main roads through townships and villages
Mob	means a group (more than one) of livestock being moved from one place to another.
Pilot vehicle	means and includes any motor cycle, 4 wheel farm bike, car, utility vehicle, tractor, or trucks operating and moving with hazard lights in operation in front of or behind the mob.
Races	means confined areas for moving livestock from one location to another location.
Road	<p>has the same meaning as contained in section 2 of the Land Transport Act 1998 and includes -</p> <ul style="list-style-type: none"> a) a street; b) a motorway; c) a beach; d) a place to which the public have access, whether as of right or not; e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph d); and f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment. <p>And excludes:</p> <ul style="list-style-type: none"> a) culverts that are stock underpasses; and b) unformed Legal Roads on farmland.
Road user	means any motorist, cyclist, pedestrian or drover.
High Volume Sealed Rural Collectors	Road in rural areas more than 70km/h that have more than 1000 vehicles per day
Low Volume Sealed Rural Collectors	Sealed roads in rural area more than 70km/h that have less than 1000 vehicles per day
Traffic Management Plan	means a sketch plan or map or other approved document outlining the safety procedures/methods that the crossing manager appointed by the permit holder will use to ensure the safety of all road users whilst moving stock along or across the road.
Urban area	means any area where the posted speed limit is 70 kph or less, and includes main roads and local streets
Urban collectors	Road more than 70km/h in urban areas with more than 200 vehicles per day

5.0 COMPLETE RESTRICTION ON MOVEMENT OF LIVESTOCK

- 5.1 Except in accordance with Clauses 7, 8, 9 and 10 and Appendix 3, no person shall move any livestock along or across any public road:
- (a) Within an urban area; or
 - (b) On any National, Regional, and Arterial road; or
 - (c) On any other road, public reserve or public place that Council may restrict from time to time; or
 - (d) Where the livestock may be lawfully and reasonably moved across private land owned or managed by the owner of the stock instead of across or along a road.

6.0 MOVEMENT OF LIVESTOCK ON ROADS PERMITTED IN CERTAIN CIRCUMSTANCES

- 6.1 Unless prohibited under Clause 5 of this Bylaw, the movement of livestock along or across an unsealed and rural roads road is permitted. This is subject to the following conditions:
- (a) Livestock shall not be moved during the hours of darkness (the hours of darkness being those hours between half an hour after sunset and half an hour before sunrise the next day)
 - (b) There shall be, at all times, adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than 170 metres. Adequate warning shall comprise not less than 2 of the following warning mechanisms:
 - Amber flashing light and/or hazard lights on vehicles; or
 - Staff wearing 'Dayglo' safety vests; or
 - Staff using orange or red flags to warn traffic of stock on the road; or
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road); or
 - Two road cones, not less than 900mm high, at least 30m apart on each side of the crossing point (removed when stock are not on the road).
 - (c) The livestock shall be moved in such a manner so as to ensure that their time on the road is minimised.
 - (d) Persons moving livestock shall take all reasonable and practical steps to make way for or allow vehicles to pass through the stock;
 - (e) Persons moving livestock shall remove excessive stock excrement from the road;
 - (f) Persons moving livestock shall take all reasonable steps to avoid damage to the road, to any public amenities and to private property, and shall notify the owners of the public amenity or private property (which ever shall apply) of the damage and repair any damage so caused;
 - (g) The movement of livestock along a road shall at all times be under the control of at least two competent persons, one maintaining a position in front of, and another maintaining a position behind the livestock.
 - (h) Livestock are moved along or across the same section of:
 - i. An unsealed road no more than 6 days per week on average per year; or
 - ii. A rural road no more than 4 days per week on average per year
- 6.2 The movement of livestock is permitted if it is for the purpose of returning livestock to a farm in the event of an animal escape or similar emergency.

7.0 LIVESTOCK CROSSING AND LIVESTOCK MOVING PERMITS

7.1 Two permits are available for moving livestock across or along roads:

- (a) Livestock Crossing Permit; and
- (b) Livestock Moving Permit

7.2 Livestock Crossing Permits and Livestock Moving Permits are required in accordance with Appendix 3.

7.3 In the event of safety concerns or non-compliance with Clause 6.1, 6.2 and 6.3, Council may, at the discretion of an Authorised Officer, require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads.

7.4 In emergency situations where livestock will have to be moved across or along a public road for a longer period of time, such as the collapse or flooding of an underpass, a temporary Livestock Crossing or Livestock Moving Permit may be issued for a restricted period of time. In this case, the crossing manager shall notify the Council within 24 hours with a description of the emergency situation and an estimation of the duration the temporary permit will be required.

7.5 Where any permit has been issued, the permit holder shall comply with all permit conditions at all times.

7.6 All permits issued by Council will be subject to specific minimum conditions. These conditions are contained in Appendix 2 of this Bylaw and will be listed on the reverse of the permit application forms. Council's Authorised Officer may impose any other conditions which are considered necessary for safety or performance requirements.

7.7 Where an existing permit has been issued and the property relevant to the permit has been transferred or leased to a different person (without modification to farm size or farming practices), the new owner may apply to the Council to have the permit assigned to them. Any such application must be in writing and must have the consent of the current permit holder. Any applications will be assessed against the requirements of this Bylaw.

8.0 LIVESTOCK CROSSING PERMIT

Applications

8.1 Any application for a Livestock Moving Permit must be received by Council at least 10 working days before the first intended movement of stock; and

8.2 New Livestock Crossing Permit applications will be evaluated against the criteria in Council's Livestock Crossing and Livestock Movement Permits (Appendix 2), the processes outlined in Council's Policy "Stock Movement and Crossing Policy" (Appendix 3), Sight Distance Requirements (Appendix 1), and Livestock Movement Policy (Appendix 4).

8.3 Subject to Clause 8.2, a new permit will not be issued if the proposed crossing location does not meet the following criteria:

- (a) Road hierarchy;
- (b) Frequency of use;
- (c) Sight distance; or
- (d) Any other criteria as specified in the Livestock Movement Policy

- 8.4 Council may issue a permit where the proposed crossing location does not meet the specified criteria if any of the following circumstances apply:
- (a) The proposed crossing is located on a no exit road, taking into consideration the views of the owners or occupiers of affected or neighbouring properties located on the part of the road above the crossing point and the blind end of the road: or
 - (b) The proposed crossing is located in the Aka Aka drainage district, where installation of an underpass is impractical or prohibitively expensive: or
 - (c) The proposed crossing is located on a Main Street or Local Street that has been identified as a restricted activity in Appendix 3, provided that the frequency of use, sight distance and other criteria are met.

Approvals

- 8.5 A Livestock Crossing Permit will be revoked if:
- (a) The Permit Holder has breached their permit conditions; or
 - (b) The Permit Holder has acted contrary to this Bylaw; or
- 8.6 If the livestock crossing permit is categorised as prohibited in accordance with Clause 5.1 and Appendix 3 of this Bylaw, Council may, at its discretion, issue a temporary permit in exceptional circumstances.

Any temporary permit will only be issued for a maximum period of 12 months and will not be renewed. After the expiry of that 12-month period, an underpass must be installed.

Renewals

- 8.7 Any renewal applications:
- (a) Must be received by Council at least 20 working days prior to the expiry date of the permit;
 - (b) Must include updated livestock crossing details; and
 - (c) Any applications will be assessed against the requirements of this bylaw, current traffic safety, and previous permit compliance

9.0 LIVESTOCK MOVING PERMIT

Applications

- 9.1 Any application for a Livestock Moving Permit must be:
- (a) Received by Council at least 10 working days before the first intended movement of stock; and
 - (b) Accompanied by a traffic management plan.
- 9.2 A traffic management plan which is to accompany any application for a Livestock Moving Permit must:
- (a) Detail all intended routes or journeys;
 - (b) Outline how the applicant proposes to meet the conditions in the Livestock Movement Policy (Appendix 4) on the application form;
 - (c) Be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.
- 9.3 New Livestock Moving Permit applications will be evaluated against the criteria in Council's Livestock Movement Permits (Appendix 2), "Stock Moving and Crossing Policy" (Appendix 3), Sight Distance Requirements (Appendix 1) and the Livestock Movement Policy (Appendix 4).

Approvals and Renewals

- 9.4 Livestock Moving Permits will be issued for a period of between 1 to 5 years, depending on specific stock movement, traffic safety criteria and non-compliance with this Bylaw.
- 9.5 Any renewal application:
- (a) Must be received by Council at least 10 working days prior to the expiry date of the permit; and
 - (b) Must include any relevant updated livestock crossing details; and
 - (c) Will be evaluated in accordance with this Bylaw, previous permit compliance and current traffic safety.

10.0 DECLINING A PERMIT APPLICATION

- 10.1 If an application to issue or renew any permit is declined, the applicant shall be notified in writing with reasoning for decision.
- 10.2 A person who has received written notice that a permit application has been declined may, within 10 working days of receipt of the notice, lodge an objection in writing to the General Manager Service Delivery of the Council stating the grounds of their objection.
- 10.3 The objection shall be referred to a Sub-Committee consisting of the Chair of Council's Infrastructure Committee or their deputy; the Chair of Council's Policy and Regulatory Committee or their deputy, and the Mayor who shall consider the objection and make a decision on the matter.
- 10.4 The decision of the Sub-Committee appointed in Clause 10.3 shall be final.
- 10.5 The applicant shall be notified of the decision in writing no later than 10 working days after the Sub-Committee has determined the objection. The notification shall include reasons for the decision.

Extension Period

- 10.6 If Council decides to renew a permit, an extension period of 6 months from the date of the written notification of the Council's decision, will be granted to enable the permit holder to make alternative arrangements, after which time the permit shall be cancelled.
- 10.7 If a permit holder is unable to make alternative arrangements during the Extension Period outlined in Clause 10.6, they must notify Council, in writing and at least 10 working days prior to the expiration of the Extension Period, of the reasons why alternative arrangements could not be made.
- 10.8 Council may, at its discretion grant a further temporary Extension Period of 6 months

11.0 REVOKING OR SUSPENDING A PERMIT

- 11.1 Any Livestock Crossing Permit or Livestock Moving Permit may be revoked, suspended or reviewed if the General Manager Service Delivery or their equivalent is satisfied that:
- (a) The permit holder has failed to comply with any of the conditions of their permit; or
 - (b) The frequency of livestock crossing the road has increased beyond that authorised by the Livestock Crossing Permit, or
 - (c) The status or road hierarchy of the road over which the crossing or movement occurs has changed significantly from that prevailing when the permit was issued such that safety will be severely compromised if the crossing or movement continues, or
 - (d) Or other such relevant matters considered appropriate.

12.0 SAFETY ON ROADS

12.1 If, at any time when an authorised officer considers it necessary to close or restrict traffic flows on a road because of road works, flooding or an emergency, or other event, the authorised officer shall have discretionary power either to halt mobs in one place with a view to restricting their movement or to re-direct mobs along such other road or roads which under the circumstances are considered most appropriate.

13.0 DAMAGE TO ROADS AND ENVIRONMENT

13.1 Irrespective of whether permits have been issued, any person moving livestock along or across the road shall:

- (a) Take all reasonable precautions to ensure that livestock do not cause damage to the road, any public amenities or private property;
- (b) Be responsible for the costs of repairing any damage caused; and
- (c) Ensure excessive stock excrement or mud is removed from the road along which the livestock are being moved.

13.2 Council shall have the right to recover costs from any person moving livestock along or across a road where:

- (a) The movement of the livestock has caused damage to the road resulting in unscheduled maintenance or repair of the road reserve or road surface being required; or
- (b) Excessive stock excrement or mud is required to be removed from the road along which the livestock are being moved.

14.0 INSPECTION OF STOCK CROSSINGS AND ROADS

14.1 Council may choose to inspect stock crossings, roads and/or the environment for the purpose of:

- (a) Identifying if the Bylaw has been breached; or
- (b) Identifying if Livestock Crossing or Livestock Moving Permit Conditions are being met; or
- (c) Validating data contained in any Livestock Crossing or Livestock Moving permit applications.

14.2 The frequency of inspections will be at Council's discretion.

14.3 Based on inspections, Council may:

- (a) require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads or
- (b) Decline, revoke or suspend permit applications

15.0 PERMITS AND FEES

- 15.1 Council may charge a fee for the processing of any applications for permits and any such fee will be payable by the applicant.
- 15.2 Should ongoing non-compliance relating to livestock movements require repeated visits by Council staff, Council may charge an inspection fee payable by the holder of the permit (if applicable) or person responsible for the livestock movements.
- 15.3 The amount of the fees will be set by the Council from time to time pursuant to section 150 of the Local Government Act 2002 and can be found in Council's Fees and Charges.

16.0 OFFENCES AND PENALTIES

- 16.1 Every person commits a breach of this bylaw who:
- (a) Commits, or causes, or permits to be committed, any act contrary to this Bylaw, or
 - (b) Omits, or knowingly permits to remain undone, any act required by this Bylaw, or
 - (c) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this Bylaw
 - (d) Provides incorrect frequency of use or any other incorrect details in any application.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year)

The Common Seal of the Waikato District Council
Was hereto affixed in the presence of:

Mayor

Chief Executive

Activity	Key Date	Council Resolution
Bylaw made		
Bylaw reviewed		
Next review date		

Appendix I

Sight Distance Requirements

Council will assess any livestock movement or livestock crossing permit applications against the requirements in Table I. 85th percentile means the speed at which 85% of the passing vehicles are either at or below.

Table I: Sight Distance Requirements

85th percentile operating speed, measured at the site (or if above not known, posted speed plus 10km/h)*	Minimum sight distance requirements (m)
50	89
60	113
70	140
80	170
90	203
100	240
110	282

Appendix 2 - Permits

Conditions for Livestock Crossing Permits

1. Entranceways, including additional adjacent shoulders, at points where stock cross the berm should be surfaced in an appropriate material such as brown rock or sand and be constructed to accommodate the regular movement of stock, to a standard that prevents damage to the road and avoids mud being tracked onto the crossing.
2. Any new entranceways shall be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that the mud is not tracked across the road. Plan TSG-E3 details Council's requirements for Rural/Residential entranceways and is available from any office of Council.
3. Temporary warning signs are required to be used when stock are crossing and all signage must be approved by Council. Council will arrange for the signs to be installed on behalf of the permit holder. A subsidy is available for approved signage. Correct use and maintenance of the signs is the responsibility of the permit holder.
4. An amber flashing light of at least 500 lumens is required at the crossing point and shall be operated continuously whilst livestock are crossing the road. Installation and operation of the light is the permit holders' responsibility. Road cones no less than 900mm high may also be used to warn traffic in areas of limited visibility.
5. The requirements of the Health and Safety at Work Act 2015 and its amendments shall be complied with at all times.
6. At least one competent adult (18 years of age or older) shall be present at all times while livestock are using the crossing.
7. Persons moving livestock across the road must take all reasonable and practical steps to allow vehicles to pass through the stock without undue delay.
8. The crossing manager shall take all due care to protect the road reserve and the road surface from any damage at the point where the stock cross the road. If necessary, Council may require the use of stock mats or other measures.
9. Excessive stock excrement must be removed from the road immediately following every crossing.
10. Council may recover from the permit holder any costs incurred to repair any damage caused or to remove excessive effluent from the road, as a direct result of the crossing manager failing to meet the requirements of Condition 8 and 9 above.
11. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
12. This permit is valid for up to 5 years from the date of issue unless indicated otherwise.
13. The permit holder shall advise the Council of any change of ownership or grant of lease of the land to which this permit relates.
14. The permit holder shall advise the Council of any significant change in farming practice that may impact on the ongoing relevance of this permit

Special Conditions

15. A stock mat is required to be used? Yes / No
16. Other requirements.....

Conditions for Livestock Moving Permits

1. Only the routes specified in this application and the associated traffic management plan are covered by this permit. No other route shall be used without prior approval by the authorised officer.
2. The stock manager and/or drover in charge shall be responsible for providing adequate warning for traffic. Traffic control shall be in accordance with the traffic management plan submitted with the application.
3. There shall be, at all times, adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than metres, (the distance to be determined in accordance with the speed environment).

Adequate warning shall comprise not less than 2 of the following warning mechanisms:

- Amber flashing lights of at least 500 lumens and/or hazard lights on vehicles; or
 - Staff wearing 'Dayglo' safety vests; or
 - Staff using orange or red flags to warn traffic of stock on the road; or
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road)
4. The stock manager and/or drover shall ensure that due care is taken to protect the road reserve and the road surface from any damage whilst the stock are being driven along the road.
 5. Livestock shall not be moved during the hours of darkness. (The hours of darkness means those hours between half an hour after sunset and half an hour before sunrise the next day).
 6. Excessive stock excrement must be removed from the road immediately after stock has been moved.
 7. Council may recover from the permit holder, any costs incurred to repair any damage caused to, or to remove excessive effluent from, the road, as a direct result of the stock movements carried out under this permit.
 8. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
 9. This permit is valid for years from the date of issue. (between 1-5).
 10. The permit holder shall advise the Council of any significant change in farming practice that may impact on their ongoing relevance of this permit.
 11. Distance stock are driven along a public road must not exceed 400m

Special Conditions

Appendix 3

STOCK MOVING AND CROSSINGS POLICY

Process for Evaluating New Permit Applications or Renewing Existing Permits

Introduction

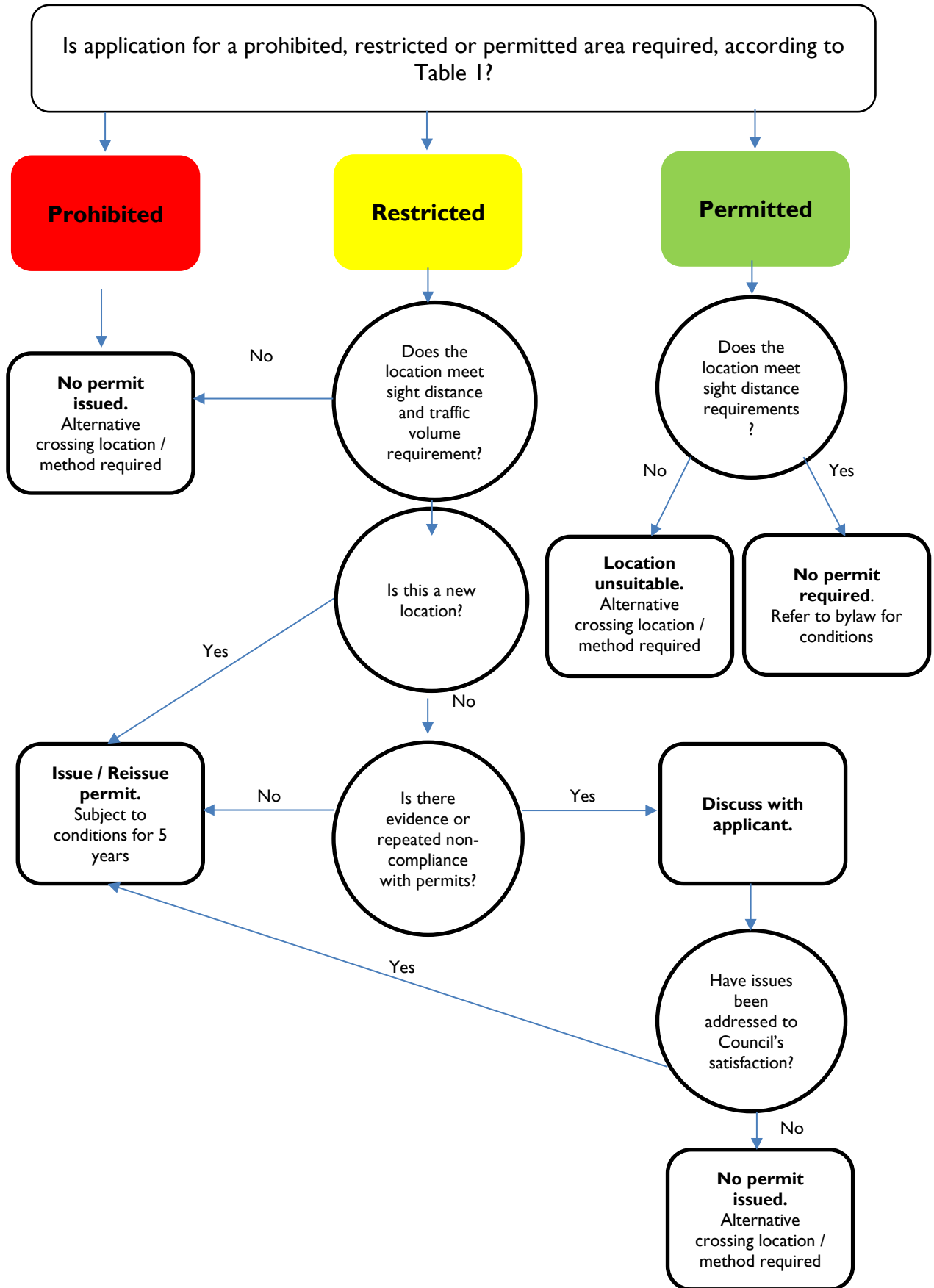
This policy is to be used to identify if a permit is required for stock moving along or across any road.

Table 1: Assessing permit applications requirements.

Road hierarchy	Description	Average number of days stock crossing / moving per week								
		<1	1	2	3	4	5	6	7	
Main Streets	Roads less than 70km/h – such as CBD and main roads through townships and villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Local Streets	Roads less than 70km/h residential streets in urban areas/ townships/ villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Urban Collectors	Roads above 70km/h - main roads outskirts of urban areas/ townships/ villages) with more than 200 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
High Volume Sealed Rural Collectors	Roads in rural areas above 70km/h that have more than 1000 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
Low Volume Sealed Rural Collectors	Roads more than 70km/h in rural areas that have less than 1000 vehicles per day	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red
Sealed Rural Roads >70km/h	Roads less than 70km/h and less than 200 vehicles per day)	Green	Green	Green	Green	Green	Yellow	Yellow	Red	Red
Unsealed Roads		Green	Green	Green	Green	Green	Green	Green	Yellow	Yellow

	Permitted (i.e. no permit required)
	Restricted (permit required)
	Prohibited (stock movement is not permitted)

Figure 2: Assess permit requirements.



Appendix 4

WAIKATO DISTRICT COUNCIL LIVESTOCK MOVEMENT POLICY

Policy Definition

This policy relates to the Livestock Movement Bylaw 2021. Refer to that document for definitions and interpretation.

1.0 Policy Objectives

- 1.1 To protect the safety of:
 - (a) road users;
 - (b) Persons moving the livestock;
 - (c) The livestock.
- 1.2 To protect structures and the surface of roads
- 1.3 To minimise inconvenience, nuisance and potential danger to all roads users; and
- 1.4 To respect the need for efficient farming operations without compromising safety on the road.
- 1.5 To eliminate the number of unsafe stock crossings in the district.

2.0 How we intend to achieve these objectives

- 2.1 Council intends to ensure that all stock crossings are safe and in appropriate locations. Where the locations and their sight distance are considered to be unacceptable they are to be replaced with underpasses. Requests for stock crossings will be evaluated against the operating procedures in Appendix 3 of the Livestock Movement Bylaw 2021. Consideration will be given to the following criteria:
 - (i) Road Hierarchy
 - (ii) Sight distance
 - (iii) Regularity of crossing
 - (iv) Compliance with permit conditions
- 2.2 Where a proposed Livestock Crossing location does not meet the required criteria then an alternative complying location must be used or an underpass constructed.
- 2.3 Livestock crossings that meet the criteria, and other livestock movements on district roads, will be required to meet strict safety standards by way of a written permit and will be monitored regularly for compliance with the permit conditions.

3.0 Subsidies

- 3.1 The Council will use the New Zealand Transport Agency subsidy rules as set out in the Planning, Programming & Funding Manual, for cost sharing for stock underpasses. At its discretion, and subject to the funding provisions of the Long Term Plan, the Council may contribute to the costs of construction of an underpass as shown in the following graph:

Cost sharing for stock underpasses or overpasses

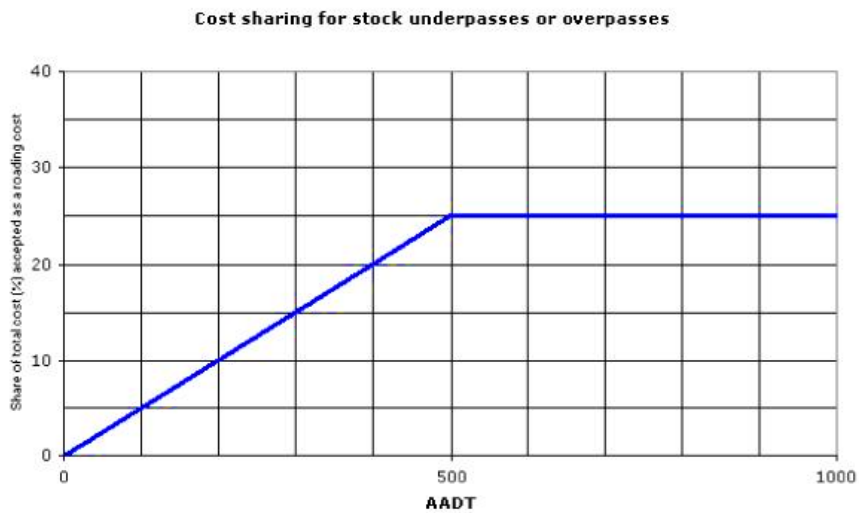


Figure 1

Formula for cost sharing for stock underpasses or overpasses

CS = $0.05 * \text{AADT}$ (on roads having less than 500 AADT) in percent

Where:

CS = 25 percent (on roads having greater than or equal to 500 AADT)

CS = Approved Organisations' or Transport Agency's (state highways)

contribution, including the Transport Agency's

funding assistance, to the total construction cost of

an access structure on an existing road (in percent)

AADT = average traffic volume per day

- 3.2 Subsidy relates to a standard sized underpass (4m x 2m), approaches and pumping facilities if required.
- 3.3 The cost of supply and installation of approved temporary warning signs and stock mats may be eligible for subsidy.

Waikato District Council

Proposed Livestock Movement Bylaw 2022.

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- (a) Ensure the safety of road users, persons moving livestock and the livestock; and
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Road	has the same meaning as contained in section 2 of the Land Transport Act 1998 and includes - a) a street; b) a motorway; c) a beach; d) a place to which the public have access, whether as of right or not; e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph d); and f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment. And excludes: a) culverts that are stock underpasses; and b) unformed Legal Roads on farmland.
Road user	means any motorist, cyclist, pedestrian or drover.
High Volume Sealed Rural Collectors	Road in rural areas more than 70km/h that have more than 1000 vehicles per day
Low Volume Sealed Rural Collectors	Sealed roads in rural area more than 70km/h that have less than 1000 vehicles per day
Traffic Management Plan	means a sketch plan or map or other approved document outlining the safety procedures/methods that the crossing manager appointed by the permit holder will use to ensure the safety of all road users whilst moving stock along or across the road.
Urban area	means any area where the posted speed limit is 70 kph or less, and includes main roads and local streets
Urban collectors	Road more than 70km/h in urban areas with more than 200 vehicles per day

5.0 COMPLETE RESTRICTION ON MOVEMENT OF LIVESTOCK

5.1 Except in accordance with Clauses 7, 8, 9 and 10 and Appendix 3, no person shall move any livestock along or across any public road:

- (a) Within an urban area; or
- (b) On any National, Regional, and Arterial road; or
- (c) On any other road, public reserve or public place that Council may restrict from time to time; or

- (d) Where the livestock may be lawfully and reasonably moved across private land owned or managed by the owner of the stock instead of across or along a road.

6.0 MOVEMENT OF LIVESTOCK ON ROADS PERMITTED IN CERTAIN CIRCUMSTANCES

6.1 Unless prohibited under Clause 5 of this Bylaw, the movement of livestock along or across an unsealed and rural roads road is permitted. This is subject to the following conditions:

- (a) Livestock shall not be moved during the hours of darkness (the hours of darkness being those hours between half an hour after sunset and half an hour before sunrise the next day)
- (b) There shall be, at all times, adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than 170 metres. Adequate warning shall comprise not less than 2 of the following warning mechanisms:
 - Amber flashing light and/or hazard lights on vehicles; or
 - Staff wearing 'Dayglo' safety vests; or
 - Staff using orange or red flags to warn traffic of stock on the road; or
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road); or
 - Two road cones, not less than 900mm high, at least 30m apart on each side of the crossing point (removed when stock are not on the road).
- (c) The livestock shall be moved in such a manner so as to ensure that their time on the road is minimised.
- (d) Persons moving livestock shall take all reasonable and practical steps to make way for or allow vehicles to pass through the stock;
- (e) Persons moving livestock shall remove excessive stock excrement from the road;
- (f) Persons moving livestock shall take all reasonable steps to avoid damage to the road, to any public amenities and to private property, and shall notify the owners of the public amenity or private property (which ever shall apply) of the damage and repair any damage so caused;
- (g) The movement of livestock along a road shall at all times be under the control of at least two competent persons, one maintaining a position in front of, and another maintaining a position behind the livestock.
- (h) ~~Livestock shall are not be~~ moved along or across the same section of:
 - i. An unsealed road no more than 6 days per week on average per year; or
 - ii. A rural road no more than 4 days per week on average per year;

6.2 The movement of livestock is permitted if it is for the purpose of returning livestock to a farm in the event of an animal escape or similar emergency.

7.0 LIVESTOCK CROSSING AND LIVESTOCK MOVING PERMITS

7.1 Two permits are available for moving livestock across or along roads:

- (a) Livestock Crossing Permit; and
- (b) Livestock Moving Permit

7.2 Livestock Crossing Permits and Livestock Moving Permits are required ~~required in accordance with~~ ~~for moving stock along or across Urban Connectors and Rural Connectors Roads~~ (Refer to Appendix 3-3).

- 7.3 In the event of safety concerns or non-compliance with Clause 6.1, 6.2 and 6.3, Council may, at the discretion of an Authorised Officer, require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads.
- 7.4 In emergency situations where livestock will have to be moved across or along a public road for a longer period of time, such as the collapse or flooding of an underpass, a temporary Livestock Crossing or Livestock Moving Permit may be issued for a restricted period of time. In this case, the crossing manager shall notify the Council within 24 hours with a description of the emergency situation and an estimation of the duration the temporary permit will be required.
- 7.5 Where any permit has been issued, the permit holder shall comply with all permit conditions at all times.
- 7.6 All permits issued by Council will be subject to specific minimum conditions. These conditions are contained in Appendix 2 of this Bylaw and will be listed on the reverse of the permit application forms. Council's Authorised Officer may impose any other conditions which are considered necessary for safety or performance requirements.
- 7.7 Where an existing permit has been issued and the property relevant to the permit has been transferred or leased to a different person (without modification to farm size or farming practices), the new owner may apply to the Council to have the permit assigned to them. Any such application must be in writing and must have the consent of the current permit holder. Any applications will be assessed against the requirements of this Bylaw.

8.0 LIVESTOCK CROSSING PERMIT

Applications

- 8.1 Any application for a Livestock Moving Permit must be received by Council at least 10 working days before the first intended movement of stock; and
- 8.2 New Livestock Crossing Permit applications will be evaluated against the criteria in Council's Livestock Crossing and Livestock Movement Permits (Appendix 2), the processes outlined in Council's Policy "[Stock Movement and Crossing Permits Policy](#)" (~~attached to this Bylaw as process flowchart~~, Appendix 3), ~~and~~ [Sight Distance Requirements \(Appendix 1\)](#), [and Livestock Movement Policy \(Appendix 4\)](#).
- 8.3 Subject to Clauses 8.2, a new permit will not be issued if the proposed crossing location does not meet the following criteria:
- (a) Road hierarchy;
 - (b) Frequency of use;
 - (c) Sight distance; or
 - (d) Any other criteria as specified in the Livestock Movement Policy
- 8.4 Council may issue a permit where the proposed crossing location does not meet the specified criteria if any of the following circumstances apply:
- (a) The proposed crossing is located on a no exit road, taking into consideration the views of the owners or occupiers of affected or neighbouring properties located on the part of the road above the crossing point and the blind end of the road: or
 - (b) The proposed crossing is located in the Aka Aka drainage district, where installation of an underpass is impractical or prohibitively expensive: or
 - (c) The proposed crossing is located on a Main Street or Local Street that has been identified as a restricted activity in Appendix 3, provided that the frequency of use, sight distance and other criteria are met.

Approvals

- 8.5 A Livestock Crossing Permit will be revoked if:
- (a) The Permit Holder has breached their permit conditions; or
 - (b) The Permit Holder has acted contrary to this Bylaw; or
- 8.6 If the livestock crossing permit is categorised as prohibited in accordance with Clause 5.1 and Appendix 3 of this Bylaw, Council may, at its discretion, issue a temporary permit in exceptional circumstances.

Any temporary permit will only be issued for a maximum period of 12 months and will not be renewed. After the expiry of that 12-month period, an underpass must be installed.

Renewals

- 8.7 Any renewal applications:
- (a) Must be received by Council at least 20 working days prior to the expiry date of the permit;
 - (b) Must include updated livestock crossing details; and
 - (c) Any applications will be assessed against the requirements of this bylaw, current traffic safety, and previous permit compliance

9.0 LIVESTOCK MOVING PERMIT

Applications

- 9.1 Any application for a Livestock Moving Permit must be:
- (a) Received by Council at least 10 working days before the first intended movement of stock; and
 - (b) Accompanied by a traffic management plan.
- 9.2 A traffic management plan which is to accompany any application for a Livestock Moving Permit must:
- (a) Detail all intended routes or journeys;
 - (b) Outline how the applicant proposes to meet the conditions in the Livestock Movement Policy (Appendix 4) on the application form;
 - (c) Be in accordance with the current New Zealand Transport Agency Code of Practice for Temporary Traffic Management.
- 9.3 New Livestock Moving Permit applications will be evaluated against the criteria in Council's Livestock Movement Permits (Appendix 2), the processes outlined in Council's Policy "Stock [Moving and Crossing Permits Policy](#)" (Appendix 3), ~~and~~ Sight Distance Requirements (Appendix 1) [and the Livestock Movement Policy \(Appendix 4\)](#).

Approvals and Renewals

- 9.4 Livestock Moving Permits will be issued for a period of between 1 to 5 years, depending on specific stock movement, traffic safety criteria and non-compliance with this Bylaw.
- 9.5 Any renewal application:
- (a) Must be received by Council at least 10 working days prior to the expiry date of the permit; and
 - (b) Must include any relevant updated livestock crossing details; and
 - (c) Will be evaluated in accordance with this Bylaw, previous permit compliance and current traffic safety.

10.0 DECLINING A PERMIT APPLICATION

- 10.1 If an application to issue or renew any permit is declined, the applicant shall be notified in writing with reasoning for decision.
- 10.2 A person who has received written notice that a permit application has been declined may, within 10 working days of receipt of the notice, lodge an objection in writing to the General Manager Service Delivery of the Council stating the grounds of their objection.
- 10.3 The objection shall be referred to a Sub-Committee consisting of the Chair of Council's Infrastructure Committee or their deputy; the Chair of Council's Policy and Regulatory Committee or their deputy, and the Mayor who shall consider the objection and make a decision on the matter.
- 10.4 The decision of the Sub-Committee appointed in Clause 10.3 shall be final.
- 10.5 The applicant shall be notified of the decision in writing no later than 10 working days after the Sub-Committee has determined the objection. The notification shall include reasons for the decision.

Extension Period

- 10.6 If Council decides to renew a permit, an extension period of 6 months from the date of the written notification of the Council's decision, will be granted to enable the permit holder to make alternative arrangements, after which time the permit shall be cancelled.
- 10.7 If a permit holder is unable to make alternative arrangements during the Extension Period outlined in Clause 10.6, they must notify Council, in writing and at least 10 working days prior to the expiration of the Extension Period, of the reasons why alternative arrangements could not be made.
- 10.8 Council may, at its discretion grant a further temporary Extension Period of 6 months

11.0 REVOKING OR SUSPENDING A PERMIT

- 11.1 Any Livestock Crossing Permit or Livestock Moving Permit may be revoked, suspended or reviewed if the General Manager Service Delivery or their equivalent is satisfied that:
- (a) The permit holder has failed to comply with any of the conditions of their permit; or
 - (b) The frequency of livestock crossing the road has increased beyond that authorised by the Livestock Crossing Permit, or
 - (c) The status or road hierarchy of the road over which the crossing or movement occurs has changed significantly from that prevailing when the permit was issued such that safety will be severely compromised if the crossing or movement continues, or
 - (d) Or other such relevant matters considered appropriate.

12.0 SAFETY ON ROADS

- 12.1 If, at any time when an authorised officer considers it necessary to close or restrict traffic flows on a road because of road works, flooding or an emergency, or other event, the authorised officer shall have discretionary power either to halt mobs in one place with a view to restricting their movement or to re-direct mobs along such other road or roads which under the circumstances are considered most appropriate.

13.0 DAMAGE TO ROADS AND ENVIRONMENT

- 13.1 Irrespective of whether permits have been issued, any person moving livestock along or across the road shall:

- (a) Take all reasonable precautions to ensure that livestock do not cause damage to the road, any public amenities or private property;
- (b) Be responsible for the costs of repairing any damage caused; and
- (c) Ensure excessive stock excrement or mud is removed from the road along which the livestock are being moved.

13.2 Council shall have the right to recover costs from any person moving livestock along or across a road where:

- (a) The movement of the livestock has caused damage to the road resulting in unscheduled maintenance or repair of the road reserve or road surface being required; or
- (b) Excessive stock excrement or mud is required to be removed from the road along which the livestock are being moved.

14.0 INSPECTION OF STOCK CROSSINGS AND ROADS

14.1 Council may choose to inspect stock crossings, roads and/or the environment for the purpose of:

- (a) Identifying if the Bylaw has been breached; or
- (b) Identifying if Livestock Crossing or Livestock Moving Permit Conditions are being met; or
- (c) Validating data contained in any Livestock Crossing or Livestock Moving permit applications.

14.2 The frequency of inspections will be at Council's discretion.

14.3 Based on inspections, Council may:

- (a) require a person to apply for a permit for Livestock Crossing and Livestock Movement on Rural Roads and Unsealed Roads; or
- (a) Decline, revoke or suspend permit applications
- (b)

~~14.0~~ 15.0

PERMITS AND FEES

~~14.1~~ 15.1 Council may charge a fee for the processing of any applications for permits and any such fee will be payable by the applicant.

~~14.2~~ 15.2 Should ongoing non-compliance relating to livestock movements require repeated visits by Council staff, Council may change an inspection fee payable by the holder of the permit (if applicable) or person responsible for the livestock movements.

~~14.3~~ 15.3 The amount of the fees will be set by the Council from time to time pursuant to section 150 of the Local Government Act 2002 and can be found in Council's Fees and Charges.

~~15.0~~ 16.0

OFFENCES AND PENALTIES

~~15.1~~ 16.1 Every person commits a breach of this bylaw who:

- (a) Commits, or causes, or permits to be committed, any act contrary to this Bylaw, or
- (b) Omits, or knowingly permits to remain undone, any act required by this Bylaw, or

- (c) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this Bylaw
- (d) Provides incorrect frequency of use or any other incorrect details in any application.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year)

The Common Seal of the Waikato District Council
Was hereto affixed in the presence of:-

Mayor

Chief Executive

Activity	Key Date	Council Resolution
Bylaw made		
Bylaw reviewed		
Next review date		

Appendix I

Sight Distance Requirements

Council will assess any livestock movement or livestock crossing permit applications against the requirements in Table I. 85th percentile means the speed at which 85% of the passing vehicles are either at or below.

Table I: Sight Distance Requirements

85th percentile operating speed, measured at the site (or if above not known, posted speed plus 10km/h)*	Minimum sight distance requirements (m)
50	89
60	113
70	140
80	170
90	203
100	240
110	282

Appendix 2 - Permits

Conditions for Livestock Crossing Permits

1. Entranceways, including additional adjacent shoulders, at points where stock cross the berm should be surfaced in an appropriate material such as brown rock or sand and be constructed to accommodate the regular movement of stock, to a standard that prevents damage to the road and avoids mud being tracked onto the crossing.
2. Any new entranceways shall be constructed to the minimum dimensions shown on standard drawing TSG-E3 and surfaced with brown rock or sand so that the mud is not tracked across the road. Plan TSG-E3 details Council's requirements for Rural/Residential entranceways and is available from any office of Council.
3. Temporary warning signs are required to be used when stock are crossing and all signage must be approved by Council. Council will arrange for the signs to be installed on behalf of the permit holder. A subsidy is available for approved signage. Correct use and maintenance of the signs is the responsibility of the permit holder.
4. An amber flashing light of at least 500 lumens is required at the crossing point and shall be operated continuously whilst livestock are crossing the road. Installation and operation of the light is the permit holders' responsibility. Road cones no less than 900mm high may also be used to warn traffic in areas of limited visibility.
5. The requirements of the Health and Safety at Work Act 2015 and its amendments shall be complied with at all times.
6. At least one competent adult (18 years of age or older) shall be present at all times while livestock are using the crossing.
7. Persons moving livestock across the road must take all reasonable and practical steps to allow vehicles to pass through the stock without undue delay.
8. The crossing manager shall take all due care to protect the road reserve and the road surface from any damage at the point where the stock cross the road. If necessary, Council may require the use of stock mats or other measures.
9. Excessive stock excrement must be removed from the road immediately following every crossing.
10. Council may recover from the permit holder any costs incurred to repair any damage caused or to remove excessive effluent from the road, as a direct result of the crossing manager failing to meet the requirements of Condition 8 and 9 above.
11. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
12. This permit is valid for up to 5 years from the date of issue unless indicated otherwise.
13. The permit holder shall advise the Council of any change of ownership or grant of lease of the land to which this permit relates.
14. The permit holder shall advise the Council of any significant change in farming practice that may impact on the ongoing relevance of this permit

Special Conditions

15. A stock mat is required to be used? Yes / No
16. Other requirements.....

Conditions for Livestock Moving Permits

1. Only the routes specified in this application and the associated traffic management plan are covered by this permit. No other route shall be used without prior approval by the authorised officer.
2. The stock manager and/or drover in charge shall be responsible for providing adequate warning for traffic. Traffic control shall be in accordance with the traffic management plan submitted with the application.
3. There shall be, at all times, adequate warning of the presence of livestock, both in front and behind, which must be clearly visible at a distance of no less than metres, (the distance to be determined in accordance with the speed environment).

Adequate warning shall comprise not less than 2 of the following warning mechanisms:

- Amber flashing lights of at least 500 lumens and/or hazard lights on vehicles; or
 - Staff wearing 'Dayglo' safety vests; or
 - Staff using orange or red flags to warn traffic of stock on the road; or
 - TW6 'Stock Crossing' signs (attached to a vehicle or closed when stock are not on the road)
4. The stock manager and/or drover shall ensure that due care is taken to protect the road reserve and the road surface from any damage whilst the stock are being driven along the road.
 5. Livestock shall not be moved during the hours of darkness. (The hours of darkness means those hours between half an hour after sunset and half an hour before sunrise the next day).
 6. Excessive stock excrement must be removed from the road immediately after stock has been moved.
 7. Council may recover from the permit holder, any costs incurred to repair any damage caused to, or to remove excessive effluent from, the road, as a direct result of the stock movements carried out under this permit.
 8. Other special conditions may be applicable to this permit and, where relevant, will be stated below.
 9. This permit is valid for years from the date of issue. (between 1-5).
 10. The permit holder shall advise the Council of any significant change in farming practice that may impact on their ongoing relevance of this permit.
 11. Distance stock are driven along a public road must not exceed 400m

Special Conditions

Appendix 3

STOCK MOVING AND CROSSINGS POLICY

Process for Evaluating New Permit Applications or Renewing Existing Permits

Introduction

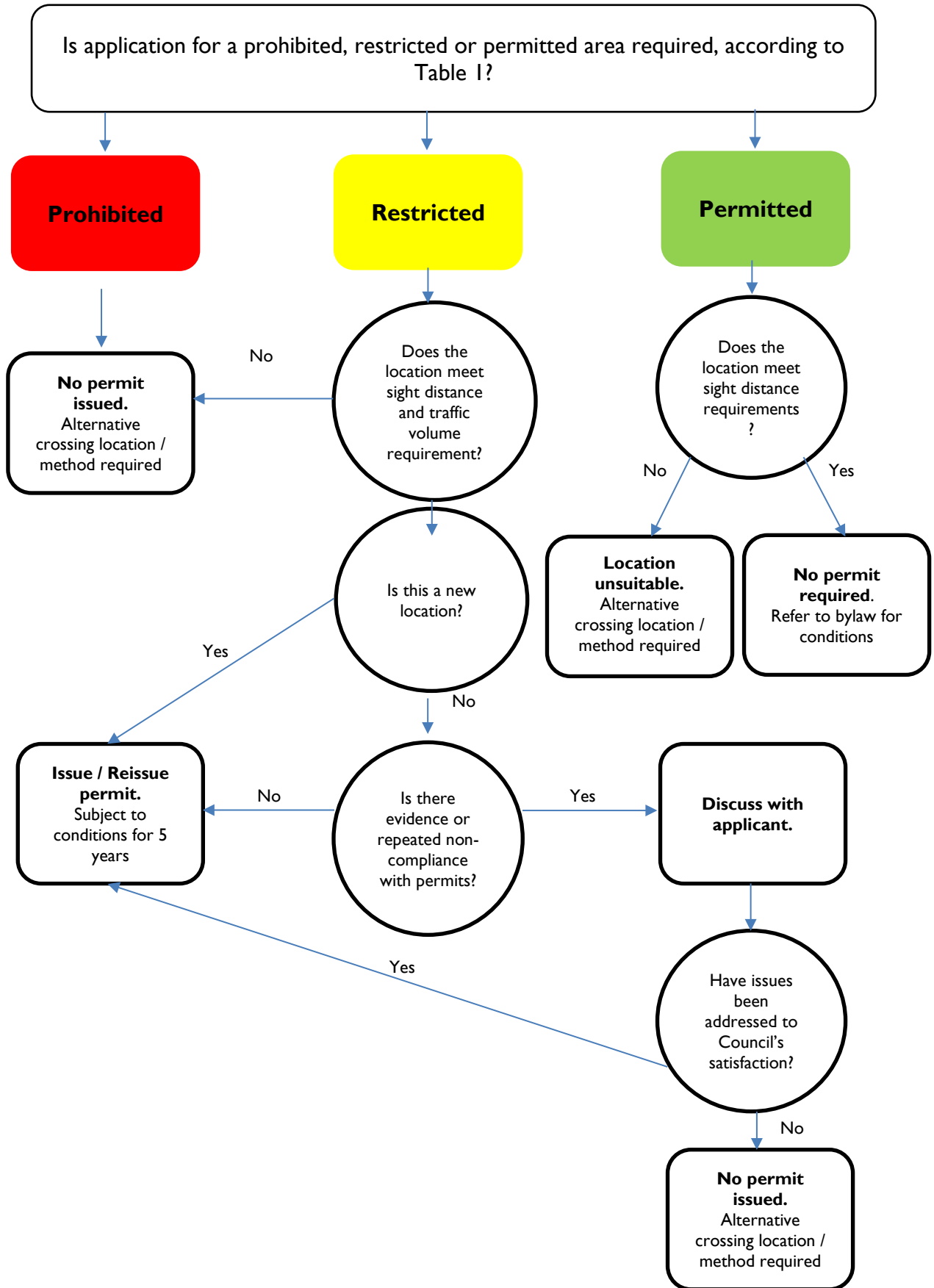
This policy is to be used to identify if a permit is required for stock moving along or across any road.

Table 1: Assessing permit applications requirements.

Road hierarchy	Description	Average number of days stock crossing / moving per week								
		<1	1	2	3	4	5	6	7	
Main Streets	Roads less than 70km/h – such as CBD and main roads through townships and villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Local Streets	Roads less than 70km/h residential streets in urban areas/ townships/ villages	Red	Red	Red	Red	Red	Red	Red	Red	Red
Urban Collectors	Roads above 70km/h - main roads outskirts of urban areas/ townships/ villages) with more than 200 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
High Volume Sealed Rural Collectors	Roads in rural areas above 70km/h that have more than 1000 vehicles per day	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red
Low Volume Sealed Rural Collectors	Roads more than 70km/h in rural areas that have less than 1000 vehicles per day	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red
Sealed Rural Roads >70km/h	Roads less than 70km/h and less than 200 vehicles per day)	Green	Green	Green	Green	Green	Yellow	Yellow	Red	Red
Unsealed Roads		Green	Green	Green	Green	Green	Green	Green	Yellow	Yellow

	Permitted (i.e. no permit required)
	Restricted (permit required)
	Prohibited (stock movement is not permitted)

Figure 2: Assess permit requirements.



Appendix 4

WAIKATO DISTRICT COUNCIL

LIVESTOCK MOVEMENT POLICY

Policy Definition

This policy relates to the Livestock Movement Bylaw 2021. Refer to that document for definitions and interpretation.

1.0 Policy Objectives

- 1.1 To protect the safety of:
 - (a) road users;
 - (b) Persons moving the livestock;
 - (c) The livestock.
- 1.2 To protect structures and the surface of roads
- 1.3 To minimise inconvenience, nuisance and potential danger to all roads users; and
- 1.4 To respect the need for efficient farming operations without compromising safety on the road.
- 1.5 To eliminate the number of unsafe stock crossings in the district.

2.0 How we intend to achieve these objectives

- 2.1 Council intends to ensure that all stock crossings are safe and in appropriate locations. Where the locations and their sight distance are considered to be unacceptable they are to be replaced with underpasses. Requests for stock crossings will be evaluated against the operating procedures in Appendix 3 of the Livestock Movement Bylaw 2021. Consideration will be given to the following criteria:
 - (i) Road Hierarchy
 - (ii) Sight distance
 - (iii) Regularity of crossing
 - (iv) Compliance with permit conditions
- 2.2 Where a proposed Livestock Crossing location does not meet the required criteria then an alternative complying location must be used or an underpass constructed.
- 2.3 Livestock crossings that meet the criteria, and other livestock movements on district roads, will be required to meet strict safety standards by way of a written permit and will be monitored regularly for compliance with the permit conditions.

3.0 Subsidies

- 3.1 The Council will use the New Zealand Transport Agency subsidy rules as set out in the Planning, Programming & Funding Manual, for cost sharing for stock underpasses. At its discretion, and subject to the funding provisions of the Long Term Plan, the Council may contribute to the costs of construction of an underpass as shown in the following graph:

Cost sharing for stock underpasses or overpasses

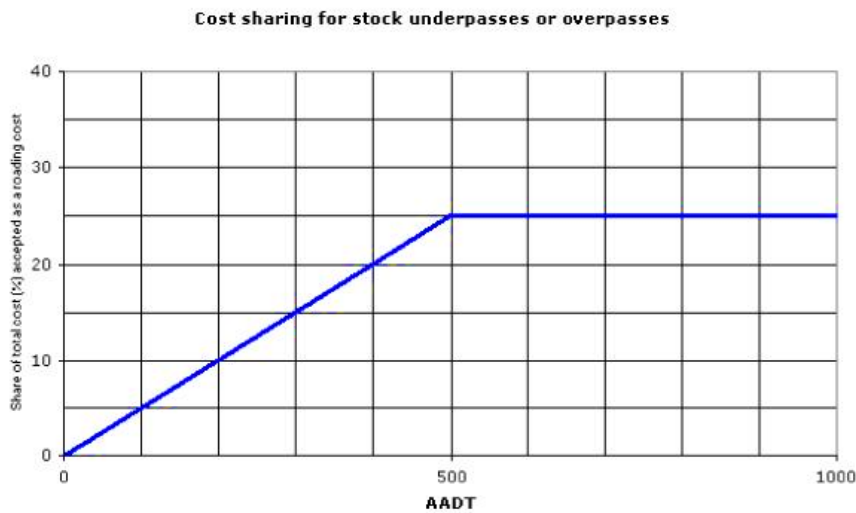


Figure 1

Formula for cost sharing for stock underpasses or overpasses

CS = $0.05 * \text{AADT}$ (on roads having less than 500 AADT) in percent

Where:

CS = 25 percent (on roads having greater than or equal to 500 AADT)

CS = Approved Organisations' or Transport Agency's (state highways)

contribution, including the Transport Agency's

funding assistance, to the total construction cost of

an access structure on an existing road (in percent)

AAADT = average traffic volume per day

3.2 Subsidy relates to a standard sized underpass (4m x 2m), approaches and pumping facilities if required.

3.3 The cost of supply and installation of approved temporary warning signs and stock mats may be eligible for subsidy.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	23 August 2021
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2021/2022 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things of strategic importance.

The Plan is in line with the Chief Executive's Performance Agreement which was updated in June 2021 in preparation for the new financial year.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved through workshops and the meeting of the Chief Executive Performance Review Committee in June 2021.

5. CONSIDERATION

5.1 FINANCIAL

Financial implications of items specified in the schedule attached to this report will be dealt with in other reporting processes.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement. The underpinning criteria is the council vision of "liveable, thriving and connected communities"

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council through our Joint Management Agreements and projects such as Raglan Wastewater Consent renewal process.

Iwi have been engaging in the waters management project and with Council and central government through Future Proof.

The list has been updated in line with the Chief Executive's Performance Agreement which was updated in June 2021.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information only.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi
	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet

Chief Executive's KPIs – 2021/2022

Overarching Council Vision: “Liveable, Thriving and Connected Communities”

Staff & Wellbeing Vision: “Work Safe, Home Safe”

Key project/priority	Key deliverables/KPIs		Progress		Final Achievement Met/Not Met
1. Delivery and achievement of LTP year 1 (covers normal business activities, financial and non-financial performance measures and the delivery of the annual work programme)	1.1	The 2021/2022 LTP Year 1 is delivered within the agreed budget, and in accordance with variations approved by Council. Provide regular updates to the Strategy & Finance Committee on progress.		The LTP was formally approved on 28 June. Pre-planning of parts of the capital works programme has already been undertaken.	
	1.2	<p>Capital Works</p> <p>a) Increasing the delivery of capital works with greater priority and focus being given to social/community related projects (e.g. agreed blueprint projects, parks, reserves, playground, public toilets).</p> <p>b) Explore how social procurement principles could be incorporated into the delivery of projects in future years, and report back on this by 31 December.</p>		<p>a) Pre-planning of parts of the capital works programme has already been undertaken.</p> <p>b) Some work has commenced on social procurement with a view to principles being incorporated into future years.</p>	
	1.3	Provide evidence (tangible examples) of alignment between the implementation of Council's work plan and the Council vision of Liveable, Thriving and Connected Communities.		<p>The LTP incorporates key elements of the vision such as blueprint projects.</p> <p>Codesign projects such as the Innovative Streets projects in Raglan and Te Kauwhata are now complete and at the stage of seeking public feedback over the next six months.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	1.4	Ensure the financial sustainability of Council, including staying within banking covenants and treasury policies.	There are currently no financial sustainability issues.	
2. To deliver the 2022-2023 Draft Annual Plan	2.1	The 2022-2023 Draft Annual Plan is complete by 30 June 2022.	Work on this has not commenced yet.	
3. Facilitate a Council position on the Future of Local Government.	3.1	<p>a) A strategy paper on the Future of Local Government is prepared by 31 August and Council is fully briefed on the implications.</p> <p>b) In line with the strategy position paper, provide an update on organisational preparedness and any associated repurposing requirements, along with what changes would be required to future proof the Council by 31 October</p>	<p>a) Some preliminary work has commenced and a workshop has been held with councillors on this thought piece.</p> <p>b) Following completion of the strategy paper, thinking will shift to the impact on our workforce.</p>	
4. Strategic Management & Delivery (key projects and priorities includes regional and national matters)	4.1	Hamilton to Auckland Corridor - At each performance review, demonstrate the role that the Chief Executive has played in advancing the opportunities for the Waikato District in relation to the Hamilton to Auckland Corridor e.g. objective feedback, tangible progress.	Work continues on the Housing and Business Futureproof Assessment and alignment with our Waikato 2070 Growth Strategy.	
	4.2	Play an active role in Local Government Reform of 3 Waters seeking opportunities to build on the investment	The Waters Governance Board remain connected to this work.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
		Council has already made.	<p>We are a participant in the Entity B cluster at a staff level and have been working with a group of Mayors around the case for change in the specified area.</p> <p>A workshop, report and briefing are being planned for Councillors during September. This is to provide feedback on the suggested way forward by central government. This is not a decision point.</p>	
	4.3	<p>By 30 June:</p> <p>a) Advance Phase 2 of the Solid Waste Review to enable the Ultimate Service State and associated strategy and action plan.</p> <p>b) To provide alternative arrangements/facilities for inorganic waste management in the community.</p>	<p>a) The work on the Solid Waste Review is progressing.</p> <p>b) The LTP budget provides for progress on this project.</p>	
5. Partnerships and Relationships (includes relationships with central government, Waka Kotahi, Iwi and the Waikato District Alliance)	5.1	<p>a) Provide evidence of initiatives, collaboration and engagement with Iwi, including the key outcomes achieved.</p> <p>b) Demonstrate progress on delivering the Waikato-Tainui JMA workplan.</p>	<p>a) Staff are working with Department of Conservation, mana whenua and Waikato-Tainui regarding the return of Te Paina to Iwi.</p> <p>b) The staff of the two organisations are working together to update progress.</p>	
	5.2	Waka Kotahi – Provide regular updates on how the relationship with Waka Kotahi is developing, with particular emphasis on the benefits to Waikato District.	The Chief Executive has engaged on several occasions with the Regional Partnerships Manager.	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
	5.3	Waikato District Alliance – Undertake an efficiency and quality review of the Alliance arrangement with recommendations for improvements by 31 December.	Some initial planning on how to undertake this review has begun.	
	5.4	Central Government – Provide evidence at each performance review of the impact the Chief Executive has made in building relationships with central government that are related to Council's future strategies and delivery aspirations.	<p>Engagement with Kainga Ora and Ministry of Housing and Urban Development is happening more regularly. This is aimed at assisting progress with planned growth.</p> <p>The Chief Executive was also involved in the Waikato Housing Initiative discussion with Minister Megan Woods about a housing programme for the Waikato region.</p>	
6. Staff and Culture (including leadership, engagement and retention)	6.1	Outline what initiatives have been undertaken to strengthen the internal culture and leadership of the organisation, and provide supporting information on the impact of these initiatives.	<p>A new Pay, Performance and Recognition strategy has been developed in conjunction with staff.</p> <p>The Takitaki leadership programme to develop 25 of our leaders has recommenced (delayed by the impacts of Covid-19).</p> <p>Staff and People Leaders have undertaken training and coaching.</p> <p>A group of 30 Change Agents have been appointed to support our on-going change journey to deliver the Council vision.</p>	
	6.2	Demonstrate progress in relation to how diversity and inclusion is being embraced by the organisation. This includes how the opportunity is developing, is being kept alive by	<p>The celebration of Matariki within the organisation and through our libraries are examples.</p> <p>Work is also planned to promote Maaori language week.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
		behaviours and practices and broadening the perspective of staff.	Te Reo and Te Tiriti o Waitangi classes are starting soon.	
7. Zero Harm (Work Safe, Home Safe)	7.1	Lead initiatives that clearly demonstrate progress towards safety leadership in the way the organisation operates.	A recent review of our solid waste contract documentation has pushed a safety leadership rather than compliance lens.	
	7.2	Complete the Strategic Plan work for 2021/2022 by 30 June 2022.	The Plan has been set and work is underway to deliver the various initiatives.	
8. Climate Action	8.1	<p>Give effect to the goals identified in the Climate Action Plan this financial year and provide updates on progress.</p> <p>a) Report to the Strategy and Finance Committee about actions to be undertaken under the Climate Action Plan by 30 September.</p> <p>b) Provide regular updates on progress with the scheduled actions.</p>	<p>a) Work has commenced on the planned actions for this year building on the initiatives identified in the Climate Action Plan.</p> <p>b) Once the annual work plan has been finalised, updates on progress will be provided.</p>	

Footnote:

1. The Chief Executive has agreed to deliver KPIs, subject to any changes due to Council's change of direction on any of the KPIs, in which case such changes would be taken into account. Delivery will also be subject to factors within the control of the Chief Executive e.g. a delay in receiving materials for capital works due to Covid-19 would be outside the control of the Chief Executive.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	23 August 2021
Prepared by	Lynette Wainwright Democracy Advisor
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Exclusion of the Public

I. RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX 1 – Receipt of Minutes	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 1 Receipt of Minutes		Refer to the previous Public Excluded reason in the agenda for this meeting.