

Agenda for the meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 9 JUNE 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

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Cr Jan Sedgwick
<b>Deputy Chairperson:</b>	Cr Noel Smith
<b>Membership:</b>	The Mayor, all Councillors and Mrs Maxine Moana-Tuwahangi (Maangai Maaori)
<b>Meeting frequency:</b>	Six-weekly
<b>Quorum:</b>	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 Committee<sup>1</sup>, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

<sup>1</sup> 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.

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**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	27 May 2021
<b>Prepared by</b>	Lynette Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Confirmation of Minutes

**1. EXECUTIVE SUMMARY**

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To confirm the minutes of the meeting of the Policy & Regulatory Committee held on Wednesday, 28 April 2021.

**2. RECOMMENDATION**

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**THAT the minutes of the meeting of the Policy & Regulatory Committee held on Wednesday, 28 April 2021 be confirmed as a true and correct record.**

**3. ATTACHMENTS**

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P&R Minutes – 28 April 2021

Minutes of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 28 APRIL 2021** commencing at **9.30am**.

**Present:**

Cr JD Sedgwick (Chairperson)  
His Worship the Mayor, Mr AM Sanson  
Cr AD Bech  
Cr C Eyre  
Cr JM Gibb  
Cr SL Henderson  
Cr SD Lynch  
Cr RC McGuire  
Cr FM McNally  
Ms M Moana-Tuwhangai  
Cr NMD Smith  
Cr LR Thomson  
Cr CT Woolerton [*from 9.36am*]

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr T Whittaker (Chief Operating Officer)  
Mrs S O’Gorman (General Manager Customer Support)  
Ms A Diaz (Chief Financial Officer)  
Ms AM D’Aubert (Consents Manager)  
Ms H Beaven (Corporate Planning Team Leader)  
Ms B Clarke (Junior Corporate Planner)  
Ms J Bell-Wymer (Corporate Planner)  
Mrs LM Wainwright (Committee Secretary)

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Cr Gibb/Ms Moana-Tuwhangai)**

**THAT apologies be received from Cr Patterson and Cr Church.**

**CARRIED**

**P&R2104/01**

It was noted that Cr Patterson was at the Final H2A Start-up meeting as Council’s representative.

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

**Resolved: (Crs Henderson/Lynch)**

**THAT the agenda for a meeting of the Policy & Regulatory Committee held on Wednesday, 28 April 2021 be confirmed;**

**AND THAT all reports be received;**

**AND FURTHER THAT Council resolves that the following item be added to the agenda as a matter of urgency as advised by the Chief Executive:**

- **Late Item - Local Government NZ Conference – July 2021.**

**CARRIED**

**P&R2104/02**

**DISCLOSURES OF INTEREST**

Cr Sedgwick advised members of the Committee that she would declare a non financial conflict of interest in the late item [*Local Government NZ Conference – July 2021*].

**CONFIRMATION OF MINUTES**

**Resolved: (Crs Thomson/Gibb)**

**THAT the minutes of a meeting of the Policy & Regulatory Committee held on Wednesday, 17 March 2021 be confirmed as a true and correct record of that meeting.**

**CARRIED**

**P&R2104/03**

**ACTIONS REGISTER - APRIL**

Agenda Item 5

The report was received [*P&R2104/02 refers*]. No discussion was held.

**REPORTS****Update on the Policy & Review Programme – April 2021**  
Agenda Item 6.1

The report was received [P&R2104/02 refers]. The Junior Corporate Planner summarised the report and noted as follows:

- A workshop would be held on Monday, 3 May 2021 on the Dog Control Bylaw Policy Review.
- Central government were undertaking a review on Freedom Camping. Staff were preparing a submission to this review. The current Freedom Camping bylaw would be reviewed in October 2023.

Cr Woolerton entered the meeting at 9.36am during discussion on the above item.

**Approval to Revoke Control of Coastal Erosion on Council Reserves**  
Agenda Item 6.2

The report was received [P&R2104/02 refers]. The Corporate Planning Team Leader summarised the report. No discussion was held.

**Resolved: (Crs Smith/Woolerton)**

**THAT the Policy and Regulatory Committee recommends to Council that the Control of Coastal Erosion on Council Reserves Policy 1997 be revoked with immediate effect.**

**CARRIED**

**P&R2104/04**



Procurement Policy  
Agenda Item 6.3

The report was received [P&R2104/02 refers]. The Chief Financial Officer summarised the report and noted as follows:

- Aim of the policy is to be aligned with the Waikato LASS regional framework.
- Paragraph 2 – Objectives.

**ACTION:** Paragraph 2.1 To provide .....”elected members”, to be amended to read: To provide .....”community board members”.

- JMA procurement does not presently sit in this policy document.
- Preferred supplier list for projects over \$500,000. Suppliers must meet the criteria to carry out projects.
- Pre approved versus preferred suppliers. Staff had embraced pre procurement planning.

**ACTION:** Paragraph 6.4 to reference approval by the CFO and Chief Executive as outlined in paragraph 6.7 of the Procurement Policy – April 2021.

**Resolved: (Crs Gibb/McInally)**

**THAT the Policy & Regulatory Committee recommends that the Council adopts the updated Procurement Policy.**

**CARRIED**

**P&R2104/05**

Local Government NZ Conference – July 2021

Late Agenda Item

Councillor Sedgwick vacated the Chair owing to declaring a conflict of interest and did not taken part in discussion or voting. Cr Smith assumed the Chair for this item.

Councillors Bech and Woolerton declared a conflict of interest at the time of considering this item, and did not take part in discussion or voting.

**Resolved: (Crs Lynch/Henderson)**

**THAT Waikato District Council appoint the following elected representatives to attend the LGNZ conference and Excellence Awards for 2021 in Blenheim from Thursday, 15 July to Saturday, 17 July 2021:**

**His Worship the Mayor – Allan Sanson  
Deputy Mayor – Councillor Aksel Bech  
Councillor Jan Sedgwick  
Councillor Chris Woolerton**

**AND THAT His Worship the Mayor – Allan Sanson is appointed as the presiding delegate at the Local Government New Zealand Annual General Meeting on 17 July 2021;**

**AND FURTHER THAT the Deputy Mayor – Councillor Aksel Bech is appointed as the alternate delegate at the Local Government New Zealand Annual General Meeting on 17 July 2021;**

**AND FURTHER THAT Council consider if there are any proposed remits for consideration at the Local Government New Zealand Annual General Meeting.**

**CARRIED**

**P&R2104/06**

Councillor Smith vacated the Chair following discussion and voting on the above item.

Councillor Sedgwick resumed the Chair for the remainder of the meeting.

Chief Executive's Business Plan

## Agenda Item 6.4

The report was received [P&R2104/02 refers]. The report was taken as read and the following points were raised:

- Building of the Whatawhata community facility – feedback had been received that the budget had been overrun by \$500,000.
- Climate Action – concern was raised on diesel utes as a significant greenhouse emitter.

**ACTION:** Service Delivery staff to hold a discussion with Cr Woolerton on diesel utes as a significant greenhouse emitter.

EXCLUSION OF THE PUBLIC

## Agenda Item 7

**Resolved: (Crs Thomson/Gibb)**

**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
Item number 1 Kainga Ora Regulatory Functions	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)



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**Open Meeting**

<b>To</b>	Policy and Regulatory Committee
<b>From</b>	Sue O’Gorman General Manager Customer Support
<b>Date</b>	May 27 2021
<b>Prepared by</b>	Evonne Miller PA General Manager Customer Support
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Actions Register – June 2021

## **1. EXECUTIVE SUMMARY**

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

## **2. RECOMMENDATION**

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

## **3. ATTACHMENTS**

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Actions Register June 2021

	Action	Responsible to Action	Status/Update/Response
1.	<p><u>Procurement Policy</u></p> <p>Paragraph 2.1 To provide....."elected members" to be amended to read To provide....."community board members".</p> <p>Paragraph 6.4 to reference approval by the CFO and the Chief Executive as outlined in paragraph 6.7 of the Procurement Policy – April 2021.</p>	Alison Diaz	<p>Paragraph 2.1 - amended. Reference to elected members is retained but supplemented with "(community boards)". The ward councillor is appointed to the CB and can make procurement decisions in that capacity.</p> <p>Paragraph 6.4 - approval referenced.</p>
2.	<p><u>Chief Executive Business Plan</u></p> <p>Service Delivery staff to hold a discussion with Cr Woolerton on diesel utes as a significant greenhouse emitter.</p>	Neil Hancock	<p>Discussion held with Cr. Woolerton, there are no options to replace our diesel Utes at the moment, unlike the SUV's and Sedan's in our fleet that have hybrid and EV options. Currently we have a three-year rotation on our fleet which means we are always using the most fuel efficient and safest vehicles.</p> <p>I have been working with the WLASS team and we are all looking for the best options to try and work towards the government's 2025 goal.</p>

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### **Open Meeting**

<b>To</b>	Policy and Regulatory Committee
<b>From</b>	Clive Morgan General Manager Community Growth
<b>Date</b>	24 May 2021
<b>Prepared by</b>	Bessie Clarke Junior Corporate Planner
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318 / 3094301
<b>Report Title</b>	Update on Policy and Bylaw Review Programme – June 2021

## **1. EXECUTIVE SUMMARY**

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

## **2. RECOMMENDATION**

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

## **3. BACKGROUND**

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### **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 April (details provided in attachments):

- Keeping of Animals Bylaw 2015 – The amended Keeping of Animals Bylaw 2015 was adopted by Council on 17 May 2021.
- Livestock Movement Bylaw 2011 and related policies – Staff and Councillors have been meeting with Federated Farmers to refine and develop the draft bylaw. The draft bylaw is now with Council's Legal team for their review. Once this is complete, a workshop

with Council in July will be scheduled to gather feedback. A six-week consultation period is planned from October 2021.

- Development Contributions Policy 2018 – Consultation on this policy occurred concurrently with consultation on Council’s 2021-31 Long Term Plan, from 7 April to 7 May 2021. Seven submissions were made on the policy and staff have prepared material for the upcoming hearing.
- Dog Control Bylaw 2015 and Dog Control Policy 2015 – An amended version of Council’s Dog Control Bylaw was presented at a workshop on 3 May 2021. Another workshop is scheduled for 16 June 2021. This workshop will focus on Council’s Dog Control Policy. The amended version of the bylaw incorporating feedback from the previous workshop will also be presented.
- Water Supply Bylaw 2014, proposed Stormwater Bylaw and proposed Water Leak Relief Policy – Staff are seeking Council’s approval to consult on these at the Policy and Regulatory Committee on 9 June 2021.
- Trade Waste Agreements Policy 2007, Water Rates Discontinuing Supply Policy 2009 and Trade Waste Bylaw Charging Policy 2010 – These policies have been reviewed alongside the Water Supply Bylaw 2014 and staff are recommending revocation. A report will be presented to the October Policy and Regulatory Committee, alongside the new water supply bylaws, with further information.
- Risk Management Policy 2018 – This policy has been reviewed by the relevant staff and is scheduled to go to the Audit and Risk Meeting in June, prior to being adopted by Council, via the Policy and Regulatory Committee.
- Climate Change Response and Resilience Policy – This policy was originally scheduled for review after six months, ie March 2021, but has been deferred until November 2021 to:
  - Allow for progress on collaborative climate change work with peer Councils, including Hamilton City Council and some Local Authority Shared Services members.
  - Facilitate recruitment of a role that will be responsible for the Climate Resilience programme and the progression and maintenance of the policy.

Staff are proposing to delay the review of Council’s Gambling Venues Policy 2018 until the end of 2021 due to staff resourcing constraints. This policy is due for review by October 2021, however the policy is unable to lapse under the Gambling Act 2003 and Racing Act 2003.

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.



## 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.

Subject to LTP approval, a two-year, fixed-term Policy Advisor role will be appointed within the Corporate Planning team to assist with the backlog of policy reviews.

## 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 expire automatically two years after the date on which it should have been reviewed by. It is generally 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

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1. Register of Bylaws June 2021
2. Register of External Policies June 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**  
(as of June 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 April 2021	Comments	Related Legislation
<b>Water Supply Bylaw 2014</b>	current	2	Oct-19	Oct-21	May-21	Jun-21	Sep-21	Staff are seeking Council's approval to consult on the proposed Water Supply Bylaw 2014 at the Policy and Regulatory Committee on 9 June 2021.	Review to occur concurrently with proposed Stormwater Bylaw.	Health Act 1956
<b>Livestock Movement Bylaw (new)</b>	new	1	Jul-17	Jul-19	Jul-21	Oct-21	Mar-22	Staff and Councillors have been meeting with Federated Farmers to refine and develop the draft bylaw. This step is complete, and the draft bylaw is currently with legal for their review. Following this, a workshop with Council in July will be scheduled to obtain feedback on the draft bylaw. A six-week consultation period is planned from October 2021.	The Livestock Movement Policy and the Stock Underpass Policy is also planned to be being reviewed concurrently with the bylaw.	Land Transport Act 1998

## Register of Bylaws

Updated: 2 April 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 April 2021	Comments	Related Legislation
<b>Speed Limit Bylaw 2011</b>	expired	3	Jun-16	n/a	Sep-21	Oct-21	Mar-22	<p>This bylaw has expired but is still enforceable. Staff have been advised that New Zealand Transport Agency are looking into taking on speed bylaw functions, which would make this bylaw defunct. As such, a full bylaw review at this point is not recommended.</p> <p>The change to the bylaw schedule is planned for the second half of 2021. It is expected this review will look at speed limits in residential areas. Transport staff plan to bring a pre-notification report to Policy and Regulatory in July 2021.</p>	Section 6 of the Land Transport (Speed Limits Validation and Other Matters) Act 2015 validates the Speed Limits Bylaw ie: this bylaw can expire but cannot lapse	Land Transport Act 2015
<b>Dog Control Bylaw 2015</b>	Reached start of 2 year grace period	4	May-20	May-22	Sept-21	Sept-21	Nov-21	<p>Council workshop was held on the 3 May 2021 to seek direction from Council regarding the bylaw.</p> <p>A second workshop is scheduled for June which will focus on the Dog Control Policy. A revised version of the bylaw incorporating feedback from the previous workshop will also be presented.</p> <p>Note the review timeframes have been amended slightly in response to scheduling of workshops.</p>	Dog Control Policy must be reviewed at the same time (s.10AA Dog Control Act).	Dog Control Act 1996
<b>Freedom Camping Bylaw 2016</b>	current	5	Oct-21	Oct-23	Sept-21	Oct-21	Feb-22	<p>Work has not yet started on this bylaw review.</p> <p>Awaiting direction following MBIE's consultation regarding 'Supporting Sustainable Freedom Camping Aotearoa New Zealand.'</p>		Freedom Camping Act 2011

## Register of Bylaws

Updated: 2 April 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 April 2021	Comments	Related Legislation
<b>Public Places Bylaw 2016</b>	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
<b>Cemeteries Bylaw 2016</b>	current	9	Jul-21	Jul-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Burial and Cremation Act 1964
<b>Reserves and Beaches Bylaw 2016</b>	current	10	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Reserves Act 1977
<b>Trade Waste and Wastewater Bylaw 2016</b>	current	11	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.		Health Act 1956
<b>Solid Waste Bylaw (new)</b>	new	-	-	-	Sept-21	Oct-21	-Nov-21	Staff from Waste have requested this bylaw development is commenced this year. This work will begin mid-2021, with an initial workshop scheduled with Council in June 2021. The purpose of this bylaw is to promote and deliver effective and efficient waste management and minimisation. It is one of the activities that was agreed to and signed off on, through Council's Waste Minimisation Management Plan.		

## Register of Bylaws

Updated: 2 April 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 April 2021	Comments	Related Legislation
<b>Stormwater Bylaw (new)</b>	new	NA	-	-	May -21	Jun-21	Sep-21	Staff are seeking Council's approval to consult on the proposed new Stormwater Bylaw at the Policy and Regulatory Committee on 9 June 2021.	Review to occur concurrently with Water Supply Bylaw.	Health Act 1956
<b>Alcohol Control Bylaw 2020</b>	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
<b>Keeping of Animals Bylaw 2015</b>			May-31	May-33	TBC	TBC	TBC	The amended Keeping of Animals Bylaw 2015 was adopted by Council on 17 May 2021.		Health Act 1956

## Register of External Policies

(as of June 2021)

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Licences – grazing policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1990	Jan 1993	N/A		REVIEW	
Road Reserves – Services			Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW	
Street Lighting and other security/amenity lighting		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW	
Halls and community centres policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	N/A		REVIEW	
Stock Underpasses – Financial Assistance		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	N/A		REVIEW	
Town Halls – Administration		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2004	Jan 2007	N/A		REVIEW	
Lead Developer Fund (Water/Wastewater)		WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2005	Jan 2008	N/A		REVIEW	
Reserves – Committees of Management Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	N/A		REVIEW	
Rural Halls (Operation and Election of Hall Committees)			Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2005	Jan 2008	N/A		REVIEW	
Conversion of overhead to underground services		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW	
Trade Waste Agreements		FDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2007	Jan 2010	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	REVIEW	
Water rates - discontinuing supply		FDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2009	Jan 2011	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.	REVIEW	
Community Water Fluoridation Policy		WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Jan 2012	Jan 2015	N/A		REVIEW	

## Register of External Policies

(as of June 2021)

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Vehicle Crossings	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	N/A		REVIEW		
Reserve Contributions & Conservation Covenants	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1998	Jan 2001	N/A		REVIEW		
Control of Business Advertising Signs/Displays in public places	FDC	Customer Support	Roger MacCulloch (General Manager Service Delivery)	Jan 1998	Jan 2002	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	N/A	Review with Plaques Memorials and Monuments Policy	REVIEW		
Rating for services		Finance	Alison Diaz (Chief Finance Officer)	Jan 2005	Jan 2008	N/A	Review all rating policies together	REVIEW		
Stock Underpass Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2006	Dec 2009	N/A	Being reviewed with the Livestock Movement Bylaw currently underway	REVIEW		
Bus Shelter - Public and Private	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW		
Fencing - Council Reserves Land	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW		
Non-Standard Road Name Signs and Entrance Structures	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Not stated	Not stated	N/A		REVIEW		
Cellular Network Site Policy	FDC	Customer Support	Roger MacCulloch (General Manager Service Delivery)	Jan 2008	Jan 2011	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.	REVOKE		
Footpath prioritisation	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2011	N/A		REVIEW		
Funding for road closures for community events	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	Jan 2011	N/A		REVIEW		
Rating Rural Community Centre Areas	FDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2009	Jan 2012	N/A	Review all rating policies together	REVIEW		
Relocatable Home Parks & Camping Grounds Policy	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW		

## Register of External Policies

(as of June 2021)

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
Roadside weedspraying – no spray zones		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Rural road lighting prioritisation		WDD	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Vehicle Entrance Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	N/A		REVIEW	
Application of Interest to Council Reserves Policy		WDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	N/A		REVIEW	
Leases to Individuals and Commercial Organisations Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A	This will be merged into General 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	N/A		REVIEW	
Property Management		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A		REVIEW	
Trade Waste Bylaw Charging Policy		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	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.	REVIEW	
Livestock Movement Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2011	Jan 2014	N/A	Policy is being reviewed with the Livestock Movement Bylaw currently underway	REVIEW	
Road Closure for Motor Sport Events Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2012	Mar 2015	N/A	To be reviewed in Jan 2021. Review still pending	REVIEW	
Refuse Collection and Disposal		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2014	Jan 2017	N/A		REVIEW	
Appointing Directors and Trustees to Council Controlled Organisations Policy		WDC	Governance	Chief Executive	Feb 2014	Feb 2017	N/A		REVIEW	
Heritage Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2014	Apr 2017	N/A	Review has been delayed for Heritage Strategy to progress to provide a direction.	REVIEW	
Easements Policy		WDC	Service Delivery	Roger MacCulloch (General)	Dec 2014	Dec 2017	N/A		REVIEW	



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(as of June 2021)

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
				Manager Service Delivery)						
Dog Control Policy		WDC	Customer Support	Tracey Oakes (Animal Control Team Leader)	Apr 2015	With Dog Control Bylaw	Dog Control Act 1996	Currently being reviewed alongside Dog Control Bylaw. Workshop scheduled for June 2021.	REVIEW	
District Tree Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Apr 2015	Apr 2018	N/A		REVIEW	
Rural Halls – Administration Services for		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	P & R Committee	The contents of this policy are now covered under the Terms of Reference for halls. This policy will be deleted when General Halls Policy is adopted	REVIEW	
Roadside Fencing Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2016	Feb 2019	N/A		REVIEW	
Plaques, Memorials and Monuments Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Sep 2019	N/A		REVIEW	
Grass Verge Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Oct 2019	N/A		REVIEW	
Activity Management Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jun 2017	Jun 2020	N/A		REVIEW	
Application of Interest to Council Reserves Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	N/A		REVIEW	
Appointing Directors and Trustees to Council Controlled Organisations Policy		WDC	Operations	Chief Executive Group	Feb 2014	Feb 2017	N/A		REVIEW	
Collection of Arrears			Operations	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	N/A		REVIEW	
Conversion of overhead to underground services		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2007	Jan 2010	N/A		REVIEW	
Roading financial contributions - expenditure of		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2016	Jan 2019	N/A		REVIEW	
Risk Management Policy		WDC	Projects and Innovation	Katja Jenkins (Risk Advisor)	Mar 2018	Mar 2021	N/A	Has been reviewed by the relevant staff, scheduled to go to the June Audit and Risk Meeting prior to seeking Council approval via Policy and Regulatory Committee	REVIEW	YES- Will go to June Audit and Risk meeting seeking support prior to going to Policy and

## Register of External Policies

(as of June 2021)

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	Policy is current									
	Due to be revoked									
	Charters									
										Regulatory Committee
Petition Guidelines		WDC	Community Growth	Corporate Planner	April 2021	April 2024			CURRENT	
Significance and Engagement Policy		WDC	Community Growth	Corporate Planner	Dec 2020	Dec 2023	Local Government Act 2002		CURRENT	
Sensitive Expenditure		WDC	Finance	Alison Diaz (Chief Finance Officer)	Nov 2018	Nov 2021	N/A		CURRENT	
Development Contributions Policy 2018		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	Local Government Act 2002	The policy has been reviewed and was consulted on from 7 April 2021 to 7 May 2021. 8 submissions were received.	CURRENT	YES - Consultation occurred concurrently with LTP consultation in April and May 2021 and 8 submissions were received.
Discretionary Grants Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	N/A		CURRENT	
Gambling Venues Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Oct 2018	Oct 2021	Gambling Act 2003 and Racing Act 2003	Staff are proposing to begin this review in 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	
Dangerous and Insanitary Buildings Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Sep 2018	Sep 2023	Building Act 2004			
Treasury Risk Management Policy (including Liability and Investment Policies)		WDC	Finance	Alison Diaz (Chief Finance Officer)	Dec 2018	Dec 2021	Local Government Act 2002		CURRENT	
Easter Trading Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2017	Apr 2022	N/A		CURRENT	
Local Alcohol Policy 2017		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Dec 2016	Dec 2022	N/A		CURRENT	
Psychoactive Substances Policy		WDC	Customer Support	Sue O'Gorman (General Manager)	Jul 2019	Jul 2024	N/A		CURRENT	

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	Policy is current									
	Due to be revoked									
	Charters									
				Customer Support)						
Library Policy		WDC	Customer Support	Sue O'Gorman (General Manager Customer Support)	Oct 2019	Oct 2024	N/A	Replaces Library services policy and library lending policy. New single policy. Incorporates aspects of Library Services Policy and Library Lending Policy.	CURRENT	
Strategic Land Acquisition and Disposal Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Oct 2019	Oct 2024	N/A		CURRENT	
Water Policy		WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Sept 2016	Sept 2021	N/A	To be reviewed concurrently with the Water Supply Bylaw. This will be revoked once the review on the revised Water Supply Bylaw 2014 has been adopted.	CURRENT	
Climate Change Response and Resilience Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Aug 2020	Feb 2021	N/A	Review of this policy has been deferred for an additional six months to: <ul style="list-style-type: none"> <li>Allow for collaborative work on climate change that is scheduled later this year with peer Councils</li> <li>Facilitate recruitment of a role who will be responsible for the Climate Resilience programme and the progression and maintenance of the policy.</li> </ul>	CURRENT	YES- Review has been deferred for six months
CHARTER - Meremere Community Committee Charter		WDC	Governance	Democracy Manager	Oct 2013	Oct 2016	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 and all delegations have been reviewed, the policy can be revoked.	TO BE REVOKED	
CHARTER - Te Kauwhata Community Committee Charter		WDC	Governance	Democracy Manager	Oct 2013	Oct 2016	N/A	This was updated after the 2016 elections (current versions in the Delegations Register) and will shortly be reviewed for this triennium. Again, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED	

## Register of External Policies

(as of June 2021)

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current									
	Due to be revoked									
	Charters									
CHARTER – Pokeno Community Committee	WDC	Governance	Democracy Manager	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED		
CHARTER – Tamahere Community Committee	WDC	Governance	Democracy Manager	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	TO BE REVOKED		

## Open Meeting

<b>To</b>	Policy and Regulatory Committee
<b>From</b>	Sue O’Gorman General Manager Customer Support
<b>Date</b>	18 May 2021
<b>Prepared by</b>	Sarah Bourke – Community Safety Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Supporting sustainable freedom camping in Aotearoa New Zealand - Submission to the Ministry of Business Innovation and Employment

## I. EXECUTIVE SUMMARY

This report is to provide information on the submission made to the Ministry of Business Innovation and Employment (MBIE) in response to the discussion document *Supporting Sustainable Freedom Camping in Aotearoa New Zealand*. The submission was approved by the Council’s Submission Forum<sup>1</sup> and submitted to the Ministry of Business Innovation and Employment on 14 May 2021.

<sup>1</sup> 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**

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.

## 2. RECOMMENDATION

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

**AND THAT the Policy and Regulatory Committee notes that the approved submission on Supporting Sustainable Freedom Camping in Aotearoa New Zealand (as attached to the staff report) was lodged with the Ministry of Business Innovation and Employment on 14 May 2021.**

## 3. BACKGROUND

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### 3.1 SCOPE OF CONSULTATION

The scope of the consultation was in relation to four separate proposals (so not an overhaul of the legislation, wider reforms of the Freedom Camping Act 2011 were not included).

The discussion document sought feedback on the following four proposals:

1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained (SCS), unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
3. Improve the regulatory tools for government land managers.
4. Strengthen the requirements for self-contained vehicles. Requirements for self-contained vehicles are currently set out in the voluntary New Zealand Standard, NZS 5465:2001 Self-containment of motor caravans and caravans (which is more commonly known as the Self-Contained Vehicle Standard - SCVS).

### 3.2 STAFF RECOMMENDATIONS

Staff recommended the following submissions to these proposals:

1. (Mandatory certified self-contained), Strongly support;
2. (Mandatory certified self-contained if not at a site with toilet facilities) Oppose if transition period to gain CSC compliance is longer than 12 months, and support if transition period is 12 months or less;
3. (Improved regulatory tools) Strongly support;
4. (Strengthen requirements for self-contained vehicles) Support (Yes).

Staff further recommended the following regarding transitional matters:

- Support a transition phase where vehicle owners will have a grace period (possibly 12 months) to either dispose of or update their vehicles.
- Support currently certified vehicles to remain as is (not have to go through re-certification) as long as the certification is current.

- Would not support exempting homelessness (as a defence for non-compliant freedom camping) as part of the change. Our officers act with empathy and discretion and occasionally engage with homeless campers - guiding them to more appropriate camping sites and other public facilities. Homelessness is best addressed by agencies who are able to assist, rather than going unchecked because individuals will be able to freedom camp (without adequate long-term facilities, care or contact).

### **3.3 FEEDBACK FROM MEMBERS OF THE SUBMISSIONS FORUM**

Feedback from the members of the submissions forum was generally in support of the recommendations that staff made, and approval was given to lodge the submission on 14 May 2021.

This was also circulated to all councillors and there was generally support from those that responded.

Some of the feedback received was whether or not we could seek governmental support to changing the overall approach to where people can and cannot camp – i.e. could the government mandate that you cannot camp anywhere unless there is signage that permits camping? Concern was also expressed around those who might be taking a rest break in a non-signposted area and how those people might be impacted if this change was implemented.

Staff took that feedback into account and sought to find an appropriate position within the scope of the submission to include it, however concluded that it was outside the narrow scope of this particular consultation.

The suggestions have been kept by the team and will be included in the Freedom Camping reforms to follow.

## **4. CONCLUSION**

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The Waikato District Council Submissions Forum received staff recommendations and approved the submissions to the Ministry of Business Innovation and Employment on 14 May 2021.

Submission recommendations received from Council and staff which sat outside of the scope of this consultation have been recorded and will be revisited when wider reforms of the Freedom Camping Act 2011 commence.

## **5. ATTACHMENTS**

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- A Supporting Sustainable Freedom Camping in Aotearoa New Zealand – A discussion document Ministry of Business Innovation and Employment April 2021
- B Submission to MBIE Support sustainable freedom camping in Aotearoa New Zealand 14 May 2021



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# Supporting Sustainable Freedom Camping in Aotearoa New Zealand

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Proposed changes to support effective management  
of freedom camping in New Zealand

Discussion  
Document  
April 2021

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LSE 6298





**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

## **Ministry of Business, Innovation and Employment (MBIE)** Hīkina Whakatutuki - Lifting to make successful

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## Foreword from the Minister of Tourism

**NOKU E TAKAHI ANA I TE MATA O AOTEAROA, ME TOITU  
TE WHENUA, TE MOANA, ME TE TAIAO ME TAE MAORI MAI,  
ME HOKI MAORI ATU.**

**WHILE TRAVELLING IN NEW ZEALAND, I WILL CARE FOR LAND,  
SEA AND NATURE, TREADING LIGHTLY AND LEAVING NO TRACE.**

— *Tiaki Promise*

One of my major priorities as Minister of Tourism is to ensure that we send a very clear message about our nation's values to all who wish to visit and travel around our beautiful country. Our values are a part of our overall visitor proposition, so we must safeguard our clean green 100% Pure New Zealand brand and promise.

For tourism to be successful, it must operate with the social licence granted by communities. If that social licence disappears then we will inevitably fail to deliver a high value visitor experience. The actions of some freedom campers who travel around our wonderful country in vehicles with a sleeping platform but without toilet facilities have strained social licence for freedom camping and our ability to deliver on our brand promise. This must change.

I believe the Government needs to act before the borders reopen to address some of the systemic issues New Zealand was facing prior to COVID-19 in terms of our brand erosion and loss of social licence. As we begin to reopen New Zealand to the world we need to make sure that we build back better. The Government supports the tourism industry's drive to be sustainable and resilient in the face of the challenges presenting in the 21st century.

I would like to ensure that we can increase the value provided by visitors to New Zealand, while simultaneously delivering on the 'Brand New Zealand' promise. I would like visitors to be welcomed into communities across New Zealand, to receive that 'world famous' hospitality that we are renowned for, and to have their expectations exceeded. This vision can only be delivered if we:

- › protect and restore our natural environment
- › ensure that we can deliver high quality tourism experiences
- › have the social licence to operate in communities across New Zealand.

Improving the sustainability of freedom camping in New Zealand is one area of priority for me. To achieve this vision every visitor that camps in New Zealand must be a responsible camper. As Minister of Tourism and a Member of Parliament, one of the most consistent complaints I have heard relates to freedom camping. These complaints include poor behaviour, waste and litter, and overcrowding.

Improving the sustainability of freedom camping is also one of the four priorities for tourism set out by the Parliamentary Commissioner for the Environment in his report *Not 100% - But Four Steps Closer to Sustainable Tourism*. His report notes that the Government's efforts to address freedom camping issues through more facilities and education campaigns have not resolved the issues noted above.

As such, we need to make sure that the costs of freedom camping are not borne by local councils and communities. We also need to ensure that we have the infrastructure and systems in place to support people to camp responsibly.

I believe that the most effective method to achieve this is a package of the proposals in this document: make it mandatory for vehicle based freedom campers to use a certified self-contained vehicle, improve the regulatory tools for government land owners, and strengthen the requirements for self-contained vehicles. While I acknowledge this may impact some New Zealanders and a few businesses, and change the nature of freedom camping for some, I consider it will address some of the issues facing communities and ratepayers as a result of vehicle based freedom camping, particularly when the border is reopened to international visitors.

This document also presents an alternative proposal, which would make it mandatory for freedom campers to be in a certified self-contained vehicle, except in places which have toilet facilities. I am also open to other proposals that might achieve my objective and would like to hear from the public about these.

To protect and deliver on New Zealand's brand proposition, I would like change to occur fast. It is my aim to have a new regime in place by 1 January 2022. This will ensure that the issues of the past do not have an opportunity to repeat when the international visitor market returns.

I am interested in receiving feedback from all stakeholders, including local government, the tourism industry, community interest groups and the wider public. Supporting responsible camping requires input from everyone, and I look forward to understanding your views on the proposals in detail.

**Hon Stuart Nash**

**Minister of Tourism**



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## Executive summary

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Responsible camping has a long history in Aotearoa New Zealand. Many New Zealanders enjoy travelling around the country, staying outside established campgrounds – and some see it as an important part of their birthright as New Zealanders to camp around New Zealand at low or no cost. Responsible campers come in all shapes and sizes: some choose to camp as an affordable way to have a holiday at a favourite campground; some spend their retirement touring the country in a motor caravan; and others camp while hunting or fishing.

However, in recent years the increasing number of freedom campers has raised concern from some communities around freedom campers' cumulative impact on the environment, and the cost to host them. In particular, this concern has focused on the subset of freedom campers who stay in cars, or vans with sleeping platforms, that are not self-contained. This is impacting communities' attitudes towards visitors and their willingness to host them – and impacting on the social licence for tourism.

Environmental concerns and low community support for this form of freedom camping puts at risk New Zealand's reputation as a destination that delivers a sustainable, high quality visitor experience. Meanwhile, there are ongoing costs for communities and taxpayers to manage the immediate impacts of the inappropriate behaviour by some freedom campers, which include dealing with waste and litter, providing education and undertaking enforcement activities.

The Government considers that now is the time for change. While the borders are closed, there is an opportunity to address some of the systemic issues arising from freedom camping, by introducing a new system that is better managed, delivers a high quality experience for domestic and international visitors, and which ensures the costs of freedom camping are not unfairly placed on the communities which host them.

This document presents four proposals for consideration:

1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
3. Improve the regulatory tools for government land managers.
4. Strengthen the requirements for self-contained vehicles.

Details on how you can submit on the proposals in this document are found on page 8, and online at: [www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand](http://www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand)

This website also includes information on public meetings MBIE is holding to discuss the proposals.

## The issue and why we are consulting

The Government is concerned about the impact on local communities, our environment and on our international tourism brand caused by freedom campers staying in cars, or vehicles with sleeping platforms, that are not self-contained and who do not camp responsibly. While the expectation is that all campers are responsible campers – in that they obey the rules of where they visit and dispose of their waste appropriately – there are still far too many instances of people disregarding their obligations and responsibilities. This has both a local effect on environment and amenity, and a cumulative national impact on the social license for tourism, and New Zealand's tourism brand.

The current approach to supporting freedom camping is not adequate. We need to strengthen the legislation so that our minimum expectations of people are supported by the rules and tools to enforce them. This discussion document seeks feedback on some proposals for strengthening our regulatory system for freedom camping, which are outlined on the following pages.

### What is responsible camping?

Responsible camping includes all types of camping in Aotearoa New Zealand, whether paying for a site or camping for free. It is about doing so responsibly, disposing of waste appropriately and respecting the local environment.

### What is freedom camping?

Freedom camping is defined in the Freedom Camping Act 2011 (the Act). It means camping within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using one or more of the following:

- › a tent or other temporary structure
- › a caravan, or
- › a car, campervan, house truck, or other motor vehicle.

It does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue.

## The scope of this discussion document

The Government is interested to hear your views on how it can support vehicle based responsible camping in New Zealand – for both New Zealanders and international visitors. We seek your feedback on four proposals to support responsible camping in New Zealand. These are:

1. Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle.
2. Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks).
3. Improve the regulatory tools for government land managers.
4. Strengthen the requirements for self-contained vehicles. Requirements for self-contained vehicles are currently set out in the voluntary New Zealand Standard, NZS 5465:2001 *Self containment of motor caravans and caravans* (which is more commonly known as the Self Contained Vehicle Standard - SCVS).

A package based on some or all of these proposals is likely to be most effective in reducing the impacts of freedom camping on communities and the natural environment.

The Government is also interested to understand your views on how proposals could be implemented. This includes feedback on:

- › features of any new systems that could be put in place and that would, for example, make it easier to comply or to enforce the rules
- › what penalties for non-compliance should be
- › the economic cost borne by those who would be impacted by the proposals.

### Out of scope

We are not seeking feedback on the Government's broader approach to supporting responsible camping. This includes:

- › exploring wider reforms to the Freedom Camping Act 2011
- › reviewing the Camping-Ground Regulations 1985, which apply to commercial campgrounds
- › any feedback or views on local bylaws or notices made under the Freedom Camping Act 2011, or which are currently being consulted on by local authorities. or the Department of Conservation.





## How to have your say

You have an opportunity to tell us what you think of the proposals to improve responsible camping by providing feedback on the matters raised in this discussion document. You are welcome to make submissions on some or all of the discussion questions set out in this document, and/or to raise any other relevant points.

### How to comment on this discussion document

The Ministry of Business, Innovation and Employment (MBIE) invites written comments on the proposals in this document. A submission may range from a short letter on one issue to a detailed response covering multiple issues. Please provide relevant facts, figures, data, examples and documents where possible to support your views. You can:

- › Complete your submission on the MBIE website: [www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand](http://www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand).
- › Email a submission to us at: [responsiblecamping@mbie.govt.nz](mailto:responsiblecamping@mbie.govt.nz)
- › Mail your submission to us at:  
Ministry of Business, Innovation and Employment  
15 Stout Street  
PO Box 1473, Wellington 6140  
Attention: Responsible Camping Submissions

If possible, we appreciate receiving submissions electronically. If emailing an attachment, we prefer a Microsoft Word or searchable PDF format.

### MBIE will publish a summary of submissions

After submissions close, MBIE will publish a summary of submissions on our website at [www.mbie.govt.nz](http://www.mbie.govt.nz). We will not be making any individual submissions public. Should any part of your submission be included in the summary of submissions, MBIE will seek your permission to publish your information, and ensure it does not refer to any names of individuals.

When businesses or organisations make a submission, MBIE will consider that you have consented to the content being included in the summary of submissions unless you clearly state otherwise. If your submission contains any information that is confidential or that you do not want published, you can say this in your submission.

The Privacy Act 2020 applies to submissions and survey responses. Any personal information you supply to MBIE in the course of making a submission will be used by MBIE only in conjunction with matters covered by this document.

Submissions and survey responses may be the subject of requests for information under the *Official Information Act 1982* (OIA). Please set out clearly if you object to the release of any information in the submission, and in particular, which part (or parts) you consider should be withheld (with reference to the relevant section of the OIA). MBIE will take your views into account when responding to requests under the OIA. Any decision to withhold information requested under the OIA can be reviewed by the Ombudsman.

### What happens next

MBIE will analyse all submissions received and then report back to the Minister of Tourism on the feedback, with recommendations for his consideration. Your submission will help inform policy decisions to improve responsible camping.

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# Freedom camping in Aotearoa New Zealand

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Freedom camping has a long history in Aotearoa New Zealand. Many New Zealanders enjoy travelling around the country, staying outside established campgrounds – and some see it as an important part of their birthright as New Zealanders to camp around New Zealand. Freedom camping is also a popular way for many international visitors to travel around New Zealand. Prior to COVID-19, an estimated 154,000 international visitors spent part of their trip freedom camping, representing around 63% of all people who freedom camped in the 2019 calendar year.

Freedom camping has, at times, received mixed levels of support from different communities around New Zealand. In recent years, the increasing number of freedom campers, and their cumulative impact, has raised concerns in some communities around freedom campers' environmental impact and cost to host them. This predominantly (but not exclusively) concerns those tourists who travel in vehicles with sleeping platforms but without a toilet.

Freedom camping complements the camping system in New Zealand more broadly, with people who want access to greater amenities (such as bathrooms, power, a full kitchen or laundry) choosing to camp at either a commercial campground or a Department of Conservation campground.

## What are the different ways people camp?

**Tents and other temporary structures:** Outdoor enthusiasts, like trampers and cyclists, may travel light carrying a tent as their accommodation. Tents are also often seen as a family holiday option, and are used in a variety of campgrounds.

**Vehicles that are not self-contained:** A wide range of vehicles are used for camping, from caravans through to large cars and vans. These vehicles are often basic, and typically feature fixed or removable portable sleeping facilities, and cooking facilities. These vehicles typically do not contain toilet facilities, so campers must either use facilities provided on-site, or go outside where no facilities are available. Some of these vehicles are in private ownership. While the precise number is not known, an estimated 55,000 vehicles could be converted to self-contained.

**Self-contained vehicles:** These vehicles conform to a minimum standard for sanitary fixtures and fittings, including having a toilet, and being able to hold three days of fresh water and waste water (see page 26 for more details). Under the current New Zealand Standard for self-contained vehicles, vehicles that are able to meet the minimum requirements range from basic vans with portable toilets, to premium motor vehicles with hot showers, sleeping platforms, fixed toilets and cooking facilities. However, even if a vehicle is self-contained, not all the installed facilities may be used all the time; for example, it is still fairly common for showering and cooking to take place outside vehicles. At least 68,000 self-contained vehicles are in private ownership; at least 5,000 are in the rental fleet.

## People can camp in a range of places

Designated freedom camping sites provide low levels of service, sometimes have no toilet facilities and/or are limited to self-contained vehicles only. Commercial campgrounds and some Department of Conservation campgrounds provide more amenities – for example: power, kitchen facilities, toilets and hot showers, for which fees are charged.

Many people also choose to camp on private land, in the back country or on conservation land. However, freedom camping cannot be done where a council bylaw or Department of Conservation notice prohibits this.

## Benefits of freedom camping to New Zealand

Freedom camping can be a way to attract visitors to less visited destinations, and to provide an accommodation option in places that have less traditional tourism accommodation but still want to attract visitors.

Research published by MBIE in 2020 found that people who choose to freedom camp stay longer and, in total, spend more on average than other visitors, but spend less per day.<sup>1</sup> Spending by people who freedom camped over the 2019/20 summer season, excluding vehicle purchase or hire costs, was estimated as follows:

- › Domestic freedom campers spent an average of \$545 per person per trip, or \$43 per day.
- › International campers who purchased their own vehicle spent an average of \$7,891, or \$38 per day.
- › International visitors who hired a budget vehicle spent \$3,691, or \$78 per day.
- › International visitors who hired a premium vehicle spent \$2,687, or \$83 per day.

The average spend by international visitors in New Zealand for any purpose was \$3,404 per trip, or \$193 per day.<sup>2</sup>

Both international and domestic freedom campers reported staying at a range of accommodation providers during a trip, with the most common being designated freedom camping sites, commercial campgrounds and New Zealand Motor Caravan Association parks.

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<sup>1</sup> See <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/results-of-the-201920-summer-research-into-responsible-camping/> for more information.

<sup>2</sup> Data drawn from the International Visitor Survey – Visitor Expenditure Year End December 2019. See <http://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLECODE7571>.



## Introduction of the Freedom Camping Act 2011

The Freedom Camping Act 2011 (the Act) was introduced ahead of the 2011 Rugby World Cup to help local authorities and the Department of Conservation better manage freedom camping. At the time, the Government was concerned that without the Act, there would be insufficient controls to support responsible behaviour from the increasing number of visitors.

Under the Act, freedom camping:

- › is free, that is, the camper does not pay a fee for staying there
- › is usually in a vehicle or tent
- › is within 200 metres of a motor vehicle accessible area, low-water springs line of any sea or harbour, or Great Walks Track.<sup>3</sup>

The Act does not cover private land, for example: a farm where the owner allows people to camp for free is not covered, nor is land administered by Waka Kotahi or Land Information New Zealand.

Of particular relevance to this discussion document, freedom campers are not required to sleep in vehicles that contain toilets of any standard, except where local freedom camping bylaws or notices specify this must occur.

## Councils and DOC can make rules for where and how people freedom camp

The Act says that freedom camping is permitted unless it has been restricted or prohibited in an area. The Act enables local authorities<sup>4</sup> and the Department of Conservation to identify areas in the regions, districts or cities they manage where freedom camping should be restricted or prohibited.

The Act provides for local authorities to make freedom camping bylaws in order to protect the area, people's health and safety, or access to the area. The Department of Conservation can issue freedom camping notices. Local authorities often, through the bylaws they make, restrict freedom camping in some areas to vehicles that are certified as self-contained.

### Penalties under the Freedom Camping Act 2011

The Act also sets out a range of offences related to freedom camping. These include depositing waste in an inappropriate waste receptacle (for example, other than in a rubbish bin or public toilet), interfering with or damaging flora or fauna, and breaching freedom camping bylaws or notices. It sets the penalties that can be charged. Currently, most offences attract a \$200 infringement fine. A person who discharges a noxious substance that significantly affects the environment, or causes significant concern to the community, can be liable for a fine of up to \$10,000. To date, no one has been prosecuted under this legislation.

One important exclusion from the Act is where someone pulls off the road to take a rest from driving. Waka Kotahi (New Zealand Transport Agency) actively encourages fatigued drivers to rest for road safety outcomes.

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<sup>3</sup> People camping in New Zealand's 'back country' are not considered to be freedom camping when camping more than 200m away from the low-water springs line of any sea or harbour, Great Walks Track, or motor vehicle accessible area.

<sup>4</sup> Regional councils, city councils, district councils and unitary authorities.

## Government investment in responsible camping

In 2018, the Government established the Responsible Camping Working Group (the Working Group) to identify ways to better manage the freedom camping system.<sup>5</sup> The Working Group identified a range of issues, including:

- › growing numbers of freedom campers were placing pressure on infrastructure and spaces
- › the penalties for unacceptable behaviour were too low and difficult to enforce
- › the way that the SCVS is supported by the Government could be improved.

Over the last three years, the Government has provided around \$27 million in funding for a range of programmes to better manage freedom camping. The programmes the Government has funded include:

- › infrastructure, including parking space, toilets and ablution blocks
- › monitoring and enforcement, through responsible camping ambassadors, compliance officers and rangers
- › education, through signage, pamphlets and camping ambassadors
- › waste and rubbish management.

### How often do local authorities and the Department of Conservation issue infringements under the Act?

Many territorial authorities have observed a decrease in the total number of infringements issued over the past three years. Some of the larger territorial authorities report higher numbers of annual infringements issued (ranging from 100 to over 600 per year), while the smaller territorial authorities tended to report lower numbers (ranging from 1 to 200 per year).

The Department of Conservation has issued approximately 100 infringement notices under the Act since its enactment in 2011.

However, with a general increase in compliance from campers and reduced infringements being issued, a few territorial authorities have expressed concern around the cost of enforcement and how the revenue from infringement fees was not sufficient to cover this cost. Several territorial authorities have reported relatively low infringement fee collection rates, with most reporting that less than 60% of infringement fees are paid.

MBIE has also innovated in the camping space, testing new technologies to support responsible camping. These include:

- › Cameras powered by artificial intelligence to report when campsites are full. These have proven to be effective in stopping overcrowding and providing councils with information on usage of their freedom camping sites, with 91% of campers redirected from full camping sites when made aware that those camping sites are full.
- › The Ambassador App, which helped consistently manage campers as they travel through New Zealand. This App has become a de facto database for many self-contained vehicles in New Zealand.
- › A trial designating different camping zones in Kaikōura, to test different ways to deliver information to campers about where they could freedom camp without any restrictions, where there were restrictions (such as needing to be in a vehicle with a toilet), or where no camping is permitted.

<sup>5</sup> See <https://www.mbie.govt.nz/immigration-and-tourism/tourism/tourism-projects/responsible-camping/responsible-camping-working-group/> for more information.

# Why does the Government want change?

## Sustainability of freedom camping

This Government would like to ensure that New Zealand can deliver a high quality visitor experience across all the tourism offerings available in New Zealand, while ensuring that communities and the natural environment do not bear the costs. We want our international visitors to understand our value proposition, behave appropriately and pay their way. We would also like to ensure that the social licence in New Zealand for freedom camping is not only maintained, but enhanced in the many communities that currently see certain aspects of freedom camping as highly undesirable.

With regards to freedom camping, this means ensuring that we have a system in place which protects the natural environment, supports visitors to act responsibly and allows New Zealanders the opportunity to access and enjoy their backyard.

## What we know about the use of self-contained vehicles

Despite improvements over recent years, there are still far too many instances of freedom campers disposing of human waste inappropriately. Some local communities have expressed concern about this: it causes localised pollution, poses a health hazard, requires cleaning up and devalues the experience of other, more responsible tourists.

If freedom campers have access to appropriate facilities, such as toilets and kitchens, it is possible the number of such instances would decrease. However, further work is required to ensure that people are encouraged to use onboard facilities. This could include strengthening the standard of self-containment to require permanently plumbed toilets, as suggested by the Parliamentary Commissioner for the Environment.<sup>6</sup> Research published by MBIE in 2020 found that many international visitors, despite having access to a toilet in the vehicle they purchased or hired, did not use it (see table below).

### Key statistics relating to self-contained vehicles and toilet use<sup>7</sup>

Percentage of international freedom campers who hired a budget vehicle or purchased a vehicle which had a toilet (and was likely to have met the Self-Contained Vehicle Standard - SCVS)	<b>74%</b>
Percentage of those who did have a toilet in the above group, and who used it	<b>28%</b>
Percentage of international freedom campers who hired a premium vehicle which met the SCVS, and who used the onboard toilet facilities	<b>74%</b>
Percentage of domestic freedom campers who used an onboard toilet facility <sup>8</sup>	<b>96%</b>

<sup>6</sup> See <https://www.pce.parliament.nz/media/197087/report-not-100-but-four-steps-closer-to-sustainable-tourism-pdf-24mb.pdf> for the full report from the Parliamentary Commissioner for the Environment.

<sup>7</sup> This research was drawn from an online survey of 7,328 respondents, including 6,823 New Zealand residents and 505 international visitors. Online surveys were distributed via a range of camping groups and companies.

<sup>8</sup> This number may be slightly lower, as the 2020 survey methodology drew upon domestic responsible campers who were either part of a camping association, used the CamperMate app, or rented their vehicle.

## Not 100%, but four steps closer to sustainable tourism

The Parliamentary Commissioner for the Environment (PCE), in his report *Not 100% - But Four Steps Closer to Sustainable Tourism*, noted that:

*Freedom camping is one of the most visibly contentious sectors of New Zealand's tourism industry. Its growth has resulted in a range of social and environmental pressures. The issue that has received the most attention is the tendency of freedom campers to use their natural surroundings as a toilet or place to clean dishes and clothes.*

*In recent years, government efforts to address this problem have focused heavily on the provision of freedom camping facilities and education campaigns. Those efforts have not resolved the issue. More attention needs to be given to the inadequate toilet facilities that are present in some vehicles certified as self-contained, and to ensuring that council officers can recover any penalties for non-compliance with local requirements.*

The PCE recommended that the best approach to solve this is to: strengthen the SCVS to require vehicles to have a permanently plumbed toilet; reintroduce national oversight of the SCVS, and that either Waka Kotahi New Zealand Transport Agency (Waka Kotahi) or MBIE be responsible for this; and ensure freedom camping penalties represent a serious deterrent to undesirable camping behaviour.

The four proposals in this report align with the recommendations in the PCE's report.

## Increasing numbers of people camping puts pressure on communities

Higher visitor numbers means camping is having a bigger impact in some places. In particular, the growing number of people freedom camping in some places, particularly during peak visitor season, means that freedom camping is more visible, and is causing more pressure. This is beginning to erode the social licence in some communities for freedom camping. This is despite the Government investing significantly in freedom camping infrastructure over the last three years.

The cumulative effect of these issues has a range of consequences. It means that there can be greater costs to local authorities to manage the visitors in their regions, including facility maintenance, litter and waste.

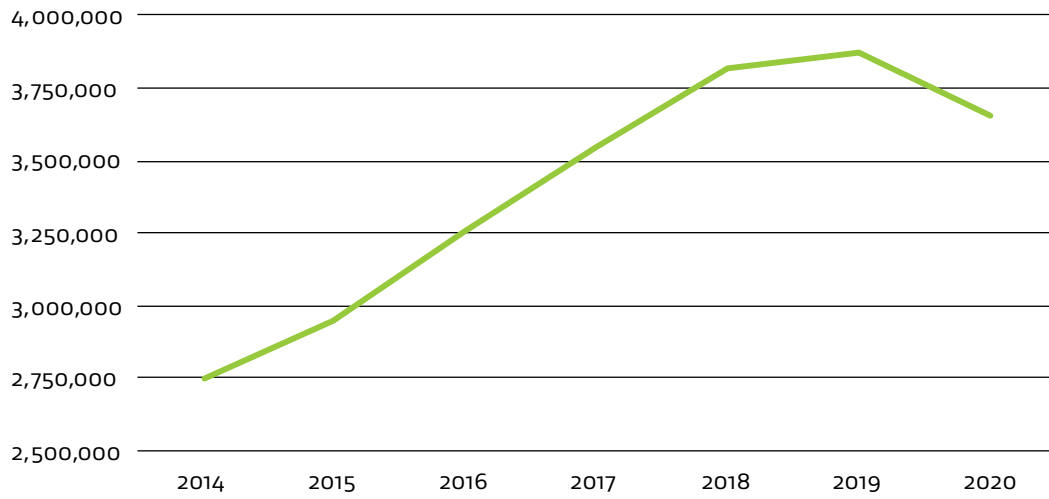
These issues also put New Zealand's brand proposition at risk. They reduce community support for freedom camping and tourism more broadly, and can mean that visitors (both domestic and international) do not have a high quality visitor experience.

## There were increasing visitor numbers prior to COVID-19

Since 2011, New Zealand has had a huge growth in visitor numbers. In the year ended March 2020, over 3.5 million people visited New Zealand – up from 2.75 million in 2014. This number would likely have been higher, if not for the impact of the COVID-19 pandemic on New Zealand.

Freedom campers have increased in line with this growth. The estimated number of freedom campers has increased from the tens of thousands in the early 2000s to 245,000 in the 2019 calendar year. Around 154,000 were international visitors (63%), and the remaining 91,000 were New Zealand residents.

Number of international visitors





# What the Government wants to achieve

This Government wants to ensure that New Zealanders and international visitors have access to a range of camping experiences, including camping for tramping, hunting and fishing, while ensuring local communities have control of camping in their areas and the value of Brand New Zealand is maintained. Camping should have a net positive economic and social impact for communities, and must not harm the local environment.

To achieve this, we need a regulatory system that ensures communities and government land managers can make decisions about how to manage freedom camping in their districts, and have confidence in the measures available for managing it. We need a system that supports campers to be responsible, and which the community trusts. However, vulnerable groups must not be further disadvantaged by the measures in place to support freedom camping.

## How much do you agree that certain types of vehicle based freedom camping is a problem?

1: Strongly agree    2: Agree    3: Neutral    4: Disagree    5: Strongly disagree

### What do you think?

What are your views on freedom camping in vehicles?

When answering this question you may like to think about:

- › Is vehicle based freedom camping an issue in your area?
- › Have you observed any specific issues?
- › Are there specific behaviours which impact on your use of local amenities/infrastructure?
- › What benefits does vehicle based freedom camping provide for your region?



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# Proposals for improving freedom camping

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The following pages set out four proposals for improving responsible camping in New Zealand. We are also seeking your views on how options could be effectively implemented.

Each of the four options could stand on its own, but they could also form the basis for a package of reform to reduce the harm from freedom camping, and protect our communities and the environment. We want your feedback on these proposals.

## **PROPOSAL 1: MAKE IT MANDATORY FOR FREEDOM CAMPING IN A VEHICLE TO BE DONE IN A CERTIFIED SELF-CONTAINED VEHICLE**

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This proposal would make it mandatory for all vehicle based freedom camping to be done in certified self-contained vehicles. It would not affect people who freedom camp in tents, or where people are already excluded under the Freedom Camping Act 2011 (the Act).

### **How this could work in practice**

Any vehicle that people sleep in when freedom camping would be required to be certified as self-contained. Vehicle owners would have to ensure their vehicle is certified self-contained before they freedom camp anywhere in New Zealand.

People would still be able to sleep in vehicles which are not certified as self-contained in places not covered by the Act – for example commercial and conservation campgrounds, and on private land. People could still freedom camp in tents, except in places where this type of freedom camping is restricted by freedom camping bylaws or notices.

The requirements for self-contained vehicles would be set out in regulations (see Proposal 3). The requirements for self-containment could either be those set out in the current SCVS (see page 26), or could entail stronger requirements (see Proposal 4).

### **Exceptions**

There would be some exceptions when implementing this proposal. For example, it makes sense for the current exceptions in the Act to remain. These exceptions are detailed in section 5(2) of the Act, and include temporary or short-term parking, day trip excursions, and resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Further exceptions could be added to support driver safety and appropriate behaviour. For example, we would not want to require people to drive to alternative accommodation when under the influence of alcohol.

## Potential impact

The number of instances of inappropriate disposal of human waste would likely reduce as a toilet would be available for use at all times by the freedom campers using the vehicle.





The new national-level requirement for vehicle based freedom campers to use a self-contained vehicle would support achieving communities' expectations for freedom campers' behaviour.

Businesses and individuals who own vehicles with sleeping platforms that are not self-contained, and wish to continue using or leasing them for freedom camping, would need to upgrade those vehicles to meet the requirements set out in regulation. People who choose to drive to places and camp in a tent would not be affected, but existing freedom camping bylaws and notices that restrict or prohibit camping in a tent in certain places would still apply.

This option would likely increase the number of people camping in certified self-contained vehicles. It may also incentivise price-sensitive campers to choose alternative sleeping arrangements, including tents, or staying at locations which are not considered to be freedom camping areas, such as commercial or conservation campgrounds.

At least 82% of international visitors who purchase their own vehicle or who hire a budget vehicle, and who choose to camp in New Zealand, cite the low cost of travel as a reason for camping. We would expect a few international visitors who freedom camp in New Zealand to change their travel plans, including putting off visiting New Zealand. Some people may opt to freedom camp in tents or stay in budget accommodation, rather than pay for a campground, because their vehicle with a sleeping platform would be required to be certified self-contained. They could also stay for a shorter period of time.

There will be a financial impact on owners of vehicles that are capable of being connected to self-contained (such as vans, caravans and larger vehicles) if they wish to freedom camp in New Zealand. It could cost an estimated \$500 to \$800 for a basic upgrade to a vehicle so that it meets the minimum requirements of the current self-contained vehicle standard. Larger vehicles, and any stronger requirements, such as requiring a fixed toilet, would cost more. Similarly, some vehicles may not be able to be upgraded. Rental costs of certified self-contained vehicles compared to non-certified vehicles with sleeping platforms can be \$25 more per day, and substantially more if renting a vehicle with a fixed toilet.

Expected outcomes if proposal introduced	
 <p>Reduced instances of inappropriate disposal of human waste</p>	 <p>Increased numbers of people freedom camping in self-contained vehicles, tents, or using alternative accommodation (such as Youth Hostels)</p>
 <p>No people camping in vehicles without toilets</p>	 <p>A potential decrease in the number of price sensitive international visitors</p>

How much do you support the proposal to make it mandatory for vehicle based freedom campers to use a certified self-contained vehicle?				
1: Strongly agree	2: Agree	3: Neutral	4: Disagree	5: Strongly disagree

## What do you think?

### Do you support this proposal?

When answering this question you may like to think about:

- › Do you consider this option will improve camper behaviour?
- › Will this option support or improve tourism outcomes in your region?
- › Will this option decrease pressure on the environment and local government infrastructure?
- › Are there impacts of this proposal that you are concerned about?

### How might this proposal impact you?

When answering this question you may like to think about:

- › Will this proposal increase or decrease the likelihood of you camping?
- › Will this proposal have a direct financial impact on you or your business?
  - › If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- › Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

### What things should the Government consider to implement this option?

When answering this question you may like to think about:

- › What exceptions should the Government allow under this proposal?
- › Do you have any ideas about how this proposal could be implemented?
- › Should this option be considered alongside other options proposed in this discussion document?



## PROPOSAL 2: MAKE IT MANDATORY FOR FREEDOM CAMPERS TO STAY IN A VEHICLE THAT IS CERTIFIED SELF-CONTAINED, UNLESS THEY ARE STAYING AT A SITE WITH TOILET FACILITIES

This proposal would require all freedom campers to either stay at sites with toilet facilities or to use a vehicle which is certified self-contained. It would cover any style of freedom camping, including people who stay in tents. The exception would be where this requirement would conflict with the normal use of the place.

### Proposed exceptions



The main exceptions to this proposal are public conservation lands and regional parks. It is normal in these places for people to camp near a vehicle accessible area or the coast but not near a toilet, and it is expected that campers would dispose of waste appropriately. The Department of Conservation and regional councils already have the power to issue notices or make bylaws to control freedom camping where necessary.

### Potential impact

This option is likely to impose moderate costs on individuals and on businesses which currently lease or sell vehicles with purpose built sleeping facilities that do not contain toilets. Some businesses and individuals may choose to upgrade the vehicles they own or lease, so that campers are certain to have toilet facilities wherever they stay. More individuals may choose to hire certified self-contained vehicles to reduce uncertainty around where and when they can camp.

There would be greater consistency of freedom camping rules across the country, which may support efforts to ensure campers stay at places which have the means to host them and manage their impact. Currently 33 of the 67 territorial authorities have in place freedom camping bylaws which manage and restrict where people can camp. These often relate to restricting areas to camping in certified self-contained vehicles. As such, this proposal may result in more people camping at sites that have the facilities to host them, and fewer people may camp at restricted areas designated for certified self-contained vehicles

Some issues presented by freedom camping may improve, including waste and poor behaviour. However, it is possible that congestion at some camping sites (both designated freedom camping sites with toilets and paid campgrounds) may increase if people continue to camp in tents or non-certified vehicles, as there may not be sufficient capacity in campgrounds at peak times, at least during an initial adjustment period.

Expected outcomes if proposal introduced				
	Increased numbers of people camping in certified self-contained vehicles			Increased congestion at some camping sites (at least during the adjustment period)
How much do you support the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)?				
1: Strongly support	2: Support	3: Neutral	4: Oppose	5: Strongly oppose

## What do you think?

### Do you support this proposal?

When answering this question you may like to think about:

- › Do you consider this option will improve camper behaviour?
- › Will this option support or improve tourism outcomes in your region?
- › Will this option decrease pressure on the environment and local government infrastructure?
- › Are there impacts of this proposal that you are concerned about?

### How might this proposal impact you?

When answering this question you may like to think about:

- › Will this proposal increase or decrease the likelihood of you camping in New Zealand?
- › Will this proposal have a direct financial impact on you or your business?
  - › If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- › Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

### What things should the Government consider to implement this option?

When answering this question you may like to think about:

- › What do you think is required to achieve this option?
- › What exceptions should the Government allow under this proposal?
- › How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet (eg, 100 metres, 200 metres)?
- › Should this option be considered alongside other options proposed in this discussion document?



## PROPOSAL 3: IMPROVE THE REGULATORY TOOLS FOR GOVERNMENT LAND MANAGERS

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In December 2020, the Responsible Camping Working Group recommended that the Government consider a number of improvements that it believes would improve the management of vehicle based responsible camping in New Zealand. These include:

- › Increasing the penalties for freedom camping following breaches of freedom camping bylaws and notices and, in particular, for instances where a person in a non-certified vehicle camps at a site designated as only for campers in certified self-contained vehicles.
- › Introducing a regulatory system for the SCVS – specifically an oversight regime for the certification of vehicles to the current standard, and establishment of a national register of certified vehicles to enable the vehicles to be tracked and their certification status checked.

### How this could work in practice

#### Stronger infringement scheme

New regulations under the Act would be made to specify higher fines for breaches of freedom camping bylaws and notices. Currently, people who inappropriately camp in areas which are restricted or prohibited to freedom camping can be fined up to \$200 under the Act. The Act already provides for regulations to be made to increase penalties to a maximum of \$1000. As mentioned earlier, some territorial authorities issue up to 600 fines each year.

Under this option, new regulations specifying higher fines could be made for different types of offences. This would enable local authorities and the Department of Conservation to give those not meeting the local freedom camping requirements higher fines. Higher fines would also enable local authorities to better recover the costs of enforcement activities.<sup>9</sup>

Under the Act, vehicle rental companies may, but are not required to, pass on any fines to the people that have hired their vehicles. This means that, in some instances, overseas visitors could leave the country without paying any associated fines. To address this, the Act could be amended to ensure those who rent vehicles are held responsible for their actions. This could include making vehicle rental companies responsible for passing on any infringement notices to campers, and holding them accountable for non-payment. Currently only some vehicle rental companies pass on infringement notices to campers.

The infringement scheme could also be strengthened by introducing a new infringement for those vehicles which fraudulently claim to be certified self-contained.

#### Vehicle confiscation

Requirements relating to the confiscation of vehicles which frequently break freedom camping rules could be amended. Currently the Act allows enforcement officers to seize and impound property in a local authority area or on conservation land:

- › if the property has been or is being used in the commission of an offence; and
- › if it is reasonable in the circumstances to seize and impound the property, or it is necessary for public health and safety, to protect flora or fauna, to ensure access, or to prevent ongoing commission of the offence; and
- › if someone is in the vehicle at the time, the officer must give the person an opportunity to stop committing the offence.

The amended requirements could, for example, enable the confiscation of a vehicle that does not meet the requirements to contain a toilet (under any of proposal 1, proposal 2 or existing bylaws or notices requiring freedom campers at particular places to stay in self-contained vehicles), or that has received multiple fines for breaching requirements.

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<sup>9</sup> Fines issued by the Department of Conservation are not retained by the department, and Proposal 3 would not change this.

The amended requirements would also need to include the conditions by which a person could receive their confiscated vehicle back. This could range from proving that a person will undertake upgrades to their vehicle, paying any associated infringement notices, or removing any upgrades that constitute any form of sleeping platform.

#### **Regulatory system for self-contained vehicles**

This proposal would introduce a new regulatory agency, or add new regulatory powers to an existing agency, to provide national oversight of legislated requirements for self-contained vehicles. The regulatory agency's activities would be funded through cost recovery, in line with similar types of certification regimes. Regulatory functions could include:

- › recognising and licensing persons and organisations that may undertake sanitary plumbing work on vehicles and certify that the work meets the legislated requirements for a vehicle to be self-contained
- › auditing licensed persons and organisations
- › establishing a national database of vehicles that are certified self-contained.

This aspect of the proposal could work alongside proposal 4 (to strengthen the requirements for self-contained vehicles).

It also aligns with the Parliamentary Commissioner for the Environment's recommendation to introduce national oversight of the SCVS (page 109 to 111 of *Not 100% - But Four Steps Closer to Sustainable Tourism*).

#### **Allowing local councils to enforce rules on other government owned land**

The Act currently only covers local authority areas and the conservation estate, and does not apply to all Government owned or managed land, for example land owned by Waka Kotahi. This means that it can be hard to have a consistent approach to managing freedom camping within a local authority area, and make it harder for some government agencies to control freedom camping on their land. The Government is considering making amendments to section 6 of the Act to address this, which may, for example, allow local authorities to act as enforcement agents on land administered by Waka Kotahi or other Crown owned land.

#### **The proposal would not limit or affect existing bylaws or notice making powers**

Councils and the Department of Conservation would still be able to restrict or prohibit areas with regards to freedom camping under the Freedom Camping Act 2011. As is current practice, this includes banning freedom camping from some areas, and restricting freedom camping in some areas to vehicles that meet the SCVS.

## **Potential impact**

It is likely there would be moderate impact and low costs associated with change for individuals and vehicle businesses.

#### **Penalties**

Higher penalties for non-compliance, and the improved requirements around infringement collection, are likely to deter some campers from breaching local bylaws and notices around where and how they camp. Some issues presented by freedom camping may improve, for example, freedom camping at restricted or prohibited sites. Those campers who breach bylaws or notices would be subject to higher penalties, which are more likely to be enforced given the higher amount the enforcement agency could recover and the stronger tools in place. However, it is possible that some issues may continue to be observed at some camping sites.

More people who hire vehicles and who breach local bylaws and notices will pay any associated infringement fines, as vehicle rental companies are held responsible for collecting their payment.







### Regulatory system for the Self-Contained Vehicle Standard

Local authorities would be supported by the tools available to them to manage freedom camping within their region, while domestic and international visitors would still retain the ability to camp at a range of freedom camping sites, commercial and conservation camping grounds.

This option could affect plumbers and other businesses who currently install and certify vehicles to the SCVS, as they would likely need to take steps to become issuing authorities and/or testing officers, and to meet audit requirements. Some plumbers and businesses currently certifying vehicles may decide that the costs to them of meeting the new regulatory requirements are too high and stop providing this service. Other businesses may take on certification activity, particularly if they are already in a vehicle certification related business, such as vehicle testing.

As the new regulatory regime would operate on a cost recovery basis, individuals and businesses would be required to pay additional fees and/or levies when having their vehicles certified, to cover the cost of the regulatory agency’s operations.

Expected outcomes if proposal introduced	
 Potentially greater compliance with local bylaws and DOC notices	 Increased levels of enforcement (including penalties being passed to campers) from local councils if sufficiently resourced
 Increased costs to individuals and businesses who seek self-contained vehicle certification	 Similar numbers of vehicles are certified self-contained

How much do you support the proposals to improve the regulatory tools for government land managers?				
1: Strongly support	2: Support	3: Neutral	4: Oppose	5: Strongly oppose

### What do you think?

#### Do you support this proposal?

When answering this question you may like to think about:

- › Are there any specific parts of this proposal you support or oppose?
- › Do you consider this option will improve camper behaviour?
- › Will this option support or improve tourism outcomes in your region?
- › Will this option decrease pressure on the environment and local government infrastructure?
- › Are there impacts of this proposal that you are concerned about?

#### How might this proposal impact you?

When answering this question you may like to think about:

- › Will this proposal increase or decrease the likelihood of you camping in New Zealand?
- › Will this proposal have a direct financial impact on you or your business?
  - › If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- › Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

**What things should the Government consider to implement this option?**

When answering this question you may like to think about:

- › What would you like to see in practice?
- › Should this option be considered alongside other options proposed in this discussion document?

**What would be an appropriate penalty?**

When answering this question you may like to think about:

- › Should non-compliant vehicles be confiscated? If so, under what conditions?
- › If vehicles are confiscated, what conditions should be placed on returning the vehicle?
- › Should fines be similar to those for not holding a valid Warrant of Fitness for a motor vehicle?
- › What levels should fines be set at?
- › Who should collect a fine?



## PROPOSAL 4: STRENGTHEN THE REQUIREMENTS FOR SELF-CONTAINED VEHICLES

The current requirements and process for self-containment of vehicles are set out in the New Zealand Standard, NZS 5465:2001 *Self containment of motor caravans and caravans*,<sup>10</sup> which is more commonly known as the Self Contained Vehicle Standard (SCVS). A fully self-contained vehicle must be able to support a given number of people for three days without needing additional water supplies or dumping waste.

As it is a voluntary standard, no government agency holds responsibility for administering or overseeing it. However, the Ministry of Business, Innovation and Employment currently sponsors it for free through Standards NZ.

### What are some of the minimum requirements in the SCVS?

- › The vehicle has a toilet that is adequately secured when travelling and is usable within the vehicle, including sufficient head and elbow room whenever required, even with the bed made up. The toilet must provide sufficient waste holding capacity for the occupants for a minimum of three days. Toilet types can include:
  - › Cassette toilet: a fixed toilet with a removable holding tank.
  - › Composting toilet: a toilet that is an aerobic processing system to treat human waste, by composting. Where any waste water is separated it shall be via a black water tank.
  - › Efficiency flushing toilet: a toilet which is flushed by a small volume of water.
  - › Marine toilet: a fixed flushing toilet with a macerator pump, either manual or electrically operated.
  - › Permanent toilet: a toilet that is permanently fixed inside the motor caravan.
  - › Portable toilet: a toilet with its own holding tank, the toilet is not fixed to the motor caravan.
- › The vehicle has a sealable solid waste container for rubbish.
- › The vehicle is fitted with water supply tank(s), having a capacity of not less than 4 L per person for a minimum of three days. Transportable, individual containers are acceptable.
- › The vehicle is equipped with a sink.
- › The vehicle provides a waste tank(s) to receive all the waste water from permanently installed fixtures, with corresponding capacity.

### Certification process

To become certified to the standard, a vehicle must be inspected by one or two approved testing officers (depending on their experience and qualifications). If a vehicle passes these inspections, then an approved issuing authority can then issue both a self-containment certificate, which lists the equipment fitted and the number of people the vehicle can support, and a self-containment warrant, which must be fixed to the inside left of the front window or windshield.



<sup>10</sup> See [www.standards.govt.nz/sponsored-standards/self-containment-of-motor-caravans-and-caravans/](http://www.standards.govt.nz/sponsored-standards/self-containment-of-motor-caravans-and-caravans/)

Any plumber registered under the Plumbers, Gasfitters and Drainlayers Act 2006 can be an issuing authority to certify a vehicle as self-contained. There are currently around 8,000 registered plumbers in New Zealand. A plumber can also certify a person to be an issuer of certification. Current issuing authorities for the SCVS include VanCo, the New Zealand Motor Caravan Association, New Zealand Lifestyle Camping and some rental companies.

## How it is currently used

Local authorities can make bylaws under the Freedom Camping Act 2011 that restrict freedom camping in specific areas to vehicles that are certified as self-contained. This can help manage the problems associated with visitor growth in areas where there are no or minimal infrastructure such as sewage disposal facilities.

### Potential issues with the Standard

As it is a voluntary standard, the owner of a vehicle that wishes to have a toilet or other sanitary plumbing facilities on board does not have to meet the requirements of the SCVS. Certification of vehicles to the standard by issuing authorities and testing officers is not monitored.

There is no central register of certified self-contained vehicles. Some councils have advised that this can make it difficult to enforce bylaws which reference the SCVS and have expressed concerns about inappropriate certification of vehicles and the falsification of certification documents. There is no evidence on the scale of this problem.

The Parliamentary Commissioner for the Environment, in his report *Not 100% - But Four Steps Closer To Sustainable Tourism*, notes the issues raised above, and goes further in stating that all certified self-contained vehicles should be required to have a permanently plumbed toilet. He considers the current language of allowing many types of portable toilet to be used is vague, and lends itself to abuse. This aligns with anecdotal reports which suggest that in some instances, toilets are unable to be practically used within a vehicle. As such, the Government would like to know your views about whether the minimum requirements for self-containment of a vehicle should be strengthened.

## Why is it important?

All options referenced in this paper include certification to the SCVS as part of the regulatory solution. This means that any new regulatory system for self-contained vehicles may draw on the SCVS. It is therefore important to understand views about the SCVS, and whether any improvements to it are required.

### Do you think that the requirements for self-containment should be strengthened?

1: Yes

2: Neutral

3: No

## What do you think?

### Is the current standard fit for purpose?

When answering this question you may like to think about:

- › Should there be a requirement that self-contained vehicles have fixed toilets?
- › Should there be specific reference to the types of vehicles that can be self-contained?

### Who should certify to the Standard?

When answering this question you may like to think about:

- › Should any plumber registered under the Plumbers, Gasfitters and Drainlayers Act 2006 be able to certify to the Standard, or should certifiers be separately recognised and licensed?
- › Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

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## Other considerations

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### Transition arrangements

We are interested to understand your views on whether there should be any transition arrangements in place for any new rules regarding self-contained vehicles and their use. Potential transition arrangements could include:

- › Providing one year for people to upgrade or dispose of their vehicles.
- › Allowing for vehicles which are currently certified to the SCVS to continue to be used for as long as the certification is valid (in the case where the Government decides to put in place new requirements for self-containment of vehicles).

### Homelessness

Many local authorities report people experiencing homelessness being present at some freedom camping sites and in their districts. The 2018 Severe Housing Deprivation Report shows 2,106 people living in a mobile dwelling and 1,311 living in an improvised dwelling (such as a tent). A further 1,431 people were living at a camping ground or motor camp. However, the actual number may be higher, particularly in light of the impact of COVID-19 and the ongoing pressures in the housing market.

The proposals set out in this discussion document are not intended to further disadvantage vulnerable population groups. However, it is possible that some of the proposals in this document may do so (for example, by making it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle).

As such, we want to hear your views as to how the Government could ensure homeless people are not further disadvantaged by the proposals, while supporting the effective implementation of any proposals that are introduced. This could include making homelessness exempt from any new regulatory system, and supporting local authorities, government agencies and not-for-profit organisations to work together on referral pathways for homeless people.

### What do you think?

#### What transition arrangements should be in place?

When answering this question you may like to think about:

- › How long should the Government give people to upgrade or dispose of their vehicles?
- › Should currently certified self-contained vehicles be exempt from any new rules?
- › Are there any other transition arrangements we should consider?

#### How could the Government ensure vulnerable groups are not further disadvantaged?

- › Could the Government make homelessness exempt from any new regulatory system? What might this look like?



Your Ref

In reply please quote

If calling, please ask for  
Tanya O'Shannessey

14 May 2021

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Wellington 6140  
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### **Supporting sustainable freedom camping in Aotearoa New Zealand – Submission**

Waikato District Council welcomes this opportunity to engage in consultation supportive of sustainable freedom camping in Aotearoa New Zealand.

Waikato District Council supports strengthening regulation by adding central government controls in addition to the controls available to local authorities. Waikato District Council also supports that the status-quo remains for local authorities to restrict or prohibit freedom camping through bylaws or notice making powers.

Waikato District Council has found significant value in the availability of the Responsible Camping Fund and use of Freedom Camping/Sustainable Camping Ambassadors. We would support continuation of the fund.

In this submission we support the proposals to improve the tools for regulators and a central register for certified self-contained vehicles for local authorities to access. We support having a central Government regulatory body with the authority to issue compliance certificates.

Specific comments/submissions as they relate to the four proposals detailed in the consultation document are as below.

Proposal 1 - 4		
Government Proposal	Expected outcomes if proposal introduced:	Submission
1: MAKE IT MANDATORY FOR FREEDOM CAMPING IN A VEHICLE TO BE DONE IN A CERTIFIED SELF-CONTAINED VEHICLE	<ul style="list-style-type: none"> <li>• Reduced instances of inappropriate disposal of human waste</li> <li>• Increased numbers of people freedom camping in self-contained vehicles, tents, or using alternative accommodation (such as Youth Hostels)</li> <li>• No people camping in vehicles without toilets</li> <li>• A potential decrease in the number of price sensitive international visitors</li> </ul>	Strongly support (1.)
2: MAKE IT MANDATORY FOR FREEDOM CAMPERS TO STAY IN A VEHICLE THAT IS CERTIFIED SELF-CONTAINED, UNLESS THEY ARE STAYING AT A SITE WITH TOILET FACILITIES	<ul style="list-style-type: none"> <li>• Increased numbers of people camping in certified self-contained vehicles</li> <li>• Increased congestion at some camping sites (at least during the adjustment period)</li> </ul>	<p>Oppose (4.) if there is a significant transition period to gain CSC compliance (longer than 12 months)</p> <p>Freedom campers (not certified self-contained) may put significant pressure on those sites which have public toilet facilities if their only option is to park there. This may cause public complaint, increased maintenance and demand for rubbish removal. May also result in the need for the commissioning of increased public toilet facilities at camping sites at considerable cost to the ratepayer.</p> <p>Support (2.) if transition period is 12 months or less.</p>
PROPOSAL 3: IMPROVE THE REGULATORY TOOLS FOR GOVERNMENT LAND MANAGERS	<ul style="list-style-type: none"> <li>• Potentially greater compliance with local bylaws and DOC notices</li> <li>• Increased levels of enforcement (including penalties being passed to campers) from local councils if sufficiently resourced</li> <li>• Increased costs to individuals and businesses who seek self-contained vehicle certification</li> <li>• Similar numbers of vehicles are certified self-contained</li> </ul>	Strongly support (1.) Increased infringements and ability to confiscate vehicle, more onus on vehicle owner/user to comply, national database of CSC vehicles.



<p>4: STRENGTHEN THE REQUIREMENTS FOR SELFCONTAINED VEHICLES</p>	<p>This proposal will adopt aspects of the New Zealand Standard, NZS 5465:2001 Self-containment of motor caravans and caravans (SCVS), into law.</p> <p>Minimum requirements in the SCVS ›</p> <ul style="list-style-type: none"> <li>• The vehicle has a toilet that is adequately secured when travelling and is usable within the vehicle, including sufficient head and elbow room whenever required, even with the bed made up.</li> <li>• The toilet must provide sufficient waste holding capacity for the occupants for a minimum of three days.</li> <li>• Toilet types can include: <ul style="list-style-type: none"> <li>○ Cassette toilet: a fixed toilet with a removable holding tank. Composting toilet: a toilet that is an aerobic processing system to treat human waste, by composting.</li> <li>○ Where any waste water is separated it shall be via a black water tank. Efficiency flushing toilet: a toilet which is flushed by a small volume of water. Marine toilet: a fixed flushing toilet with a macerator pump, either manual or electrically operated. Permanent toilet: a toilet that is permanently fixed inside the motor caravan. Portable toilet: a toilet with its own holding tank, the toilet is not fixed to the motor caravan.</li> </ul> </li> <li>• The vehicle has a sealable solid waste container for rubbish.</li> <li>• The vehicle is fitted with water supply tank(s), having a capacity of not less than 4 L per person for a minimum of three days. Transportable, individual containers are acceptable.</li> <li>• The vehicle is equipped with a sink.</li> <li>• The vehicle provides a waste tank(s) to receive all the waste water from permanently installed fixtures, with corresponding capacity.</li> </ul>	<p>Support: Yes (1.) With fixed toilet.</p>
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<p>Transitional Arrangements</p>		<p>With regards to a transition phase where vehicle owners will have a grace period (possibly 12 months) to either dispose of or update their vehicles. We would support this.</p> <p>We would also support currently certified vehicles to remain as is (not have to go through re-certification) as long as the certification is current.</p> <p>We would not support exempting homelessness (as a defence for non-compliant freedom camping) as part of the change. Our officers act with empathy and discretion and occasionally engage with homeless campers - guiding them to more appropriate camping sites and other public facilities. Homelessness is best addressed by agencies who are able to assist, rather than going unchecked because individuals will be able to freedom camp (without adequate long term facilities, care or contact).</p>
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Waikato District Council looks forward to also engaging in consultation on wider reforms to the Freedom Camping Act 2011.

Yours Faithfully



Sue O'Gorman

**General Manager Customer Support**

### Open Meeting

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	Ian Cathcart Special Infrastructure Projects Manager
<b>Date</b>	9 June 2021
<b>Prepared by</b>	Jodi Bell-Wymer - Corporate Planner
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	P&R2021; GOV1318; ECM # 3092984
<b>Report Title</b>	Consultation Approval for the Waikato District Council Water Supply Bylaw

## I. EXECUTIVE SUMMARY

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The Waikato District Council Water Supply Bylaw 2014 (the Bylaw) is being reviewed. This report seeks approval from the Committee to consult on the Bylaw as part of the review in accordance with s.158 and s.83 of the Local Government Act 2002 (LGA).

Council has an existing Water Supply Bylaw that came into force on 1 October 2014. This revoked the Waikato District Council Water Supply Bylaw 2009 and the Franklin District Council Water Supply Bylaw 2008.

Through this review process, Council staff are proposing to remove part of clause 9.6.7 from the existing bylaw and create a new 'Water leak Remission Policy' (the Policy) as a separate document to make water leak remission applications clearer to both staff and customers. The Policy is proposed to be consulted on as part of the Bylaw consultation process.

Both the Bylaw and the Policy with all proposed amendments have been through legal review and are attached to the staff report, along with a Statement of Proposal. Subject to approval by the Policy & Regulatory Committee, the Bylaw and the Policy will be publicly notified for a consultation from 16 June 2020 to 16 July 2021. Submissions will be considered, and if requested, heard by the Committee at a hearing to be held in August 2021. The Bylaw is to be confirmed by Council at their meeting scheduled for 20 September 2021.

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

## 2. RECOMMENDATION

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

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

(a) adopts the Statement of Proposal;

(b) approves public consultation from 16 June 2020 to 16 July 2021 on the **Waikato District Council Water Supply Bylaw 2014 and the Proposed Water Leak Remission Policy.**

**AND FURTHER THAT** submissions on the Bylaw and the Policy be considered, and if requested by submitters, be heard by the Committee at a hearing to be held in August 2021;

**AND FURTHER THAT**, the Committee recommends to Council that the Bylaw is the most appropriate form of Bylaw;

**AND FURTHER THAT**, the Committee 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.

## 3. BACKGROUND

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### Review of Bylaws

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

The Bylaw was made in 2014 and is now overdue for its 5 year review. It is currently sitting in the two-year grace period and the review must be completed by 1 October 2021 or it will expire and be unenforceable under law.

### Review of the Current Waikato District Council Water Supply Bylaw 2014

Council had a workshop on 17 March 2021 as part of the review process. This workshop was an opportunity to consider if the Bylaw was still effective, still the best way to manage the potential issues or problems associated with the district's water supply, and to suggest corrections or improvements to the Bylaw.

## Creation of a proposed new Water leak remission policy

During the Bylaw workshop on 17 March 2021, staff discussed removing part of section 9.6.7 on “Leaks” from the Bylaw and creating a separate new policy for the remission of water rates from undetected leaks. A workshop to discuss the policy was held on 6 May 2021.

## 4. DISCUSSION AND ANALYSIS OF OPTIONS

### 4.1 DISCUSSION

#### Water Supply Bylaw 2014

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

The purposes of this bylaw are:

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

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

The key areas of changes proposed to the bylaw are summarised below:

Clause	Key proposed changes	Explanation
9.6.1	Council can install water meters at the customers cost where a premise is supplied with an on-demand supply and not metered.	Currently, this can only be done when the water use is high, or the premises are used for commercial activity
9.10.3(c)	Council allows water used for the purpose of extinguishing fires to be supplied free of charge.	Council to support fire extinguishing efforts, when required.
9.3.2	The point of supply for new connections shall be installed as per Schedule I.	To provide consistency across the district for ease of locating.
8.1.3	Require those undertaking excavation works to view Council records of buried services locations.	To protect buried services

Clause	Key proposed changes	Explanation
9.11.2	Allow council to install backflow prevention devices on Council's side of the supply when customers are unable to. Council propose the costs may be recovered from the customer.	To protect potable water supplies from contamination or pollution due to backflow.
9.6.7	Council proposes to remove the water relief section of the Bylaw and create a new Water Leak Remission Policy as a separate document	This is to help make the application process clearer and allow for the Policy to be amended more easily in accordance with guidance Watercare.
Whole document	Removal of duplicate information and rewording	To create a clearer and user-friendly document.

The scope of changes being proposed is detailed in the Statement of Proposal, which is attached to the staff report. Copies of the Bylaw with proposed changes and a copy of the proposed Water Leak Relief Policy are also attached.

### **Water Leak Remission Policy 2021**

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

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

## **4.2 ANALYSIS**

It is recommended that Council consults on the proposed Bylaw and the proposed Water Leak Remission Policy, subject to any Council amendments. The advantages of these recommendations are that the amendments:

- 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.

There are no disadvantages identified in consulting on the proposed amendments to the Bylaw.

### 4.3 OPTIONS

The Committee has the following options:

#### **Option 1: Do not approve the Bylaw and the Policy for consultation**

*This option is not recommended.*

The Committee can determine not to approve consultation at this time. This will result in the expiration of the Bylaw (including leak relief clauses) and a delay in the implementation of the Policy.

NOTE: the Bylaw is currently past the 5 year review period and is in its 2 year review grace period, and must be reviewed by 1 October 2021 or the Bylaw will expire and be unenforceable.

#### **Option 2: The proposed Bylaw changes be consulted on under s.83 of the LGA as recommended in this report**

*This option is recommended.*

Approval of public consultation will mean adoption of the Statement of Proposal and public notification inviting submissions on the proposed changes to the Bylaw. It will allow the Bylaw to be reviewed within the legislative timeframes without expiration. It will also provide an opportunity for the Policy to be consulted concurrently.

## 5. CONSIDERATION

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### 5.1 FINANCIAL

There are no financial implications from the review of the proposed Bylaw. Consultation resourcing will be funded through existing budgets.

### 5.2 LEGAL

#### **Legislative Requirements**

#### **Determination of Significance**

The LGA, under s.160 instructs Council to carry out reviews of bylaws to which s.158 applies by determining (s.156) if the review should be conducted under s.82 or s.83 of the LGA. If Council determine that the Bylaw concerns matters identified in its Significance and Engagement Policy or that there is a likelihood of significant public interest in the Bylaw, it must use the Special Consultative Procedure set out in s.83 of the LGA.

Where s.82 is a less prescribed form of engagement and consultation with the community, s.83 Special Consultative Procedure is very prescribed and requires that Council:

- adopt a Statement of Proposal that includes information related to Council's consideration of s.155 of the LGA.
- consult with the public and any other interested parties for no less than 1 month.
- provide an opportunity for people to verbally present their submissions if they so choose – this usually takes the form of a hearing.

As this Bylaw and any proposed changes to it are likely to be of significant interest to the community, s.83 consultation is recommended by staff.

### **Requirements for s.83 Special Consultative Procedure**

Because the review of the bylaw is recommended to be carried out under s.83, s.86 provides guidance for additional information requirements needed to meet the obligations of the special consultative procedure. The LGA, under s.160 instructs Council to review bylaws by making the determinations required by s.155, these are the same determinations that are required when any bylaw is made. This means that under s.155A(2) the Council should give consideration to whether a proposed bylaw

- is the most appropriate form of bylaw, and
- if there are readily identifiable problems the bylaw proposes to regulate, and
- if the bylaw is adequately customised to suit the particular circumstances of the territorial authority.

Staff have considered the above and concluded that the Bylaw is the most appropriate form of bylaw.

Section 155(2) of the LGA 2002 also requires the Council to determine whether the proposed bylaw:

- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

It is the view of the staff preparing the proposed Bylaw that it is not considered to be inconsistent with, or likely to give rise to any implications under the New Zealand Bill of Rights Act 1990.

A legal review of the proposed Bylaw, for its appropriateness and validity, has been undertaken prior to being presented to the Committee for approval for public consultation. This legal review also included a check that the proposed provisions do not give rise to any implications under the New Zealand Bill of Rights 1990. The making of the Bylaw is subject to a consultative procedure that enables individuals to participate in the process as is necessary to fulfil obligation under both the LGA and the Bill of Rights.

### **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

This report proposes 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.

The proposed policy is attached and is proposed to be consulted on with the Bylaw.



## 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<p><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></p>	<p>The review of the Bylaw triggers Council's Significance and Engagement Policy. A review of a bylaw under s.155 and s.158 of the LGA requires s.83 Special Consultative Procedure be carried out.</p> <p>The Policy requires consultation which adheres to the principles of consultation, specified in S.82 of the LGA. Due to the alignment between the Policy and Bylaw, staff propose these consultation requirements adhere to the Special Consultative Procedure.</p> <p>Key stakeholders will be notified directly, and any other interested parties will be invited to make a submission and, if they choose, will be invited to present their submissions verbally at a hearing to be held in August 2021.</p> <p>Information will be made widely available to the public online, as well as at Council offices and libraries. Public notices will be circulated as appropriate in local publications and a information about the consultation will be shared on Council's website and Facebook pages.</p>				

Planned	In Progress	Complete	
		X	Internal
X			Community Boards/Community Committees
X			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
X			Households
X			Businesses
X			Major developers

## 6. CONCLUSION

The Bylaw has exceeded its five-year review period and required to be reviewed within the two-year grace period. As per s.158 of the LGA, this report seeks approval to consult on the Bylaw in accordance with s.83 of the LGA (Special Consultative Procedure).

Additionally, approval is sought from the Committee to consult on the proposed Policy. If approved, consultation will occur for the Bylaw and Policy together between 16 June 2021 and 16 July 2021, with a hearing for both to be scheduled in August 2021.

## 7. ATTACHMENTS

Attachment 1	Waikato District Council Water Supply Bylaw – marked up version
Attachment 2	Waikato District Council Water Supply Bylaw – for consultation
Attachment 3	Waikato District Council Proposed Water Leak Remission Policy (new)
Attachment 4	Statement of Proposal – Review of the Waikato District Council Water Supply Bylaw and Proposed Leak Remission Policy, including Submission Form



## Waikato District Council Water Supply Bylaw 2014

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

### 1. Short Title, Commencement and Application

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

### 2. Scope

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

### 3. Purpose

- 3.1 The purposes of this bylaw are:

~~(a) — Protecting, promoting and maintaining public health and safety;~~

~~(b)~~(a) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;

~~(c)~~(b) Protecting the water supply and water supply system from pollution and contamination;

~~(d)~~(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.

### 4. Compliance with Other Acts and Codes

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



(a) Statutory Acts and Regulations

- (i) Building Act 2004.
- (ii) ~~Fire Services Act 1975.~~ Fire and Emergency Act 2017.
- ~~(iii) Health (Drinking Water) Amendment Act 2007.~~
- ~~(iv)~~(iii) Health Act 1956.
- ~~(v)~~(iv) Local Government (Rating) Act 2002.
- ~~(vi)~~(v) Local Government Act 2002.
- ~~(vii)~~(vi) Resource Management Act 1991.

(b) Relevant Codes and Standards, including:

- (i) Drinking Water Standards for New Zealand 2005 (revised 2008).
- (ii) OIML R49: Water meters intended for the metering of cold potable water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.
- (iii) SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
- (iv) NZS 4503:2005 Hand operated fire-fighting equipment.
- (v) NZS 4517:2010 Fire sprinkler systems for houses.
- (vi) Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
- (vii) Water Meter Code of Practice 2003, Water New Zealand.
- (viii) Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
- (ix) ~~Hamilton City Development Manual, or its successor, and any other codes of practice adopted by Council.~~ Waikato Regional Infrastructure Technical Specification.



## 5. Interpretation

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

## 6. Definitions

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

<b>Advisory Note</b>	A note which further explains a bylaw clause but does not form part of the bylaw.
<b>Air Gap</b>	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.
<b>Approved</b>	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
<b>Authorised Agent</b>	Any person authorised or appointed by the Council to do anything in respect of the water supply system.
<b>Authorised Officer</b>	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.
<b>Auxiliary Supply</b>	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."



<b>Backflow</b>	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
<b>Backflow Device</b>	Backflow device or air gap that is designed to prevent the return of flow into the Councils water supply system. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
<b>Boundary</b>	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.
<b>Catchment</b>	An area of land which drains to a waterbody from where a public water supply is drawn.
<u>Commercial Use</u>	<u>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.</u>
	<u>Advisory note: Commercial components of retirement villages will be metered and classified as commercial activity.</u>
<b>Connection</b>	The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.
<b>Council</b>	The Waikato District Council and includes any officer authorised to exercise the authority of the Council.
<b>Customer</b>	A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
<b>Detector Check Valve</b>	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use of a dedicated fire supply.
<b>Domestic Purpose Use</b>	<u>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. <del>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:</del></u>
(c)	<del>Washing down a vehicle;</del>
(e)	<del>Garden watering by hand using a hand held device;</del>
(f)	<del>Garden watering by any portable sprinkler device.</del>

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<b>Development contribution</b>	As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.
<b>District</b>	The Waikato District.
<b>Extraordinary Supply</b>	A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.
<b>Extraordinary Use</b>	<p><u>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including the following water users: Extraordinary use is subject to water alert and emergency provisions and includes:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Residential properties with –spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity;</u></li> <li>(b) <u>Residential properties with fixed garden irrigation systems;</u></li> <li>(c) <u>Commercial or business premises (including home-based commercial activities);</u></li> <li>(d) <u>Industrial premises;</u></li> <li>(e) <u>Any properties at which agricultural, horticultural or viticultural land use is occurring;</u></li> <li>(f) <u>Lifestyle blocks (rural supplies);</u></li> <li>(g) <u>Fire protection systems other than sprinkler systems installed to comply with NZS 4517;</u></li> <li>(h) <u>Outside of Waikato District customers (supply to, or within another local authority);</u></li> <li>(i) <u>Temporary supplies</u></li> <li>(j) <u>Any other property found by Council to be using water above 15m<sup>3</sup>/day (a consent from the Waikato Regional Council is required);</u></li> <li>(k) <u>Water carriers</u></li> <li>(l) <u>Any other auxiliary supply</u></li> <li>(a) <u>Domestic – spa or swimming pool in excess of 6 cubic metres capacity and</u></li> </ul>



- 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 15m<sup>3</sup>/day: a consent from the Regional Council is required;~~
- ~~(a) Water carriers; and~~
- ~~(m) Auxiliary supply.~~

<b>Fees and Charges</b>	The fees and charges for water supply set by the Council.
<b>Fire Main Supply</b>	A category of supply from pipework installed for the purpose of fire protection only.
<b>Individual Customer Agreement</b>	An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.
<b>Industrial Activity</b>	Any industrial activity and includes: <ul style="list-style-type: none"> <li>(a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities.</li> <li>(b) Laboratories and research facilities.</li> <li><del>(b) 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.</del></li> </ul>



<b>Level of Service</b>	The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.
<b>NZS</b>	New Zealand Standard.
<b>On Demand Supply</b>	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
<b>On Demand Water Supply Area</b>	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.
<b>Ordinary Supply</b>	A category of on demand supply used solely for domestic purposes, <u>excluding any identified extraordinary water use.</u>
<b>Owner</b>	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
<b>Occupier</b>	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.
<b>Permit</b>	A permit or written authority issued by an authorised officer.
<b>Person</b>	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

~~(b)—~~

~~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~~

~~(d)~~ (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

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### Prescribed charges

Charges applicable at the time of connection may include:

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

### Public Notice

A notice published in:

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

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

### Restricted Flow Supply

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

### Restrictor

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

### Restricted Water Supply Area

An area serviced by a Council owned reticulated water supply system outside on demand areas, and defined in Schedule 3: Water Supply Area Maps ~~Water is supplied through a flow control device and customers are required to provide onsite storage to cater for demand fluctuations, for specified purposes via restricted flow supplies which do not have firefighting capability.~~



<b>Service Pipe</b>	The section of water pipe between a water main and the point of supply.
<b>Service Valve</b>	The valve at the Customer end of the service pipe used to control and/or isolate the supply.
<b>Storage Tank</b>	Any tank having a free water surface <u>in which water supplied by the Council is stored for use.</u>
<b>Supply Pipe</b>	The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.
<b>Water Alert Level</b>	Classification system used for applying water conservation restrictions.
<b>Water Carrier</b>	Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking- water.
<b>Water Supply System</b>	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.
<b>Water Unit</b>	The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

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## 7. Protection of Water Supply System

### 7.1 Water Supply System

#### 8.1.1 Access and connection to System

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

#### **8.1.2 — 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.~~

#### **8.1.2 — 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.~~

#### **8.1.2 — 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.~~

#### **8.1.18.1.2 Fire Hydrants**

- (a) No person may take water from a fire hydrant unless that person is:
  - (i) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting; or
  - (ii) is Council or its authorised agents
  - (iii) Is a current permit holder, being those persons who after having submitted an application to the Council are subsequently approved to draw water from designated tanker filling points or a fire hydrant, and the taking of water is in accordance with any conditions attached to that approval
- (b) Any person using a fire hydrant in breach of subclause (a) must immediately remove the



standpipe when requested to do so by Council or their agent.

(c) Any person using a fire hydrant pursuant to subclause (a) (3) is liable to Council for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.

(d) Without prejudice to other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

(e) Permit holders shall only use approved blue coloured metered standpipes and have two non-return valves to draw water from fire hydrants.

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.

### **8.1.1 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:

(g) The Council or its authorised agents.

(i) 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.

(k) 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.

(m) 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.

### **8.1.1 Unauthorised Access**

(q) 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.

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

(u) Any person causing damage which occurs to a Council water supply system during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result for the incident.

### **8.1.28.1.3 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

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~~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  $\pm 0.5\text{m}$  on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect the integrity of the water supply system. The Council shall charge for this service.

(c) ~~All excavations within the road reserve is subject to the permit process of the appropriate road controlling authority.~~

(a) ~~—~~

(d) The Council may require the independent supervision of works which may be in the vicinity of its buried services.

(b) ~~—~~

(d)(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.~~

(e)(f) Any damage which occurs to the Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs the Council incurs as a result of the damage.

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

## 8.2 Protection of Water Sources

### 8.2.1 Catchment Classes

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

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

These catchments are also subject to National Environmental Standards for Sources of

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Human Drinking Water.

### 8.2.2 Controlled Catchments

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

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.~~

#### ~~(-)~~ 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.~~

~~(-) 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.~~

~~(-) 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.~~

### 8.2.3 Restricted Catchments

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

~~(i) Tramping;~~

~~(ii) Hunting;~~

~~(iii) Trapping;~~

~~(iv) Shooting;~~

~~(v) Fishing~~

~~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;~~

~~(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.

#### 8.2.4 Open Catchments

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

#### 8.2.5 Spillages and Adverse Events

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

### 8. CONDITIONS OF SUPPLY

#### 8.1 Connection, Disconnection and other works

(a) No person shall, without Council's approval:

(i) connect to the water supply network;

(ii) disconnect from the water supply network;

(iii) carry out any other works on, or in relation to, the water supply network;

(iv) open any manhole, chamber, access point, or valve on, or otherwise tamper with, the water supply network.

(b) Any person wishing to connect to or disconnect from the water supply network, or to otherwise carry out works on such a network or change level of service or end use

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of water supplied or supply changes or increase supply, must make a written application for approval to Council on the prescribed form, and must provide with that application all information relating to the application as is specified by Council.

- (c) Council may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.

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

- (d) Without limiting subclause (c), a condition imposed under that subclause may require that the connection, disconnection or works comply with any relevant code of practice.

- (e) Council may refuse an application for approval to connect or disconnect to a network where:

(i) the applicant has not paid fees or charges associated with the connection (including development contributions) within 20 working day that have been required by Council to continue with installation, or has refused to provide such information relating to the application as has been specified by Council; or

(ii) Council has a documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, codes of practice, or approvals granted under such bylaws or codes of practice; or

(iii) in Council's reasonable opinion, there is insufficient capacity in the network to accommodate the connection; or

(iv) in Council's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply including volume and/or pressure required for firefighting; or

(v) the connection is outside the area currently served by the water supply, regardless of its proximity to any specific component of the water supply; or

(vi) in Council's reasonable opinion, refusal is necessary to protect the water supply network, the health and safety of any person, or the environment.

## **8.2 Change of Use**

- (a) An application shall be submitted to the Council for approval if a Customer seeks:

(i) a change in the level of service; or

(ii) end use of water supplied to the premises; or

(iii) a change in supply from ordinary to extraordinary (see clause 9.5) or vice versa; or

(iv) a physical change of location or size.

- (b) Any application under this clause 9.2 shall be treated as a new application for the

~~purposes of clause 9.1 of this Bylaw.~~

### ~~8.0 Application for Supply~~

- ~~( ) Any person wishing to:
 
  - ~~( ) establish a point of supply,~~
  - ~~( ) seek a change in the level of service,~~
  - ~~( ) change the use of an existing supply,~~
  - ~~( ) make a change to backflow requirements,~~
  - ~~( ) increase use to greater than 15 cubic metres per day, or~~
  - ~~( ) use water for any purpose other than ordinary supply,~~
 shall make a written application to Council.~~
- ~~( ) 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.~~
- ~~( ) On receipt of an application the Council shall, after consideration of the matters stated in clauses 9.5 and 9.6:
 
  - ~~( ) 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~~
  - ~~( ) Refuse the application and notify the Customer of the decision giving the reasons for refusal.~~
  - ~~( ) 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.~~~~
- ~~( ) 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.~~
- ~~( ) 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.~~
- ~~( ) 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.~~
- ~~( ) 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.~~

- ~~(-) 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.~~

### ~~8.0 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.~~

### **8.18.3 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.~~

#### **9.3.2 Location**

- ~~(a) For each individual property there shall be only one point of supply which shall be located in the position as shown in Schedule 1. 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 1. 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.~~

### ~~9.3.2 — 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.~~

#### ~~9.3.2 — Single Ownership~~

- ~~(a) 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.~~
- ~~(a) 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.~~

#### ~~9.3.2 — Multiple Ownership~~

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

- ~~(a) In respect of company ownership for a company share/block scheme (Body Corporate): As for individual ownership.~~
- ~~(a) 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:
- (i) Meter reading without notice being given.
  - (ii) Checking, testing and maintenance work, with notice being given when possible.
- (b) For works required outside the above hours (such as for night time leak detection), the Council shall give provide notice to the Customer.

~~(c) If, after giving reasonable notice, an authorised agent is prevented from accessing the point of supply at any of the above times and a return visit is required, a fee may be charged in accordance with the fees and charges.~~

~~(b) 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.~~

~~(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.~~

~~(b) 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.~~

### 9.4.1 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.~~



## 9.5 Types of Water Supply

### 9.5.1 General

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

### 9.5.2 On Demand Supply

- (a) All premises situated within the on demand water supply area shall be entitled to an ordinary supply of water subject to ~~the following conditions:~~

~~(i) Any restrictions on water use made by the Council under clause 9.8.1 of this Bylaw;~~

~~— 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.~~

~~(b) Properties located within the on-demand water supply area that do not connect to the public water supply may be charged an availability charge.~~

- (c) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 9.8.1 of the Bylaw).

- (d) The Council shall charge customers for the provision of the on-demand supply by either:

(i) A targeted rate based on rating unit; or

(ii) The volume passing through a meter per cubic metre; or

(iii) Both (i) and (ii) – These charges are as set by the Council.

- (e) For premises which use of a fire protection system complying with NZS 4517, in order for that use to be classified as ~~an ordinary use~~, the Customer shall comply with the conditions set under clause 9.8.

### 9.5.3 Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted

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flow supply shall make provision for onsite water storage of a minimum volume of 22m<sup>3</sup> or equivalent of at least 48 hours of average water use where this is greater than 22m<sup>3</sup>.

- (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 1.8m<sup>3</sup> 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 m<sup>3</sup>; or
  - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas will be given twelve weeks written notice to install onsite water storage of a minimum volume of 22 cubic metres or the equivalent of at least 48 hours of average water use where this is greater than 22 cubic metres. After this period Council shall install the appropriately sized flow restrictor.
- (g) Owners are allowed to transfer water allocations subject to following conditions:
- (i) The initial property retains a 1.8 cubic metre allocation;
  - (ii) The transfer has to take place within the same water supply;
  - (iii) The new property to which water allocation is transferred or sold has to be located at a place where the Council is able to supply the allocation without further upgrading or extension works;
  - (iv) If upgrading or extension works are required then the Customer transferring the allocation has to pay up-front for the full cost of the upgrading or extension works; and
  - (v) The Customer transferring the allocation has to pay for the connection cost to the new property and a transfer fee.
- (h) Council allows property owners to apply for disconnection from the restricted water supply. No refund either in part or whole of any development contribution will be made. Such an application must state the

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





(e)

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.

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## 9.6 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.~~

### 9.6.1 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.~~

### 9.6.2 Location

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

### 9.6.3 Accuracy

(a) Meters shall be tested as and when required by the Council.

(b) The flow restrictors shall be accurate to within  $\pm 10\%$  of their rated capacity.

(c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that the testing is not requested within six months of any previous test. If the test shows the meter is accurate, the Customer shall pay a fee in accordance with the Council's fees and charges. A copy of independent



~~certification of the test result shall be made available to the Customer on request.~~

~~(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.~~

~~(d)~~ Restrictors shall be tested by measuring the quantity of water that flows through the restrictor within a period of not less than one hour, at the expected minimum operating pressure.

#### 9.6.4 Adjustment

~~(a) If a test is carried out and the meter is found to register a consumption which is different to the quantity of water which has actually passed through the meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period determined by the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.~~

~~(c) 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.~~

~~(b)~~ Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in water demand, ~~and charge the customer accordingly.~~

~~(c)~~ Where a meter is over-reading, the Council shall make appropriate adjustments to the Customer's account, based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

### 9.6.5 Estimating Consumption

- ~~(a) Where a meter is damaged, ceases to register, has been removed or where the seal or dial of the meter is broken, or the meter has otherwise been interfered with, the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the Customer) and the Customer shall be liable for the amount estimated.~~
- ~~(-) 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.~~
- ~~(-) 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.~~
- ~~(-) 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.~~
- ~~(-) 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.~~

### 9.6.6 Incorrect Accounts

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

### 9.6.7 Leaks

~~(a) It is the Customer's responsibility to detect and fix all leaks from taps and pipes, stop overflows from cisterns, hot water cylinder exhausts or stock troughs. If a leak is visible from fixtures and is not repaired, no leak relief remission will be available.~~

~~(b) Relief may be available, at Council's discretion for leaks which are undetected.~~

~~(c) Any Customer wishing to apply for relief must make such application in writing in accordance with Council's Water Leak Remission Policy.~~

~~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~~



- ~~(i) The water usage was from an undetected leak (site inspected and viewed by the Council); and~~
  - ~~(i) A plumber's account is produced by the Customer for the repairs to the water leak.~~
  - ~~(i) If the repair has been made by the property owner (not plumber) a statutory declaration must be completed and repairs inspected by the Council.~~
- ~~(a) In considering remissions of excess charges on water accounts caused by undetected leaks, the Council has to be satisfied that:~~
- ~~(i) The leak has been fixed: Proof will be required to show that the leak was fixed to the satisfaction of the Council.~~
  - ~~(i) 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.~~
  - ~~(i) 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.*

#### **9.6.7 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.~~

### **9.7 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.~~
- ~~(b) 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.

## 9.8 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.

### 9.8.1 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.~~

~~(-) 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)~~(b) 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.~~

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

### 9.8.2 Maintenance and Repair

~~(a) In circumstances where a scheduled maintenance shutdown of the supply is required, Council shall make all practicable attempts to notify Customers prior to any work commencing. Where Council is unable to notify the Customer, or immediate action is required, the Council may restrict the supply without notice, subject to its obligations under the Health Act 1956.~~



- ~~(a) 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.~~
- (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.
- ~~(b) It is the responsibility of the Customer to maintain all supply pipes and water assets within their property in a serviceable and safe condition.~~
- ~~(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.~~
- ~~(b) The Council may recover the costs of repairs or maintenance to private supply pipes and water assets.~~

## 9.9 Liability

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

## 9.10 Fire Protection Connection

### 9.10.1 Connection Application

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

### 9.10.2 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 Customer's responsibility to monitor the supply to ensure it continues to be adequate for the intended purpose. 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.~~

### 9.10.3 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:~~

~~(-) 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~~

~~(-) 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.~~

### ~~9.10.3 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.~~

### ~~9.10.3 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.~~

### ~~9.10.3 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.~~

## 9.11 Backflow Prevention

### 9.11.1 Customer Responsibility

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

~~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

~~(b) 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~~

- (i) Any other water supply (potable or non-potable)
- (ii) Any other water source
- (iii) Any storage tank
- (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

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

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



### 9.11.2 Unmanaged Risk

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

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

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

~~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.~~

## 9.12 Council Equipment and Inspection

### 9.12.1 Care of Water Supply System

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

### 9.12.2 Inspection

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

~~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.~~

## 9.13 Plumbing System

**9.13.1** The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with ~~the~~ 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~~

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flow to the premises.

### **9.13.2**

## **9.14 Prevention of Water Loss and Waste**

**9.14.1** The Customer shall not allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the ~~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.~~

~~**9.14.1** 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.~~

~~**9.14.29.14.3**~~ 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~~by the Council.

~~**9.14.39.14.4**~~ 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.*

## **9.15 Payment**

**9.15.1** The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's rates, fees and charges prevailing at the time.

**9.15.2** The Council may recover unpaid water rates in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a premises, the occupier of a premises, or both.

## **9.16 Transfer of Rights and Responsibilities**

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

~~**9.16.2** A supply pipe shall serve only one Customer, and shall not extend by hose or any other pipe beyond that Customer's property.~~

~~**9.16.4** 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.~~

~~**9.16.69.16.2** Individual Customer agreements shall not be transferred unless approval by a Council Authorised officer has been obtained in writing.~~

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## 9.17 Change of Ownership

9.17.1 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.

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

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

## 9.18 Disconnection at the Customer's Request

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

## 9. BREACHES

### 9.1 Breaches of conditions of supply

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

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

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

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time.
- (c) For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.
- (d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without

further notice to the Customer.

~~10.1.3 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.~~

## 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.~~

~~10.1 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.~~

## 11. Schedules

The following schedules can be amended through a Council resolution. **Schedule 1:**

**Examples showing Single/Manifold Connection Schedule 2: Table 1**

**Compatibility Features**

**Schedule 3: Water Supply Area Maps**

## 12. General

~~12.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.~~

~~12.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.~~

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

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

Schedule 1: Examples showing Single/Manifold Connection

Example 1 – With Street Frontage

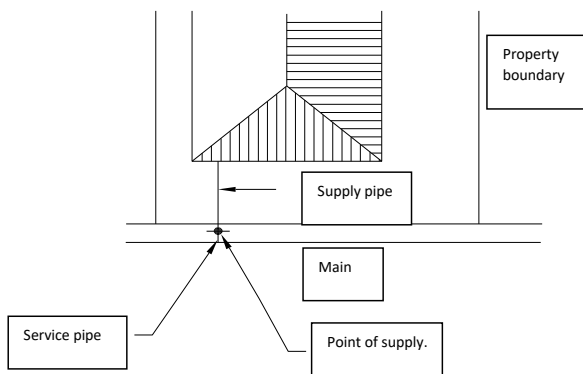


Figure 1: Point of supply outside property boundary

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

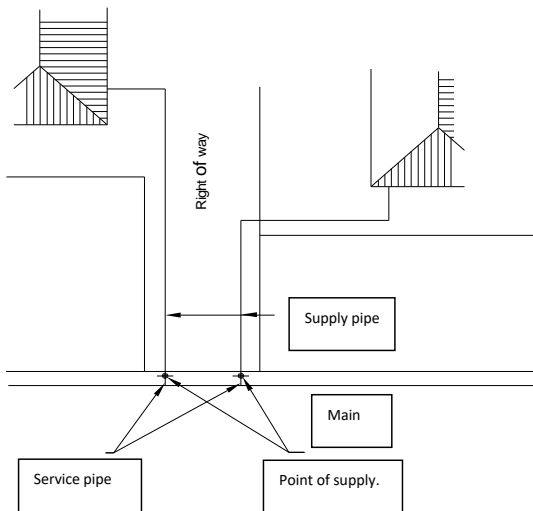


Figure 2: Point of supply outside property boundary



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

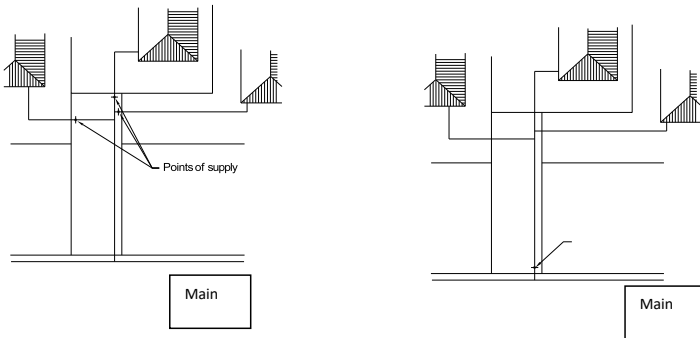


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

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

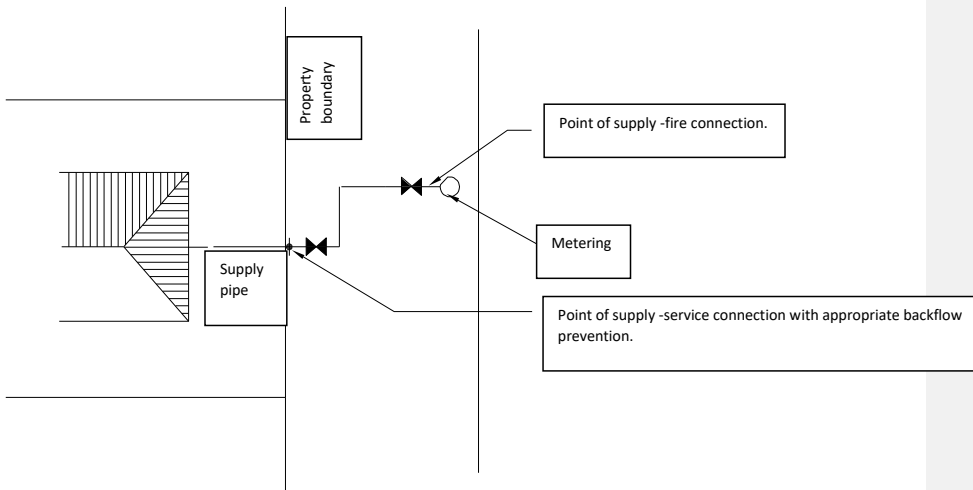


Figure 5: Combined fire and service connection

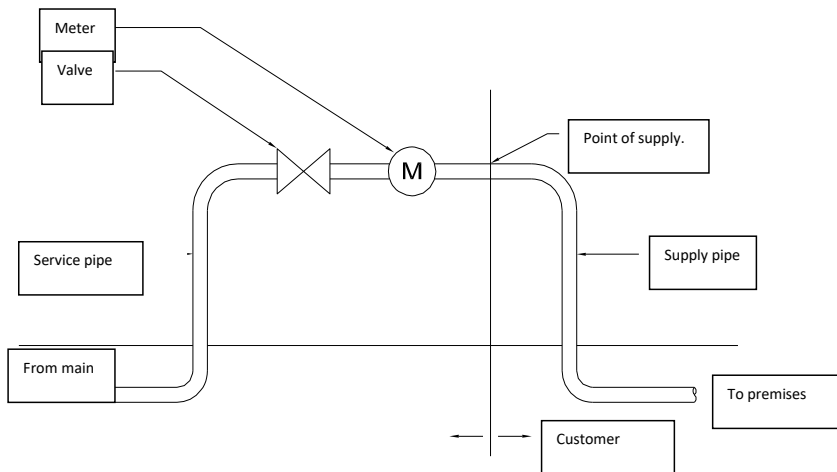
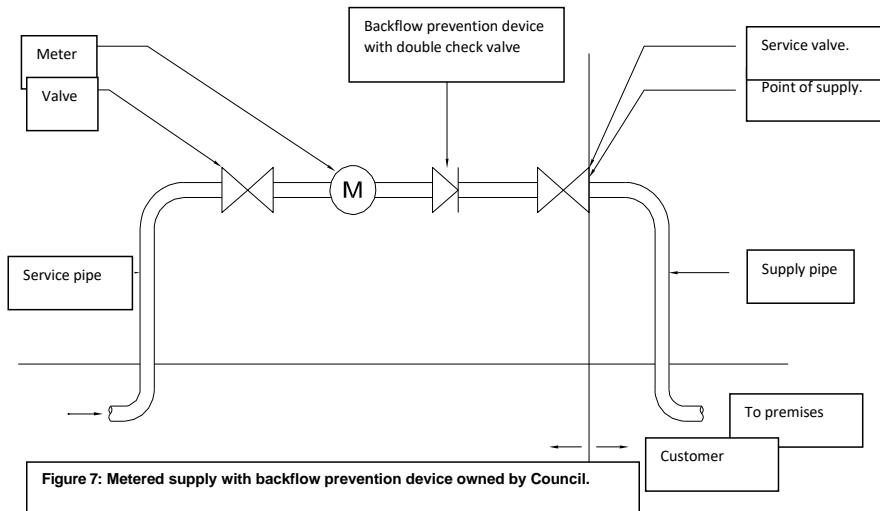


Figure 6: Domestic metered supply

**Note:**

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

**Note:**

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

**Schedule 2: Table 1 Compatibility Features**

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

Table 1 - Compatibility features

<b>Feature</b>	<b>Value</b>
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 <sup>3</sup>

\*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>

# Waikato District Council Water Supply Bylaw 2014

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

## 1. Short Title, Commencement and Application

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

## 2. Scope

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

## 3. Purpose

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

## 4. Compliance with Other Acts and Codes

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

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

## 5. Interpretation

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

## 6. Definitions

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

<b>Advisory Note</b>	A note which further explains a bylaw clause but does not form part of the bylaw.
<b>Air Gap</b>	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.
<b>Approved</b>	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
<b>Authorised Agent</b>	Any person authorised or appointed by the Council to do anything in respect of the water supply system.
<b>Authorised Officer</b>	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.
<b>Auxiliary Supply</b>	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."



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

<b>Development contribution</b>	As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.
<b>District</b>	The Waikato District.
<b>Extraordinary Supply</b>	A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.
<b>Extraordinary Use</b>	<p>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including the following water users:</p> <ul style="list-style-type: none"> <li>(a) Residential properties with –spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity;</li> <li>(b) Residential properties with fixed garden irrigation systems;</li> <li>(c) Commercial or business premises (including home-based commercial activities);</li> <li>(d) Industrial premises;</li> <li>(e) Any properties at which agricultural, horticultural or viticultural land use is occurring;</li> <li>(f) Lifestyle blocks (rural supplies);</li> <li>(g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;</li> <li>(h) Outside of Waikato District customers (supply to, or within another local authority);</li> <li>(i) Temporary supplies</li> <li>(j) Any other property found by Council to be using water above 15m<sup>3</sup>/day (a consent from the Waikato Regional Council is required);</li> <li>(k) Water carriers</li> <li>(l) Any other auxiliary supply</li> </ul>
<b>Fees and Charges</b>	The fees and charges for water supply set by the Council.

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

**Point of Supply**

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

**Potable Water**

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

**Premises**

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

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

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

**Property**

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

## Prescribed charges

Charges applicable at the time of connection may include:

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

## Public Notice

A notice published in:

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

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

## Restricted Flow Supply

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

## Restrictor

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

## Restricted Water Supply Area

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

<b>Service Pipe</b>	The section of water pipe between a water main and the point of supply.
<b>Service Valve</b>	The valve at the Customer end of the service pipe used to control and/or isolate the supply.
<b>Storage Tank</b>	Any tank having a free water surface in which water supplied by the Council is stored for use. .
<b>Supply Pipe</b>	The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.
<b>Water Alert Level</b>	Classification system used for applying water conservation restrictions.
<b>Water Carrier</b>	Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking- water.
<b>Water Supply System</b>	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.
<b>Water Unit</b>	The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

## 7. Protection of Water Supply System

### 7.1 Water Supply System

#### 8.1.1 Access and connection to System

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

#### 8.1.2 Fire Hydrants

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

### 8.1.3 Working around Buried Services

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

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

## 8.2 Protection of Water Sources

### 8.2.1 Catchment Classes

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

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

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

### 8.2.2 Controlled Catchments

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



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

### 8.2.3 Restricted Catchments

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

### 8.2.4 Open Catchments

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

### 8.2.5 Spillages and Adverse Events

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

## 8. CONDITIONS OF SUPPLY

### 8.1 Connection, disconnection, and other works

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

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

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

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

## 8.2 Change of Use

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

## 8.3 Point of Supply

### 9.3.1 Ownership and Responsibility for Maintenance

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

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

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

### 9.3.2 Location

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

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

### 9.3.3 Multiple Ownership of Premises

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

- (a) In respect of company ownership for a company share/block scheme (Body Corporate), the point of supply shall be located as shown in Schedule 1 or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position, unless otherwise approved. Other positions shall require specific approval from Council.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title and any other form of multiple ownership, each Customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to the Council's approval.
- (c) Where a bulk meter feeds multiple units, a unit title must be nominated by the company or body corporate (whichever is relevant) to hold the bulk meter for payment purposes.

## 9.4 Access to, and about the Point of Supply

### 9.4.1 Rights of Access

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

## 9.5 Types of Water Supply

### 9.5.1 General

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

### 9.5.2 On Demand Supply

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

### 9.5.3 Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m<sup>3</sup> or equivalent of at least 48 hours of average water use where this is greater than 22m<sup>3</sup>.

- (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 1.8m<sup>3</sup> 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 m<sup>3</sup>; or
  - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas will be given twelve weeks written notice to install onsite water storage of a minimum volume of 22 cubic metres or the equivalent of at least 48 hours of average water use where this is greater than 22 cubic metres. After this period Council shall install the appropriately sized flow restrictor.
- (g) Owners are allowed to transfer water allocations subject to following conditions:
- (i) The initial property retains a 1.8 cubic metre allocation;
  - (ii) The transfer has to take place within the same water supply;
  - (iii) The new property to which water allocation is transferred or sold has to be located at a place where the Council is able to supply the allocation without further upgrading or extension works;
  - (iv) If upgrading or extension works are required then the Customer transferring the allocation has to pay up-front for the full cost of the upgrading or extension works; and
  - (v) The Customer transferring the allocation has to pay for the connection cost to the new property and a transfer fee.
- (h) Council allows property owners to apply for disconnection from the restricted water supply. No refund either in part or whole of any development contribution will be made. Such an application must state the

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

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

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

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

## **9.6 Meters and Flow Restrictors**

All water connections in Waikato District shall be metered.

### **9.6.1 Installation of meters**

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

OR.....

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

### **9.6.2 Location**

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

### **9.6.3 Accuracy**

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

### **9.6.4 Adjustment**

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

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

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

### 9.6.5 Estimating Consumption

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

### 9.6.6 Incorrect Accounts

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



### 9.6.7 Leaks

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

### 9.7 Levels of Service and Continuity of Supply

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

### 9.8 Demand Management

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

#### 9.8.1 Water Alert and Emergency Restrictions

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

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

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

## 9.8.2 Maintenance and Repair

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

## 9.9 Liability

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

## 9.10 Fire Protection Connection

### 9.10.1 Connection Application

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

### 9.10.2 Design of Fire Protection Systems

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

### 9.10.3 Fire Protection Connection Metering

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

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

## 9.11 Backflow Prevention

### 9.11.1 Customer Responsibility

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

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

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

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

### **9.11.2 Unmanaged Risk**

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

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

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

## **9.12 Council Equipment and Inspection**

### **9.12.1 Care of Water Supply System**

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

### **9.12.2 Inspection**

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

## **9.13 Plumbing System**

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

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

## **9.14 Prevention of Water Loss and Waste**

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

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

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

## **9.15 Payment**

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

## **9.16 Transfer of Rights and Responsibilities**

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

## **9.17 Change of Ownership**

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

## **9.18 Disconnection at the Customer's Request**

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

## 9. BREACHES

### 9.1 Breaches of conditions of supply

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

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

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

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

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

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

## 10.2 Interference with equipment

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

## 10. Offences and Penalties

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

## 11. Schedules

The following schedules can be amended through a Council resolution.

**Schedule 1:** Examples showing Single/Manifold Connection

**Schedule 2:** Table I Compatibility Features

**Schedule 3:** Water Supply Area Maps

## 12. General

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

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

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



Schedule 1: Examples showing Single/Manifold Connection

Example 1 – With Street Frontage

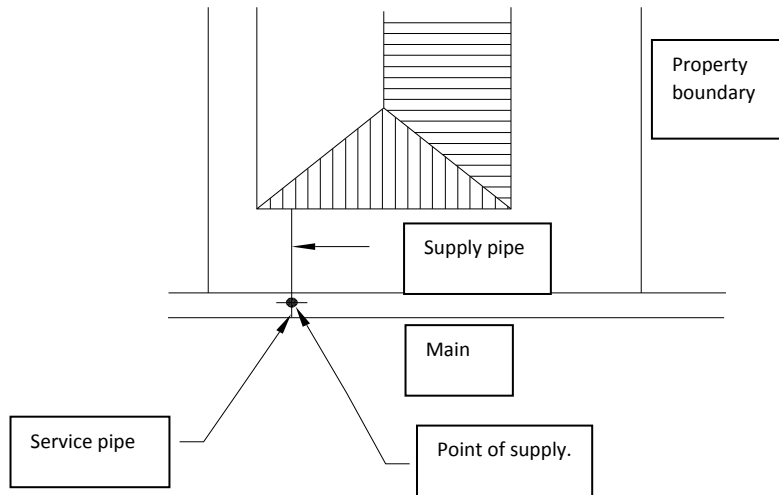


Figure 1: Point of supply outside property boundary

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

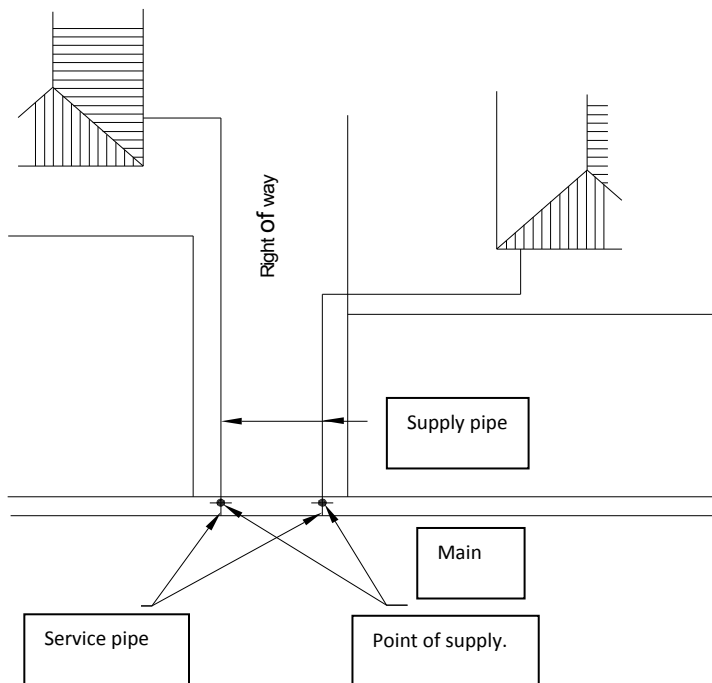


Figure 2: Point of supply outside property boundary

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

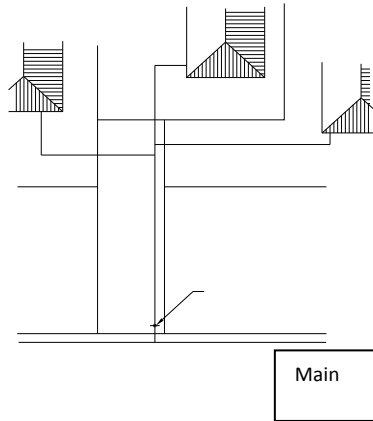
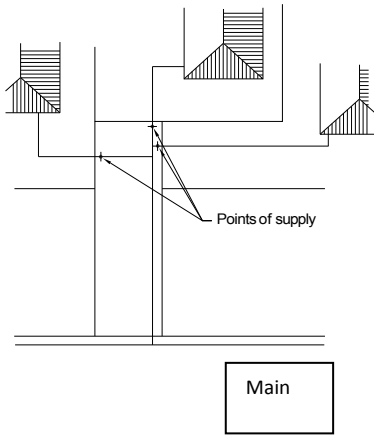


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

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

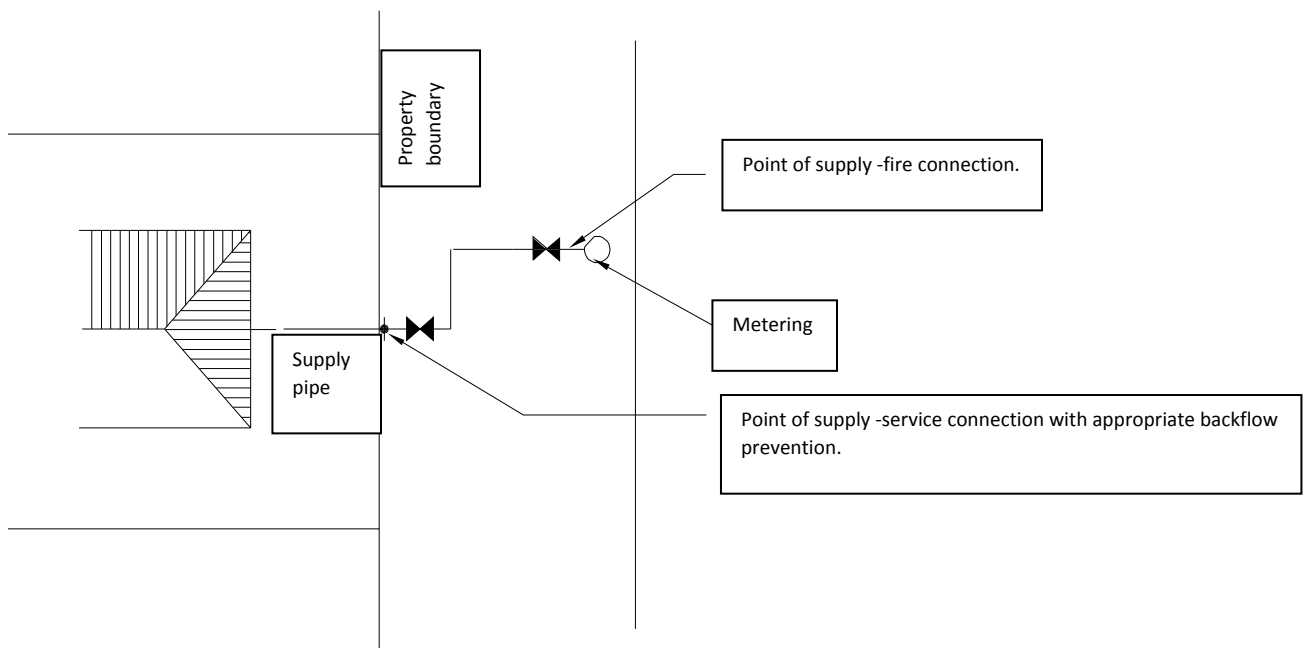


Figure 5: Combined fire and service connection

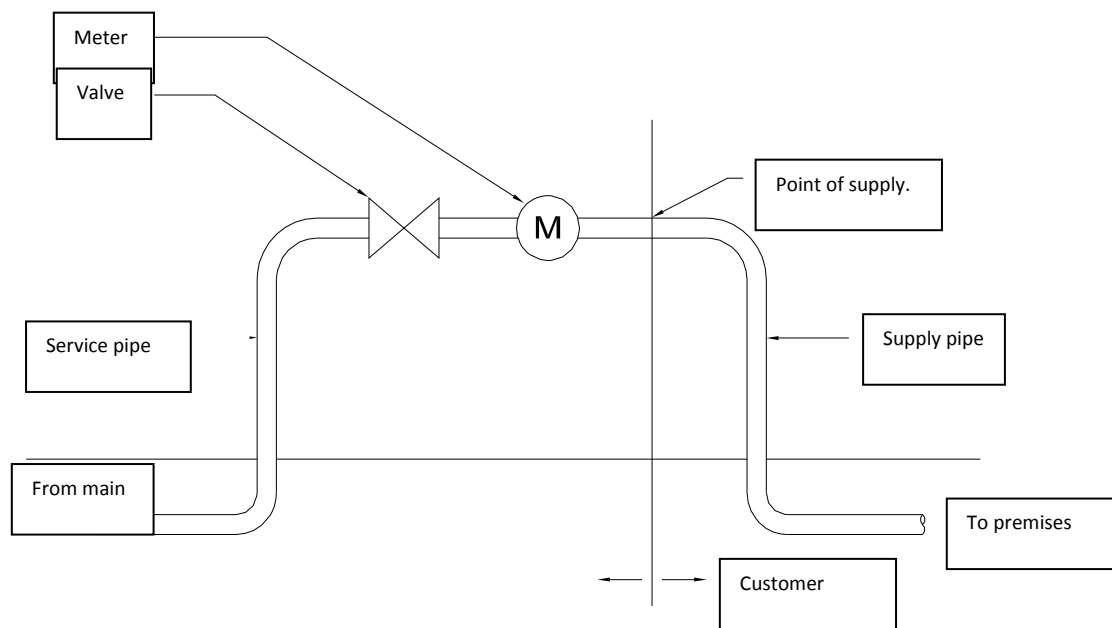
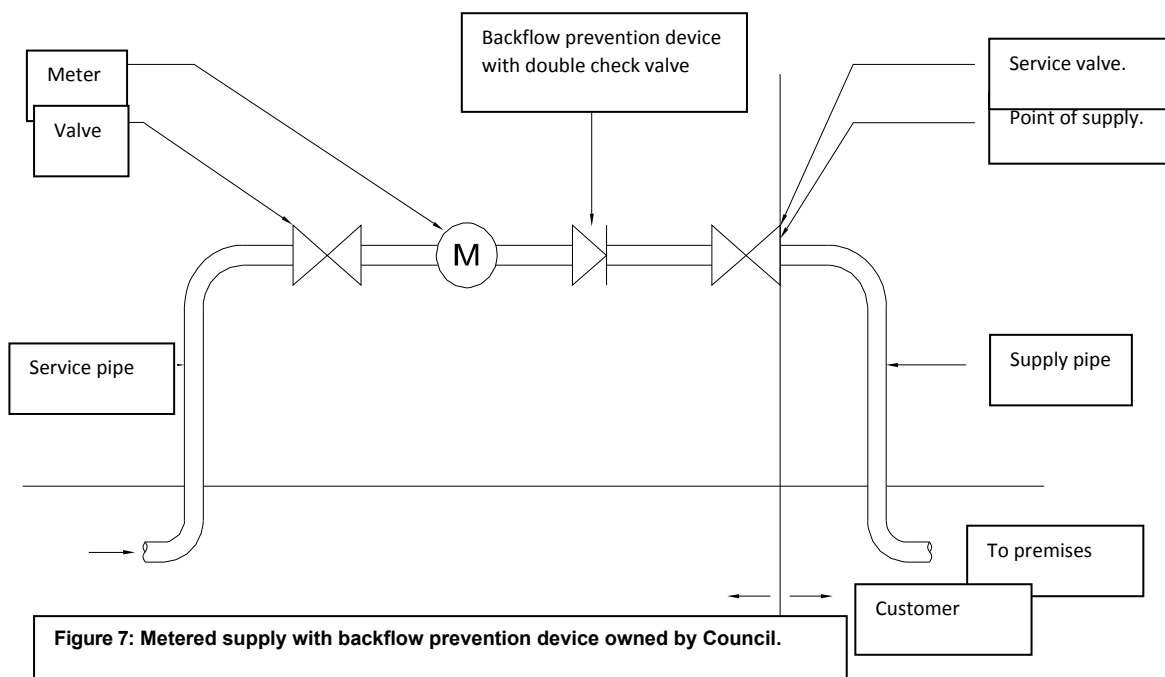


Figure 6: Domestic metered supply

**Note:**

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



Note:

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

**Schedule 2: Table 1 Compatibility Features**

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

Table I - Compatibility features

<b>Feature</b>	<b>Value</b>
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 <sup>3</sup>

\*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:	

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## Introduction

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

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

## Objective(s)

The objectives of this policy are to:

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

## Definitions

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

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

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

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

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

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

## Application

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

## Principles

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

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

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

## Conditions and Criteria

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

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

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

A remission will not be considered for leaks:

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



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

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

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

### **Significance** (refer to *Significance and Engagement Policy*)

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

### **Relevant Documents/Legislation**

*Local Government Act 2002*

*Local Government (Rating) Act 2002*

### **Policy Review**

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

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'HAVE YOUR  
SAY' ON THE  
PROPOSED WATER  
SUPPLY BYLAW  
AMENDMENTS

# STATEMENT OF PROPOSAL

PROPOSED WATER SUPPLY BYLAW  
2014 AMENDMENTS

[waikatodistrict.govt.nz](http://waikatodistrict.govt.nz)

0800 492 452

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
- Consultation and Submission information
- 'have your say' details

## BACKGROUND

This is a proposal to review the Water Supply Bylaw 2014 and make a Water Leak Remission Policy and we are seeking your feedback.

Waikato District Council must review all its bylaws periodically. S.158 of the Local Government Act 2002 (LGA) instructs Council to review all its bylaws within 5 years of their having first been made, and then every 10 years thereafter. The Bylaw has surpassed its five-year review period and is sitting within the two year grace period.

Through this review process Council is proposing a number of changes. One is to remove part of clause 9.6.7 from the Bylaw and create a new 'Water Leak Remission Policy' as a separate document to make water leak remission applications clearer.

We are seeking your feedback on both the Bylaw and the proposed Policy.

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## REASONS FOR THE PROPOSED BYLAW AMENDMENTS

The Council's Bylaw manages and regulates our water supply system. It helps us protect our water supply network and water sources from contamination. It contains rules around:

- Access and connection to the water supply system
- Working around buried services
- Protecting water sources
- Activities restricted in certain catchments
- Conditions of water supply
- Ownership and responsibility of maintenance
- Types of water supply
- Breaches of the Bylaw

The proposed amendments have been suggested to improve the Bylaw and make it easier to read.

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## SUMMARY OF CHANGES PROPOSED TO THE WATER SUPPLY BYLAW 2014

The Bylaw helps protect our public water supply infrastructure and promote and maintain public health and safety, through managing and regulating the Council's Water Supply.

The following table highlights key proposed bylaw amendments.

## KEY CHANGES TO THE WATER SUPPLY BYLAW 2014



Below is a list of the key changes that we propose to make to the Bylaw:

Clause	Key proposed changes	Explanation
8.1.3	Require those undertaking excavation works to view Council records of buried services locations.	To protect buried services
9.3.2	The point of supply for new connections shall be installed as per Schedule 1.	To provide consistency across the district for ease of locating.
9.6.1	Council can install water meters at the customers cost where a premise is supplied with an on-demand supply and not metered.	Currently, this can only be done when the water use is high, or the premises are used for commercial activity
9.6.7	Council proposes to remove the water relief section of the Bylaw and create a new Water Leak Remission Policy as a separate document	A separate policy will contain more detail and make water leak relief applications clearer.
9.10.3(c)	Council supplies water used for the purpose of extinguishing fires to be supplied free of charge.	Council to support fire extinguishing efforts, when required.
9.11.2	Allow council to install backflow prevention devices on Council's side of the supply when customers are unable to. Council propose the costs may be recovered from the customer.	To protect potable water supplies from contamination or pollution due to backflow.

The proposed Bylaw can be viewed here: [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

## BACKGROUND TO THE PROPOSED WATER LEAK REMISSION POLICY



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. We offer a leak remission to ensure customers understand the cost and value of water and encourage leaks to be fixed promptly.

Currently the Bylaw contains clauses on water leak relief. But through this review, we are proposing to remove these from the bylaw and create a separate Water Leak Remission Policy.

The proposed policy contains information on leak remission eligibility.

## SUMMARY OF THE PROPOSED WATER LEAK REMISSION POLICY



The Policy proposes that Council will remit half of the excess charge (measured over the last two bills) on water consumption rates where criteria in the policy is met. Council proposes the following criteria:

- Council are satisfied the excess consumption is caused by a leak
- The leak to be repaired within 20 working days of being identified
- Proof of the leak being repaired by a licenced or certified plumber
- Applications to be received within 6 months of the leak being detected

The proposed policy can viewed here: [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

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## CONSULTATION AND SUBMISSIONS



Anyone can make a submission on the Proposed Water Supply Bylaw 2014 Amendments and the Proposed Water Leak Remission Policy, and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the 'Shape Waikato,' Council's online engagement website.

The submission period for the proposed Stormwater Bylaw 2021 opens on 16 June 2021 and closes at 5pm on 16 July 2021.

## SUBMISSIONS CAN BE:

### ONLINE:

[www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)



### 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](mailto:consult@waidc.govt.nz)  
Subject heading should read:  
"Speed Limits 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 16 July 2021, all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 11 August 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 – 16 June 2021

SUBMISSIONS CLOSE – 16 July 2021

HEARING OF SUBMISSIONS – 11 August 2021

If you have any further queries or would like further copies of the proposed Bylaw, please contact Jodi Bell-Wymer on 0800 492 452.





Do you support the proposed to **Water Leak Relief Policy 2021**?  Yes  No  In Part

Please tell us why:

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What changes would you like to see to the proposed **Water Leak Remission Policy**?

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Any additional comments? (you may attach further information if you like)

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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)

**Need more information**  
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### Open Meeting

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	Ian Cathcart Special Infrastructure Projects Manager
<b>Date</b>	27 May 2021
<b>Prepared by</b>	Jodi Bell-Wymer, Corporate Planner Kumar Sevaratnam, Waters Contract Engineer
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	P&R2021; GOV1318; ECM # 3092980
<b>Report Title</b>	Approval for Consultation: Proposed Waikato District Council Stormwater Bylaw 2021

## I. EXECUTIVE SUMMARY

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Waikato District Council's (Council) Waters Team are proposing a new Stormwater Bylaw. This report seeks approval to carry out public consultation on the Proposed Waikato District Council Stormwater Bylaw 2021 (the Bylaw) in accordance with s.83 (Special Consultative Procedure) of the Local Government Act 2002 (LGA).

The Bylaw has been drafted incorporating feedback provided by Councillors at a workshop on 17 March 2021 and is based on Hamilton City Council's (HCC) Stormwater Bylaw 2015. 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. The Waikato Regional Council (WRC) encourages councils to have a Stormwater Bylaw to support comprehensive stormwater discharge consents.

The Bylaw has been legally reviewed and is attached to the staff report, along with a Statement of Proposal. Subject to approval by the Policy & Regulatory Committee, the Bylaw will be publicly notified for a consultation period from 16 June 2021 to 16 July 2021. Submissions will be considered, and if requested, heard by the Committee at a hearing on 11 August 2021. The amended proposed Bylaw is scheduled to be brought to the Policy & Regulatory Committee on 1 September 2021, followed by adoption by Council on 20 September 2021.

Consultation on the Bylaw is planned to be concurrent with consultation on the proposed Water Supply Bylaw and Water Leak Relief Policy.

## 2. RECOMMENDATION

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

**AND THAT** as required under s.83 of the **Local Government Act 2002**, the **Committee**:

(a) adopts the **Statement of Proposal**; and

(b) approves the commencement of public consultation on the proposed **Waikato District Council Stormwater Bylaw 2021** to be undertaken between 16 June 2021 and 16 July 2021;

**AND FURTHER THAT** submissions on the **Bylaw** be considered, and if requested by submitters, be heard by the **Committee** at a hearing to be held in **August 2021**;

**AND FURTHER THAT** the **Committee** recommends to **Council** that the **Bylaw** is the most appropriate form of **Bylaw**;

**AND FURTHER THAT** the **Committee** 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.

## 3. BACKGROUND

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

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

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

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

Council had a workshop on 17 March 2021 as part of the proposed bylaw process. This workshop was an opportunity to consider if the Bylaw was effective and the best way to manage the potential issues or problems associated with the districts stormwater and to suggest corrections or improvements be made to the Bylaw.

#### **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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##### **4.1 DISCUSSION**

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

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

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

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

Clause	Key proposed clauses	Explanation
6.1	Connection to the Stormwater system	Specifies that connection to the stormwater system without Council consent is not allowed.
6.2	Protecting the stormwater system	Requires certain actions, such as correct dischargement of some materials, to protect the stormwater systems.
6.3	Damage to the public stormwater system	Does not allow damage to any aspect of Council's stormwater system, from individuals or those working around the stormwater system.
6.4	Building works near stormwater systems	Requires building works to comply with regulations to protect our stormwater system.
6.5	Obstructions and capacity	Does not allow actions which may obstruct or change the capacity of the stormwater system.
6.6	Private Stormwater Systems Requirements	Requires private stormwater systems to be fixed to meet original design specifications and other regulations.
7	Access	Allows Authorised Officers to enter stormwater system for routine inspection and monitoring.

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

## 4.2 ANALYSIS

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

- The new Bylaw allows Council to better manage and regulate our stormwater system
- The new Bylaw ensures Councils complies with its comprehensive stormwater consents issued by the Waikato Regional Council

A potential disadvantage of the recommendation is:

- Possible increased monitoring and enforcement required.

### 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 stormwater within the Waikato District which could result in damage to our stormwater system and waterways. As such, this option is not recommended.

**Option 2: Do not approve Public Consultation at this time**

This option is **not** recommended.

If public consultation is not approved for commencement in June 2021, the adoption of the Bylaw could be delayed considerably resulting in lack of stormwater control in the district.

**Option 3: Approve Public Consultation in accordance with s.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

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### 5.1 FINANCIAL

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

## 5.2 LEGAL

### Legislative requirements

#### Determination of Significance

S.156 of the LGA requires the local authority to decide whether public consultation is undertaken in accordance with s.82 or s.83 of the Act. If it is determined 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 s.83 must be used.

Consultation under the Special Consultative Procedure in accordance with s.83 of the Act requires Council to:

- Adopt a Statement of Proposal which includes information regarding Council's consideration of the matters referred to in s.155 of the Act;
- 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 recommend have that public consultation should be undertaken in accordance with s.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 (s.83 of the Act)

Because it has been determined that the Bylaw should be subject to the Special Consultative Procedure under s.83 of the Act, s.86 of the Act provides that additional information must 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 s.155 of the Act 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 perceived problems non-compliance with stormwater consents, private owner behaviour and degradation of the Waikato River and that the Bylaw, as drafted, is the most appropriate form of bylaw.

It is 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 <input type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <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>	<p>The proposed Waikato District Council Stormwater 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>Open and targeted consultation are proposed to run concurrently.</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		Watercare
y			Major Developers/Contractors

## 6. CONCLUSION

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This report seeks approval from the Policy and Regulatory Committee to undertake public consultation on the proposed Waikato District Stormwater Bylaw 2021 in accordance with s.83 (Special Consultative Procedure) of the LGA.

## 7. ATTACHMENTS

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Attachment 1: Waikato District Council Proposed Stormwater Bylaw 2021

Attachment 2: Statement of Proposal - Waikato District Council Proposed Stormwater Bylaw 2021 and submission form



# Waikato District Council

## Stormwater Bylaw 2021

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

### 1. SHORT TITLE, COMMENCEMENT AND APPLICATION

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

### 2. SCOPE

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

### 3. PURPOSE

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

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

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

## 5. DEFINITIONS

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

<b>Approval</b>	Means approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council.
<b>Authorised Officer</b>	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.
<b>Council</b>	Means the Waikato District Council or any person authorised to act on its behalf.
<b>Council Policy</b>	Means any Waikato District Council Policy either directly or indirectly related to Stormwater.
<b>Ecological device</b>	Includes devices such as fish ramps and any constructed fish protection structures designed to preserve aquatic habitat or passage.
<b>High Risk Facility</b>	Means a facility identified as a high-risk facility: <ol style="list-style-type: none"> <li>I. In the list attached to this Bylaw as Schedule One;</li> <li>II. Through consent conditions due to the potential source of stormwater contaminants (routine and non-routine); or</li> <li>III. Waikato Regional Councils' development and stormwater management guidelines.</li> </ol>
<b>Nuisance material</b>	Means anything that is not stormwater, including but not limited to substances that; <ol style="list-style-type: none"> <li>(a) Pose a danger to life</li> <li>(b) Pose a danger to public health</li> <li>(c) Cause flooding of any building floor or sub-floor, or public roadway</li> <li>(d) Cause damage to property</li> <li>(e) Cause a negative effect on the efficient operation of a stormwater system</li> <li>(f) Cause damage to any part of a stormwater system</li> <li>(g) Cause erosion or subsidence of land</li> <li>(h) Cause long or short-term adverse effects on the environment</li> <li>(i) Cause adverse loss of riparian vegetation</li> <li>(j) Cause wastewater overflow to land or water</li> <li>(k) And includes anything that causes a breach of any condition of any stormwater discharge consent for which Council is responsible.</li> </ol>
<b>Occupier</b>	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.
<b>Open Drain</b>	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.

<b>On-lot Devices</b>	Means stormwater management devices and/or facilities that are situated on private property and which are privately owned and maintained.
<b>Overland Flow Path</b>	Means the route along which stormwater flows. A subset of an overland flow path is called “secondary flow path”. These routes carry water which cannot flow through the primary stormwater system (usually piped) because the water flow has exceeded the capacity of that network.
<b>Stormwater</b>	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"> <li>(a) Ground water that enters into the stormwater system; and</li> <li>(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.</li> </ol>
<b>Stormwater System</b>	Includes any land, structure or infrastructure associated with stormwater drainage, including: <ol style="list-style-type: none"> <li>(a) <b>Private Stormwater System</b> - 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.</li> <li>(b) <b>Public Stormwater System</b> - 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.</li> </ol>
<b>Stormwater Management Device</b>	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"> <li>• rain gardens</li> <li>• infiltration trenches</li> <li>• sand filters</li> <li>• green roofs</li> <li>• wetlands</li> <li>• swales</li> <li>• ponds</li> <li>• rain water tanks</li> <li>• propriety devices</li> </ul>
<b>Trade Waste Management Plan</b>	Means a plan for the management of the operations on the Premises from which Trade Waste comes, and may include provision for flow and quality monitoring, sampling, and testing, cleaner production, waste minimisation, discharge, contingency management procedures, or any relevant industry Code of Practice ( <i>Refer current Waikato District Trade Waste and Wastewater Bylaw</i> ).
<b>Watercourse</b>	Means a channel that conveys water whether or not it passes through private property and includes channels where, due to seasonal variations, water does not permanently flow.

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

## 6. STORMWATER SYSTEMS REQUIREMENTS

### 6.1. Connecting to the Stormwater system

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

### 6.2. Protection of Stormwater System

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

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

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

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

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

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

### **6.3. Damage to the Public Stormwater System**

- (a) No person shall cause, or allow to be caused, any damage to, or destroy any:
  - i. Dam
  - ii. Weir
  - iii. Stormwater Management device
  - iv. Swale
  - v. Overland flow path identified in a land use consent notice, other documents of Council or illustrated in integrated catchment management plans.
  - vi. Stopbank
  - vii. Headworks
  - viii. Building
  - ix. Treatment device
  - x. Drainage reserve land
  - xi. Ecological device
  - xii. Erosion and scour control structures
  - xiii. Stormwater inlet and outlet structures
  - xiv. Stormwater pipes; or
  - xv. Any other installation connected with the stormwater system and under control of the Council.
- (b) No person shall modify, interfere with, or remove any of the items listed in Clause 7.2 (a) without the prior approval of Council.
- (c) Every person excavating or working around the Public Stormwater System must take any necessary precautions to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the Stormwater System.

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

#### **6.4. Building works in proximity to the Stormwater System**

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

#### **6.5. Obstructions and Capacity of the stormwater system**

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

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

## 6.6. Private Stormwater Systems Requirements

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

## 7. ACCESS

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

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

## 8. FEES & CHARGES

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

## 9. BREACHES

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



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

## **10. OFFENCES AND PENALTIES**

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

## **11. GENERAL**

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

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

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

## Schedule One

### Waikato District Council Stormwater Bylaw

#### Stormwater High Risk Facilities Register

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

The following is a list of high risk facilities:

Activity	Reason for High Risk Classification
<b>Mechanical workshops and service stations</b>	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.
<b>Printers</b>	Relatively large quantities of dyes and paints are handled at these sites. The risk of spillages is relatively high.
<b>Spray painting facilities</b>	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
<b>Meat, fish and shellfish processing industries</b>	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
<b>Dairy products processing</b>	Wastes from these industries can typically have a high Biological Oxygen Demand (BOD). This can cause significant adverse effects.
<b>Waste management sites (transfer stations, compost sites, landfills etc.)</b>	Litter, hazardous substances and high BOD wastes can all enter stormwater systems from these sites.
<b>Truck wash facilities</b>	The activity of truck washing can generate hazardous contaminants from trucks as well as sediments and wastes from spillages on site.
<b>Unenclosed manufacturing and bulk storage of fertiliser</b>	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.
<b>Textile fibre and textile processing industries where dyeing and washing of fabric occurs</b>	Large quantities of dye and high BOD wastes (from wool scourers for instance) are handled on these site. The risk of spillages that could enter stormwater is high.
<b>Tanneries and leather finishing</b>	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.

<b>Footwear manufacture</b>	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is higher.
<b>Manufacture of paper and paper products</b>	Hazardous substances such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages etc. entering stormwater can be high.
<b>Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products</b>	The risk of spillages associated with hazardous substances used in these industries can be high.
<b>Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products</b>	The risk of spillages associated with hazardous substances used in these industries can be high.
<b>Manufacture of fabricated metal products, machinery and equipment</b>	The risk of spillages associated with hazardous substances used in these industries can be high.
<b>Electroplaters, Foundries, galvanizers and metal surfacing</b>	The risk of spillages associated with hazardous substances used in these industries can be high.
<b>Concrete batching plants and, asphalt manufacturing plants</b>	The risk of spillages associated with hazardous substances used in these industries can be high.
<b>Stock saleyards</b>	High BOD run-off can be associated with these sites.
<b>Bakeries</b>	Outside washing of trays, dishes and pans can result in high BOD, fats, greases and detergents entering stormwater systems.
<b>Car wash and valet services</b>	High oil, solvent and solid discharges can occur from these activities.
<b>Commercial laundries (excluding self-service laundrettes and Laundromats)</b>	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
<b>Furniture/wood manufacturing and refinishing industries</b>	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.
<b>Timber preservation, treatment and storage sites where chemically treated timber is sorted</b>	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.
<b>Stockpiled tyres</b>	Large quantities of tyres when ignited can produce hazardous air emissions and toxic effluent run-off which have adverse health and environmental implications.



HAVE YOUR  
SAY ON OUR  
PROPOSED  
STORMWATER  
BYLAW

# STATEMENT OF PROPOSAL

PROPOSED STORMWATER BYLAW 2021

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
- Consultation and submissions
- 'have your say' details

## BACKGROUND

This is a proposal to create a new Stormwater Bylaw and to seek your feedback. Waikato District Council does not currently have a Stormwater Bylaw and is proposing to create one to help protect streams, the Waikato River and its tributaries. It proposes to set out responsibilities regarding the management of stormwater in the district.

The proposed bylaw provides guidance on what can and cannot enter our stormwater system and will enable Council to:

- Manage land, structures and infrastructure associated with stormwater drainage
- Protect and regulate against damage, misuse, or loss of land, structures and infrastructure related to stormwater drainage;

- Prevent unauthorised use of land, structures and infrastructure related to stormwater drainage;
- Ensure waterways, that form part of our stormwater systems, remain clear and unobstructed;
- Manage the entry of contaminants into the stormwater system.

Council has the power to make bylaws for regulating and protecting land drainage. In addition, Council has a duty under s17 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).

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## REASONS FOR THE PROPOSAL



A Bylaw will help Council to comply with stormwater discharge consents it holds with the Waikato Regional Council and it will address any non-compliances associated with those consents.

The management of stormwater assists in achieving the Vision and Strategy for the Waikato River by helping to protect aquatic habitats, minimising scour, erosion and flooding and improving water quality.

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## SUMMARY OF THE PROPOSED STORMWATER BYLAW



The proposed Stormwater Bylaw sets out responsibilities regarding the management of stormwater within the district. It provides guidance on what can and cannot enter the stormwater system. The following table highlights the key proposed bylaw clauses.

## TABLE OF PROPOSED STORMWATER BYLAW CLAUSES



Clause	Key proposed clauses	Explanation
6.1	Connection to the Stormwater system	Specifies that connection to the stormwater system without Council consent is not allowed
6.2	Protecting the stormwater system	Requires actions to protect our stormwater systems
6.3	Damage to the public stormwater system	To prevent damage or modification to the stormwater system
6.4	Building works near stormwater systems	Requires building works to comply with regulations to protect our stormwater system
6.5	Obstructions and capacity	Prevents actions that could obstruct or change the capacity of the stormwater system
6.6	Private Stormwater Systems Requirements	Requires private stormwater systems to be fixed to meet specifications and regulations
7.0	Access	Allows Authorised Officers to enter stormwater system areas for routine inspection

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## CONSULTATION AND SUBMISSIONS



Anyone can make a submission about the Proposed Stormwater Bylaw 2021 and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the 'Shape Waikato,' Council's online engagement website.

The submission period for the proposed Stormwater Bylaw 2021 opens on 16 June 2021 and closes at 5pm on 16 July 2021.

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## SUBMISSIONS CAN BE:

### ONLINE:

[www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)



### 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](mailto:consult@waidc.govt.nz)  
Subject heading should read:  
"Stormwater 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 16 July 2021 all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 11 August 2021 (or as soon after as possible).

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

#### IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 16 June 2021

SUBMISSIONS CLOSE – 16 July 2021

HEARING OF SUBMISSIONS – 11 August 2021

If you have any further queries or would like further copies of the proposed Bylaw, please contact Jodi Bell-Wymer on 0800 492 452.





**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>

**Need more information**  
For more information, visit our website <https://shape.waikatodistrict.govt.nz/>

**Privacy statement**

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.

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**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	24 May 2021
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	Chief Executive's Business Plan

## **1. EXECUTIVE SUMMARY**

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The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2020/2021 items.

## **2. RECOMMENDATION**

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**THAT the report from the Chief Executive be received.**

## **3. BACKGROUND**

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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**

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### **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 that really matter.

The Plan is in line with the Chief Executive's Performance Agreement which was updated in June 2020 in preparation for the new financial year.

The Plan will be updated again in June for the next 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 2020.

## **5. CONSIDERATION**

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### **5.1 FINANCIAL**

Nil at this stage.

### **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 (evidenced at Team Up 2020 and in the 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 2020.

#### 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 at this stage of the year.					

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

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

## 7. ATTACHMENTS

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Chief Executive's KPI worksheet.

## Chief Executive's KPIs – 2020/2021

**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
I. Delivery and achievement of LTP year 3 (covers normal business activities, financial and non-financial performance measures and the delivery of the annual work programme)	1.1	The 2020/2021 Annual Plan is delivered within the agreed budget, and in accordance with variations approved by Council. Provide regular updates to the Strategy & Finance Committee on progress.	<p>We are in the heart of the construction season for 2020/2021. Work is ongoing with projects being completed, tenders being let and designs being completed.</p> <p>Capital project spend to the end of April 2021 was \$42.9 million.</p> <p>Capital work on Meremere and Te Kauwhata Wastewater treatment plants is advancing.</p>	
	1.2	Demonstrate alternative effective approaches to reducing the level of carry forwards.	<p>Several different approaches have been taken. A comprehensive review of the outstanding projects has been completed through Councillor feedback.</p> <p>The Service Delivery General Manager has explained our approach at the August Infrastructure Committee meeting.</p> <p>A lot of internal work is being undertaken by the Service Delivery team in association with Finance and Procurement to identify ways to try to fast-track progress.</p> <p>Watercare are also proceeding at pace to undertake capital works (including the Reform Stimulus Funding Works). Two further project business cases have been approved by the Water Governance Board to advance the Te Kauwhata Wastewater Treatment Plan and a Raglan Solar array.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			<p>Councillors have been kept informed on progress with the various initiatives and expected carry forwards which will be rebudgeted for the early years of the LTP.</p>	
	1.3	<p>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>	<p>The work being undertaken to consider the formation of man whenua forums is an example of attempts being made to improve engagement and to connect with hapu and marae. Mana whenua forums were raised at the October Council meeting including some more detail and the related framework for the forums to commence in 2021.</p> <p>An electronic newsletter has also been established to provide another point of connection to the community.</p> <p>The Raglan Wharf projects is a live example of working with the local community to deliver a result that will be beneficial and embody the spirit of the Council vision.</p> <p>The Community Give Back Day was a success with 221 staff participating. The support ranged from painting fences, cleaning up cemeteries or walkways, transporting gravel for walkways and helping with Foodbanks.</p> <p>Significant time and resource was invested to facilitate community engagement in the LTP process. This didn't deliver the outcome we sought but the effort was substantial.</p>	

2. To deliver the 2021-2031 Draft LTP	2.1	The 2020-2031 Draft LTP incorporating agreed targeted Covid-19 related areas, is complete by 30 June 2021.		LTP deliberations are being held early June.	
	2.2	Ensure the financial sustainability of Council, including staying within banking covenants and treasury policies as a result of Covid-19.		Banking covenants and treasury policies are being met in the context of Covid-19.  Debt levels and financial constraints are having to be carefully planned for the next LTP period. This is constraining some of our activities.	
3. Complete the development of a targeted Recovery Plan in respect of Covid-19 for the organisation and the District.	3.1	Ensure the Plan incorporates and defines the role of the Council and organisation as a facilitator, coordinator and/or leader in:  a) Getting people sustainably back to work, and the organisation fully effective as quickly as possible.  b) Economy and community recovery and development.		3.1 (a) Levels of service are being maintained and technology to support more flexible working has been implemented. Business continuity plans have been reviewed and updated in order to build resilience.  (b) Economic stimulus is coming through the Raglan Wharf project, Te Awa Cycleway and through grants available to council from the government three waters reform programme. The Council has supported the reform programme (stage 1) with the Funding Agreement signed off on September 28.  A further community and business survey has been undertaken and provided a more positive picture than expected of the District.  Consideration has been given to whether we can secure funding from the Housing Acceleration Fund to support Waikato 2070 growth aspirations.	



	3.2	Fully implement all agreed strategies to agreed parameters and deadlines.	<p>A number of partnerships and opportunities have arisen through Covid-19. The Chief Executive represents five councils on the Caring for Communities operational Committee. This is providing connection with Iwi leaders throughout the region as well as other key stakeholders such as government departments and the District Health Board.</p> <p>The Economic and Community Development Team are connecting in with the Ministry for Social Development to work together to help the recovery process for our District.</p> <p>As noted above, work on delivery of stimulus projects is underway and a follow up survey to community/residential members and businesses has been completed.</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 unlocking the opportunities for the Waikato District in relation to the Hamilton to Auckland Corridor e.g. objective feedback, tangible progress.	<p>The focus at present is to align Waikato 2070 with the Metro Spatial Plan and the detailed business case for the Southern Wastewater Plant (to the south of Hamilton). The project Control Group for the Southern Wastewater Plant has recommended a preferred option to the Governance Group. The Governance Group will meet on 16 April to consider the best way forward.</p> <p>Council's representative to the Southern Wastewater Plant Governance Group is making a difference to the discussions and the quality of the decision making. Council's second representative will attend future meetings to cover political issues.</p>	
	4.2	Strategic Review of Waters Management - Provide updates at each performance review of progress on the strategic review of the waters business and future direction. The updates	<p>To date, the Watercare contract is going well. The Waters Governance Board approved participation in the government three waters reform programme – stage I. This is non-binding but will involve the council in discussions with neighbouring local authorities.</p>	

		<p>should focus on the role that the Chief Executive has played in advancing the process.</p>	<p>The Chief Executive will report to the Waters Governance Board and the Council to seek a decision about whether to continue to be involved in future stages of the reform programme. This will follow the Government decision expected in June. Legislative change is being planned to streamline the process to agree to proceed. Stage 2 of the reform programme assumes that all councils are involved in the reform process unless they opt out (stage 1 was an opt in approach). The change for stage 2 indicates the government thinking on this matter.</p>	
	4.3	<p>Blueprints - Demonstrate that the Blueprints project aligns with the Council vision, that it will inform the 2021-2031 LTP process, and that it will be communicated with our community.</p>	<p>A thorough community check-in process occurred in mid-2020 to obtain feedback on any revisions to Blueprint priorities and indications as to who could lead the various initiatives. A revised set of priority tables was presented to the 25 November meeting of the Strategy and Finance Committee, which resolved as follows:</p> <p style="padding-left: 40px;">THAT the Strategy &amp; Finance Committee endorses the revised list of prioritised and ranked Blueprint initiatives in Appendix I to the staff report, as an input to considerations for the 2021-2031 Long Term Plan.</p> <p>An e-mail was sent in December to all participants from the most recent feedback round, advising them of progress and where on our website they could find the original Blueprint and the revised priority initiative tables.</p> <p>Proposed LTP budgets include progressing some Blueprint initiatives, and these are being identified within the LTP spreadsheets to help track progress against Blueprint implementation.</p>	

	4.4	Solid Waste Review - By 30 June 2021, complete a review of solid waste and agree a Council strategy about how waste will be managed in the future, which is aligned with the Council's vision.		<p><b><u>Solid Waste Review – By 30<sup>th</sup> June 2021</u></b></p> <p>Complete phase 1 of the solid waste review (contract refresh in situ) and develop a public engagement strategy (phase 2) to inform Council strategy about how waste will be managed in future which is aligned with the Waste Minimisation Management Plan (WMMP) and Council's vision.</p> <p>A Project Manager (reporting to the Solid Waste Steering Committee) has been appointed to support the project.</p> <p>Phase 2 of the project (public engagement) is underway. It began with a steering committee workshop in late March.</p>	
5. Partnerships and Relationships (includes relationships with other Councils, NZTA, Iwi and the Waikato District Alliance)	5.1	Provide evidence of initiatives, collaboration and engagement with Iwi, including the key outcomes achieved.		Staff engage with Iwi at various levels – meeting with mana whenua, through the Waikato-Tainui and Ngati Maniapoto Joint Management Agreements and informal hui.	
	5.2	NZTA – Provide regular updates on how the relationship with NZTA is developing, with particular emphasis on the benefits to Waikato District.		The newly appointed Regional Partnership Director presented to the Infrastructure Committee on 5 May 2021.	
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>Staff engagement levels around flexible working has been high.</p> <p>Staff engagement through recent all staff briefings (in person during July and more recently by zoom) has been high.</p> <p>The recent staff survey showed engagement at a similar level to previous years.</p> <p>Surveys have also been supplemented by blogs,</p>	

				videos and face to face contact. Interest from staff in these various initiatives appears high (for example, through comments and numbers looking at information or watching videos posted on the staff Facebook page).	
	6.2	Demonstrate progress in relation to the organisational Cultural Enrichment programme. This includes how the programme is developing, is being kept alive and broadening the perspective of staff.		Two additional staff have been employed to support our Iwi and Community Partnership Manager to build our internal and our external capability.  Weekly reports are provided about levels of activity and what is being accomplished.	
7. Zero Harm (Work Safe, Home Safe)	7.1	Lead initiatives that clearly demonstrate progress towards safety leadership in the way the organisation operates.		Training has been undertaken for Councillors and the Executive Leadership Team regarding the role of officers.  Safety improvements signalled in the KPMG report are being addressed with most items having been completed (85%). An updated report on progress is being presented to the Audit & Risk Committee in June. All outstanding actions are timetabled and monitored through an electronic system.	
	7.2	Complete the Strategic Plan work for 2020/2021 by 30 June 2021.		The plan has been completed and approved by Council.	
8. Climate Action	8.1	(a) Ensure that a Climate Action Plan is developed and submitted to Council for approval by 31 December 2020.  (b) Give effect to the goals identified in the Climate Action Plan scheduled for completion in 2020/21 (i.e. before 1 July 2021).		(a) The Climate Action Plan was approved by Council in December.  (b) Action items are being worked on following adoption of the plan. The full range of actions will take some years to complete or be assessed. Some of the initiatives have been included into proposed LTP budgets.  The tentative agreement for a staff role to	

				<p>advance climate actions initiatives was approved in the LTP.</p> <p>Please find below some examples of initiatives underway / undertaken to support our climate Action Plan:</p> <ul style="list-style-type: none"> <li>• Raglan Holiday Park Papahua – request to replace heat pump due to peak load issues with a high carbon emissions gas unit - request declined by Board - power surge protector / controller installed to fix issue instead.</li> <li>• Huntly Aquatic Centre gas boiler needs replacing earlier than anticipated – LTP funding to build it and alternatives to gas are being investigated.</li> <li>• There has been a noticeable reduction in electricity use in Councils main offices over the last 12 months.</li> <li>• Use of diesel Utes is being reviewed as they are a significant greenhouse gas emitter.</li> <li>• Application made to EECA (Energy Efficiency Conservation Authority) for funding for 2 EV charging posts (1 for Tuakau office and 1 for Ngaruawahia) for customer / staff / fleet use to cater for EV's as more arrive.</li> <li>• The Position Description for the Climate Action Coordinator has been completed.</li> <li>• A Climate Action Plan education item is scheduled for the next Chamber Chat (all staff meeting).</li> </ul>	
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**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.

### Open Meeting

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	27 May 2021
<b>Prepared by</b>	Lynette Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1318
<b>Report Title</b>	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
Item number 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)
Item number 2 Actions Report		
Item number 3 Intern for the Waters Governance Board		

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 1 Confirmation of Minutes		Refer to the previous Public Excluded reason in the agenda for this meeting.
Item 2 Actions Report		Refer to the previous Public Excluded reason in the agenda for this meeting.
Item 2.1 Intern for the Waters Governance Board	7(2)(a)	To protect the privacy of natural persons, including that of deceased natural persons.