

Agenda for a meeting of the Policy and Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **TUESDAY, 23 APRIL 2024** commencing at **9:30 AM**.

Information and recommendations are included in the reports to assist the Committee in the decision-making process and may not constitute Council's decision or policy until considered by the Committee.

The meeting will be opened with a karakia.

1. **APOLOGIES AND LEAVE OF ABSENCE**

2. **CONFIRMATION OF STATUS OF AGENDA**

3. **DISCLOSURE OF INTEREST**

4. **MINUTES FOR CONFIRMATION**

Minutes for confirmation - Tuesday, 27 February 2024.

5. **ACTIONS REGISTER**

6. **REPORTS**

- 6.1 Update on National Policy Statement Indigenous Biodiversity (NPS-IB) and the Proposed District Plan
- 6.2 Bylaw and Policy Update
- 6.3 Update on Appeals to the Proposed Waikato District Plan
- 6.4 Resource Consent Forecasting

6.5 Approval to correct minor error in Water Supply Bylaw 2023

7. **EXCLUSION OF THE PUBLIC**

It is intended to discuss all matters in the open section of the meeting, however, should in depth legal advice or information, subject to a confidence, be requested from the Committee a resolution may be passed to exclude the public to hold these discussions.

GJ Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE

POLICY AND REGULATORY COMMITTEE

Reports to:	The Council
Chairperson:	Deputy Mayor Carolyn Eyre
Deputy Chairperson:	Cr Crystal Beavis
Membership:	The Mayor, all Councillors
Meeting frequency:	Bimonthly
Quorum:	Majority of members (including vacancies)

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws and reviewing the District Plan.

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

Purpose and 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 Council bylaws for consultation.
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 Committee², Regulatory Subcommittee and officers under their respective delegations.

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

- Determine all preliminary matters in relation to bylaws, except where expressly reserved for Council under legislation or the bylaw itself. For clarity, this delegation includes those matters to be determined under section 155 Local Government Act 2002.
- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution.
- 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:
 1. 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.
 2. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 3. To monitor the private plan change process.
 4. 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:
 1. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or

2. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

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:
 1. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 2. 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.

To	Policy and Regulatory Committee
Report title	Minutes for confirmation - Tuesday, 27 February 2024.
Date:	23 April 2024
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Policy & Regulatory Committee held on Tuesday, 27 February 2024.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the minutes for a meeting of the Policy & Regulatory Committee held on Tuesday, 27 February 2024 be confirmed as a true and correct record.

3. Attachments

Ngaa taapirihanga

1. Unconfirmed P&R OPEN Minutes - 240227

Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaaruawaahia on **TUESDAY, 27 FEBRUARY 2024** commencing at **9.34am**.

Present:

Cr C Eyre (Chairperson)
Cr C Beavis (Deputy Chairperson)
Her Worship the Mayor, Mrs JA Church (Chairperson)
Cr J Gibb
Cr M Keir
Cr V Reeve
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Mr R MacCulloch (General Manager Customer Support)
Mr GJ Ion (Chief Executive)
Mr W Gauntlett (General Manager, Community Growth)
Mr J Ebenhoh (Planning & Policy Manager)
Ms R Goddard (Climate Action & Sustainability Manager)
Ms N Hubbord (Corporate Planning Team Leader)
Mr T McIntyre (Policy Advisor)
Mr A Pipe (Environmental Health Team Leader)
Ms E Saunders (Senior Democracy Advisor)

The meeting was opened with a karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Gibb/P Thomson)

THAT the Policy & Regulatory Committee accepts the apologies from:

- a. Cr P Matatahi-Poutapu, Cr K Ngataki, Cr M Raumati, Cr E Patterson & Cr L Thomson for non-attendance**

CARRIED

P&R2402/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Agenda Item 2

Resolved: (Crs Eyre/Turner)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 27 February 2024 be confirmed:

- a. with all items therein being considered in open meeting; and**
- b. all reports be received.**

CARRIED

P&R2402/02

DISCLOSURES OF INTEREST

Agenda Item 3

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Agenda Item 4

Resolved: (Crs Beavis/Keir)

THAT the Policy & Regulatory Committee confirms:

- a. the minutes for a meeting of the Policy & Regulatory Committee held on Tuesday, 14 November 2023 as a true and correct record; and**
- b. the minutes for a hearing of the Policy & Regulatory Committee (Water Supply Bylaw) held on Wednesday, 22 November 2023 as a true and correct record.**

CARRIED

P&R2402/03

It was noted by Cr Keir that it was good to see the amendments included in the Waters Bylaw Hearing minutes.

ACTIONS REGISTER

Agenda Item 5

The report was received [P&R2402/02] refers and the following discussion was held.

- The Policy Advisor spoke to the Action item relating to the Speed Management Plan and the extent to which council is able to amend this following formal consultation.
- It was noted that the Speed Management Plan is one of the tools that could be used in regards to speed racing
- A query was raised in relation to prohibitions on roads within the district (boy-racing) and what tools Council have to address this issue? It was noted by the Policy Advisor that this sits within the current Council Traffic Bylaw.
- It was noted by her Worship the Mayor that she is meeting with the Police Commander tomorrow and the issue she is referring to was an item previously on the Actions register but appears to have dropped off. The Policy Advisor will send the Traffic Bylaw to her Worship in preparation for her meeting tomorrow.
- It was noted that it appears that the Police are not aware of what Council have regards to traffic laws and tools that Council can use to address any traffic concerns. It was noted that the wording in our Traffic Bylaw mirrors that of Hamilton City Council.
- A query was raised in regards to police response timeframes and how aligned our response timeframes are with our partners further north of the district? It was noted by the Policy Advisor that response timeframes can be a resourcing issue but conversations have taken place with New Zealand Transport Authority (NZTA) and will continue.

- It was queried whether Council have received any requests from the public that would meet the threshold for a speed change? It was noted that most of the feedback received was largely in support of the changes Council proposed.

REPORTS

Revocation of the Psychoactive Substances Policy 2019

Agenda Item 6.1

The report was received [*P&R2402/02 refers*], taken as read and the Policy Advisor spoke to the report and provided an overview of the legislation and the reason for revocation.

Resolved: (Her Worship the Mayor, Mrs JA Church/Cr Keir)

THAT the Policy and Regulatory Committee recommends to Council to revoke the Psychoactive Substances Policy 2019 (Attachment 1).

CARRIED

P&R2402/04

Climate Response & Resilience Policy – Recommendation for Adoption

Agenda Item 6.2

The report was received [*P&R2402/02 refers*] and the following discussion was held:

- The Climate Action & Sustainability Manager spoke to the report and provided an overview of the Climate Response and Resilience Policy 2024.
- It was noted that it would be good to ensure that all the track changes have been captured and worked through thoroughly.
- Cr Beavis noted her support for the Policy with a slight amendment to the wording on Page 57; Point 4.2 g) to read “Apply a climate change lens to decision making, planning and processes”. Cr Beavis noted she would be happy to move the motion with the amendment made and Her Worship the Mayor advised she would second the motion.
- It was noted by the Chairperson that it would be worth stating the impact that Climate events have had on our rural communities.
- It was noted that local government is mandated to prepare their communities for the impacts of climate change – is there any avenues for funding to assist? It was noted that the new government has indicated that they would continue to meet the targets and obligations as currently set.
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- A query was raised in relation to the Council policies and strategies that guide our responsibilities and decisions on Page 57 and the omission of two strategies that have been noted in the report but are not listed here – is there a reason for this? It was noted that the two strategies can easily be listed on Page 57.
- Cr Keir noted that he had some misgivings the last time this strategy was debated in the Chamber and he still has some misgivings about this strategy. Cr Keir noted that for this reason he does not support this strategy as this will come at a huge cost for Council and the policy is unaffordable.
- It was noted that there is an expectation from Central Government that Councils have a strategy in place however it was further noted that there are quite a few mandates from Central Government but that does not mean we have to follow suit.
- Cr Beavis voiced her support of the policy and discussions of a financial matter or funding that may be required could be discussed separately or as issues arise and she further noted that she is happy that Council can take some sensible decisions around this strategy.
- Cr Whyte supported the views of Cr Keir and reiterated his view of Central Government mandating policies. Cr Whyte noted that he also does not support the strategy.
- Cr Gibb spoke to the process of having the motion on the floor and the need for open dialogue to be had prior to the motion being put forward. It was noted that if elected members were against the motion it would be good to know this in advance so each person could have their say and put their point across. Cr Gibb noted her support for the policy but reiterated that the process needs to be followed rather than comments back and forth and objections being made after the motion has been put to the floor.
- Her Worship the Mayor queried whether some clarification could be given as to why some Councillors were opposed to the policy to gain an understanding of what the issues are? Is it the policy as a whole or just some wording changes that could be done?
- It was noted that this Policy is reviewed every three years.
- The Chief Executive Officer wanted to clarify for the elected members that if the decision is not to support the recommendation, then where does that leave staff and what direction should they be going in? What is the plan for climate change moving forward? It was noted that these points need to be clear when making decisions.
- It was noted that there is a need to clarify the motion to make it clear for those elected members who are absent from the committee meeting today what discussion took place. It was further noted that if elected members do not adopt the 2024 policy today then we fall back on the existing policy.
- Had a lot of discussions as elected members this week particularly in regards to rates and emergency funds – what would these funds be for if not for climate weather events?

To	Policy and Regulatory Committee
Report title	Update on National Policy Statement Indigenous Biodiversity (NPS-IB) and the Proposed District Plan
Date:	23 April 2024
Report Author:	Susan Chibnall, Senior Policy Planner
Authorised by:	William Gauntlett, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

The purpose of this report is to update the Policy and Regulatory Committee on the National Policy Statement - Indigenous Biodiversity (NPS-IB), including recent Government commentary regarding it, and how this affects the PDP.

2. Executive summary

Whakaraapopotanga matua

The Decisions version of the Proposed District Plan was notified on 17 January 2022. This included provisions on how Significant Natural Areas (SNAs) are to be managed in the Waikato District. Numerous appeals were received on the spatial mapping of SNAs.

On 7 July 2023, the National Policy Statement for Indigenous Biodiversity (NPS-IB) was released, which somewhat overtook the progress with appeal points relating to the spatial mapping of SNAs.

On 14 March 2024, the Hon Andrew Hoggard announced that the Government agreed to suspend the requirement for councils to comply with the SNA provisions of the NPS-IB while the Government replaces the Resource Management Act 1991 (RMA).

A follow-up press release from the Government then withdrew the statement, and clarified that what they meant was that they intend to restrict the mapping of new SNAs into district plans.

What this means for Waikato District Council is there will be no change to how Council manages SNAs through the PDP appeals version. The current spatial mapping of SNAs and the associated provisions will remain (subject to the PDP appeals).

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee receives the Update on the National Policy Statement Indigenous Biodiversity (NPS-IB) and the Proposed District Plan report.

4. Background Koorero whaimaarama

The Waikato District Plan must give effect to the Waikato Regional Policy Statement (WRPS) and any National Policy Statement. The WRPS currently directs councils to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna (identified as SNAs in the PDP). The PDP planning maps includes a spatial overlay for SNAs. SNAs were mapped in the notified version of the Proposed District Plan, based on data supplied by Waikato Regional Council (WRC), as well as the results of a limited number of site assessments undertaken. A number of appeals were received in relation to the spatial data and the definition of an SNA.

National Policy Statement Indigenous Biodiversity

The NPS-IB came into force on the 4th August 2023. The release of the NPS-IB has had a significant impact on the appeals relating to SNAs, particularly the spatial mapping of SNAs on the PDP planning maps. NPS-IB definition for significant natural area reads as follows:

SNA, or significant natural area, means:

(a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and

(b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

It is clause (b) of the NPS-IB definition that has impacted on the appeals concerning the mapping of SNAs. Clause (b) applies as the mapping of SNAs is in our Proposed District Plan decision version. The inference of clause (b) of NPS-IB definition is that it will remain an SNA mapped on the planning maps until proven otherwise by a suitably qualified ecologist engaged by the local authority.

The general timing to give effect to the NPS-IB is set out in Part 4 of the NPS-IB, which states that local authorities must give effect as soon as reasonably practicable. Local authorities have eight years after the commencement date to make the necessary changes to the district plan. In terms of the timing for planning provisions for SNAs, the NPS-IB states that local authorities must publicly notify any changes necessary to give effect to subpart 2 of Part 3 within 5 years of commencement of the NPS-IB. Amongst other things this relates to the identification of significant natural areas (mapping).

5. Discussion Matapaki

Announcement from the Government

The announcement from the Associate Environment Minister Andrew Hoggard on 14 March 2024 stated that the Government had agreed to suspend the requirement to comply with the SNA provisions of the NPS-IB for 3 years.

However, this statement did not change Council's legislative requirement to give effect to the Waikato Regional Policy Statement which requires council to identify SNAs.

The Associate Minister has since walked-back the announcement to say that, while the requirements do not change until legislation has been passed through Parliament, Councils would be unwise to go ahead with the SNA provisions in their District Plans when an amended NPS-IB is expected to be released. One key amendment (expected in May 2024) is the potential for there to be a pause on the scheduling of new SNAs for the next 3 years while the Government reviews the SNA regime as part of the substantive reform of the RMA. This approach is likely to have more of an impact on the councils that have yet to undertake the process of identifying SNAs in their district plans.

How this affects the Waikato Proposed District Plan

An indication from the Government is that the identification of new SNAs will be subject to the amendment. Given that the SNA spatial overlay is already on the PDP planning maps, the current SNA spatial overlay is potentially unlikely to be affected by any amendment to the NPS-IB. However, this will depend on what the final amendment looks like.

Meanwhile, Council must still give effect to the WRPS and, as well, the NPS-IB until such time as the legislation is changed. Therefore, to give effect to the NPS-IB, the spatial mapping of SNAs will remain on the planning maps as per the Decisions version of the planning maps (unless evidence in an appeal has been provided that proves the area is not an SNA).

6. Next Steps

Ahu whakamua

Council will continue to work through the appeals process with respect to SNAs, in consideration of the NPS-IB, until such time as the legislation is amended.

7. Attachments

Ngaa taapirihanga

None

To	Policy and Regulatory Committee
Report title	Bylaw and Policy Update
Date:	23 April 2024
Report Author:	Toby McIntyre, Policy Advisor
Authorised by:	William Gauntlett, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

To update the Policy and Regulatory Committee on progress made on the Policy and Bylaw review programme.

2. Executive summary

Whakaraapopotanga matua

Staff have worked on reviewing several bylaws and policies since the last update in October 2023.

To continue to progress reviews, Council workshops have been scheduled for key policies such as the Gambling Venues Policy (23 April 2024), Road Closures for Motor Sport Events (7 May 2024) and the Management of Light Motor Vehicles and Traffic Calming Measures (22 May 2024).

Additionally, the Petitions Guidelines, Declaration on Open and Transparent Government Policy, and a series of Democracy Policies require Council workshops. It is planned to schedule these workshops from April to May 2024.

Furthermore, reviews of the existing District Tree Policy and Notable Tree Policy are underway. Staff have also drafted a new Use of Council Land Policy which will amalgamate several existing policies. Staff are also reviewing a Fraud Prevention Policy. Council workshops are not planned for these policy reviews. It is expected these policies will be brought to the Policy and Regulatory Committee for approval in June 2024.

The Road Naming Policy, Grass Venues Policy, Plaques and Monuments and Memorials Policy are at the initial stages of review. A new Koha policy is under development by the Maaori Partnerships team.

The Freedom Camping and Water Supply Bylaws have also been adopted since the last update in October 2023.

The Keeping of Animals Bylaw review has been progressing through early engagement with the community and stakeholders, and Council workshop is scheduled for 7 May 2024.

Staff have also implemented a new metric for measuring the level of impact and level of engagement required for each policy, which is outlined in detail in the discussion section of this report.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee receives the Bylaw and Policy Update report.

4. Background Koorero whaimaarama

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

5. Discussion Matapaki

Policies

Council has a total of 98 policies. Policies cover a variety of activities and while some are on legislated review cycles, policies not required by legislation are generally reviewed every three to five years, or as required. Policies that are required by legislation are given higher priority than those that are not.

Bylaws

Council has a total of 11 bylaws. Under section 156 of the Local Government Act 2002 (LGA), bylaws must be reviewed five years after they are made and every 10 years thereafter. The LGA allows bylaws to remain in force for two years after their review period (i.e. years six and seven after the first review and years 11 and 12 thereafter).

Policy and Bylaw Review Process

The process of review usually starts with discussion in a Council workshop to identify any issues or improvements 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 and is guided by sections 82 or 83 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 adopts the policy or bylaw. The adopted policy or bylaw is publicly notified, and the review is complete. The whole process can take anywhere from eight 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.

A proposed approach for categorising policies

A new system for reporting to the Committee on current and upcoming policy review projects is proposed in this report. Table 1 shows the proposed definitions for each of the three tiers that policies have been categorised into. Staff will report to the Committee with a stronger focus on the Tier 1 and 2 policies.

The purpose of this approach is to enable elected members to have increased awareness of up-coming policies which are under-going review.

Staff are seeking feedback on the definitions/rationales of the three tiers, and the current placement of policies into the tiers.

Table 1: Proposed definitions for tiers of policies

Policy Tier	Explanation / Rationale
<p>Tier 1: High interest / High investment</p>	<p>Policies that:</p> <ul style="list-style-type: none"> ○ Are governed by legislation. ○ Have a financial impact on Council or rating levels. ○ Affect a large proportion of the community. ○ Have a high impact of present and future interests of the community, recognising Maaori Tikanga. ○ Have consequences which are likely to be controversial. ○ Have high levels of public interest and/or engagement. ○ Are recommended by central government policy or external agencies (e.g. Audit NZ). ○ Are intended to mitigate significant risk to Council. ○ Are assessed as significant under the Significance and Engagement Policy. ○ Require a significant level of staff time to review.
<p>Tier 2: Moderate interest / moderate investment</p>	<p>Policies that:</p> <ul style="list-style-type: none"> ○ Have no specific legislative requirements to adhere to. ○ Are initiated because of a Bylaw review process. ○ Have no financial impact on Council or rating levels. ○ Are of moderate level of public interest/engagement. ○ Address some level of risk to Council. ○ Have an impact on Council operations and/or the community. ○ Require a moderate level of staff time to review.
<p>Tier 3: Minor interest / minor investment</p>	<p>Policies that:</p> <ul style="list-style-type: none"> ○ Have no specific legislative requirements. ○ Have no financial impact on Council or rating levels. ○ Affect a small proportion of the community. ○ Are operational in nature. ○ Are internally focused, relating to Council staff. ○ Have a low level of/no community interest.

- Requires a lower level of staff time to review.

Progress made:

The following bylaws and policies have had work carried out on them since October 2023:

Document	Tier	Update
Bylaws		
Freedom Camping Bylaw	1	Adopted by Council in November 2023.
Water Supply Bylaw	1	Adopted by Council in December 2023.
Keeping of Animals Bylaw	1	Staff are proposing to adopt a new Keeping of Animals Bylaw. Two Council workshops and early engagement have already taken place, and another workshop is planned for 7 May.
Proposed Waste Minimisation Bylaw	1	Work on this bylaw is on hold, awaiting progress on the Waste Management and Minimisation Plan.
Reserves and Beaches Bylaw	1	This bylaw was quashed by the High Court in 2022 therefore, Waikato District Council does not have a current Reserves and Beaches Bylaw. The Bylaw process is scheduled to begin the last quarter of 2024.
Policies		
Gambling Venues Policy	1	Under review. A Council workshop is scheduled for 23 April 2024. The draft policy will be presented to P&R in June 2024. Public consultation is planned for June/July.
Road Closure for Motor Sport Events Policy	1	Under review. A Council workshop is scheduled for 7 May 2024. The draft policy will be presented to P&R in June 2024. Public consultation is required.
Light Motor Vehicle Policy and Traffic Calming Policy	2	New policies initiated because of the Traffic Bylaw review. A Council workshop is scheduled for 22 May 2024. The draft policy will be presented to P&R in June 2024.
Democracy policies (Code of Conduct, Community Board Charter, Meremere Community Committee Charter,	1	Under review. These policies will be workshopped with Council in April/May and will be presented at the June Committee meeting.

Document	Tier	Update
Te Kauwhata Community Charter)		
Declaration on Open & Transparent Government Policy	1	Under review. A Council workshop will be scheduled for April/May 2024.
Petition Guidelines	3	Under review. A Council workshop will be scheduled for April/May to receive direction on the draft policy.
District Tree and Notable Tree Policy	2	Under review. This policy has been workshopped internally with staff. The draft policy will be presented to P&R in June 2024.
Use of Council Land Policy	2	New policy which will merge several historical policies. The draft policy will be presented to P&R in June 2024.
Fraud Prevention Policy	1	Under review. The draft policy will be presented to P&R in June 2024.
Road Naming Policy	2	Initial stages of review. The draft policy is planned to be presented to P&R in June 2024.
Grass Verges Policy	2	Initial stages of review. The draft policy is planned to be presented to P&R in June 2024.
Plaques, Monuments and Memorials	2	Initial stages of review. The draft policy is planned to be presented to P&R in June 2024.
Koha Policy	2	New Policy under development by the Maaori Partnerships team.
Local Alcohol Policy 2016	1	<p>The Provisional Local Alcohol Policy (LAP) was adopted on 6 October 2022 after which the appeal period opened. Three appeals were lodged against the policy, from Chris Rayner, Super Liquor Holding and TL. Appellants were opposed to some or all the following:</p> <ul style="list-style-type: none"> • The operating hours and “wind-down time” for on-licensed premises, specifically in Raglan. • Restrictions on standalone bottle stores. • Differentiating between different types of off-licenses. • Requiring that no new bottle store off-licence shall be issued for any premises located within one kilometre of any existing bottle store, licensed supermarket or grocery store. • The policy presumption against the issuing of new off-license for stand-alone bottles stores in Tuakau,

Document	Tier	Update
		<p>Te Kauwhata, Huntly, Ngaruawahia and Raglan, unless the bottle store would not result in significant adverse effects.</p> <ul style="list-style-type: none"> • No new bottle store off-licences issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship or public park. • Discretionary conditions of off-licenses. <p>Staff have contacted the Alcohol Regulatory Licencing Authority (ARLA) to ascertain when the appeals on Councils would be heard. ARLA advised a specific timeframe could not be given. However, they advised that Auckland Council appeals have been underway for eight years. Once Auckland Councils appeals have been resolved, appeals on two other LAPs will then be processed by ARLA, before considering WDC's appeals.</p>
Draft Development Contributions Policy 2024	1	This policy review has been put on hold to ensure it remains in cycle with the Long Term Plan.

6. Next Steps

Ahu whakamua

The Policy and Bylaw review programme is progressing as anticipated, and therefore staff will report back to this committee in six months.

7. Attachments

Ngaa taapirihanga

None

To	Policy and Regulatory Committee
Report title	Update on Appeals to the Proposed Waikato District Plan
Date:	23 April 2024
Report Author:	Sandra Kelly, Programme Manager District Plan
Authorised by:	William Gauntlett, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

To inform the Policy and Regulatory Committee on the progress with appeals to the Proposed Waikato District Plan (PDP).

2. Executive summary

Whakaraapopototanga matua

The PDP Subcommittee reviewed all appeals throughout 2022, 2023 and 2024, with consent orders issued for resolution of appeals. Out of 66 appeals, 26 remain to be resolved. Of these awaiting resolution, some are dependent on the outcome of the Variation 3 decision (see pie chart below).

The RM Policy Team and contracted consultants for the appeals continue to work with appellants to resolve the appeals and prepare consent orders for the Environment Court's approval. The PDP Subcommittee convenes on a monthly basis to review and advise on appeal topics and individual appeals. An appeal status update was presented in December 2023 to the PDP Subcommittee.

A project team has been established to begin analysing provisions of the plan that can be made operative. A summary of these provisions along with a report will be presented to the PDP Subcommittee and then reported to the Policy and Regulatory Committee, seeking approval to make parts of the Proposed District Plan partly operative in the coming months.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee update on Appeals to the Proposed Waikato District Plan report.

4. Background Koorero whaimaarama

In July 2018 the PDP was notified. Council received just under 1000 submissions on the Plan. After publicly notifying these submissions, Council received a further 457 submissions to those original submissions.

Between 2019 – 2021, 42 hearings were held, to hear the submissions.

The Independent Hearings Panel (IHP) made a decision on the submissions and Council publicly notified this decision on 17 January 2022.

After the public notification, any person who had an interest greater than the interest that the general public, or was a submitter, could lodge an appeal in support or opposition to the decision. Council received 66 appeals, and 89 parties filed 256 section 274 notices. A S274 party to an appeal is someone who wishes to support or oppose an appeal point.

Waikato District Council established the PDP Subcommittee to undertake the decision making. This assists the Chief Executive and officers to make timely decisions on any matters relating to appeals.

The Subcommittee have been delegated the following powers to act:

1. *To make decisions in relation to any direction sought by the Chief Executive and/or officers in relation to any matters relating to:*
 - a. *The hearings on submissions and further submissions on the Proposed District Plan; and*
 - b. *Any appeals or other proceedings relating to Council's decisions on the Proposed District Plan.*

NOTE: The authority under paragraphs 1 a) and b) includes the power to direct the Chief Executive or officers to engage any expert or legal counsel.

2. To determine an approach for resolving any appeals or other proceedings on Council's decisions on the Proposed District Plan.

3. To delegate to the Chief Executive or any officer participating in an alternative disputes resolution process ("ADR process") (as defined in section 268(4) of the RMA) in relation to any Environment Court proceeding arising from Schedule 1 of the Act or any other

ADR process directed in any other proceedings), the authority to make decisions on behalf of Council, within any parameters given by the Subcommittee, on any matters that may reasonably be expected to arise in the ADR process.

4. To authorise the Chief Executive, or his delegate, together with any other member of the Executive Leadership Team, to jointly consider and approve, within any parameters given by the Subcommittee, the content of any draft consent order to be submitted to the Environment Court to resolve any appeal on Council's decisions on the Proposed District Plan.

5. To report to the Policy & Regulatory Committee on a quarterly basis (as a minimum) with a summary of the matters considered and decisions made by the Subcommittee.

The PDP Subcommittee continue to meet monthly to consider the recommendations presented by the reporting planners regarding the appeals.

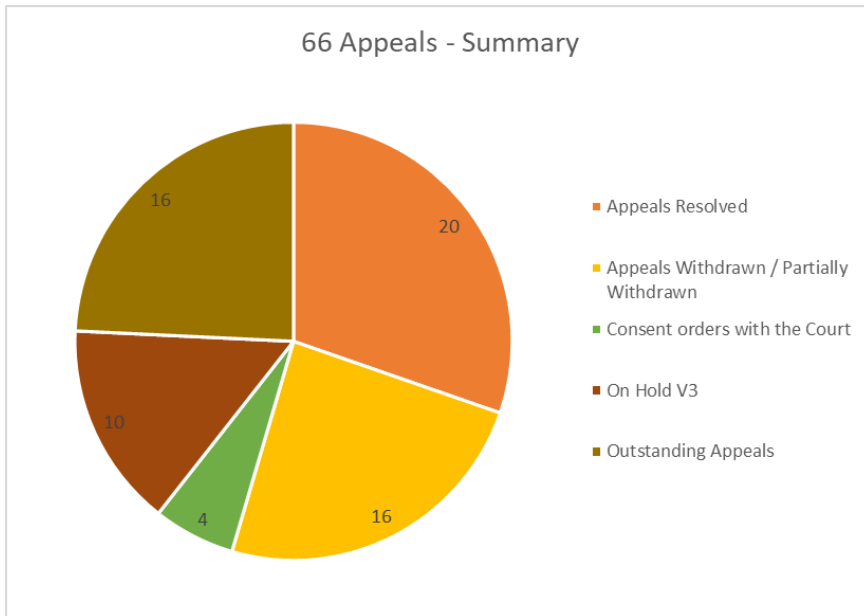
As noted in previous reports to Council, the reporting planners are independent experts. Their role is to assess each appeal point against the planning and statutory frameworks. They provide detailed summaries and recommendations on each appeal point and/or topic, which are informed by their analysis of the submissions, further submissions, section 42a hearing reports, and the IHP decision documents.

The reporting planners present the reports to the PDP Subcommittee for consideration. The PDP Subcommittee provides direction and recommendations to the reporting planner to assist with the resolution for each appeal, and the reporting planner then progresses negotiations on behalf of the PDP Subcommittee. Ultimately, the Subcommittee make the final decision. All discussions, reports and directions are confidential to the PDP Subcommittee.

5. Discussion Matapaki

Throughout 2023 and 2024, the PDP Subcommittee have thoroughly reviewed all appeal topics and subtopics. The Appeals team have worked closely with appellants negotiating appeal resolutions. On some occasions court assisted mediation with appellants has taken place in order to resolve appeals.

Below is a summary of the status of appeals:



6. Next Steps Ahu whakamua

Staff will report back to the Policy & Regulatory Committee on progress at the June 2024 meeting.

7. Attachments Ngaa taapirihanga

None

To	Policy and Regulatory Committee
Report title	Resource Consent Forecasting
Date:	23 April 2024
Report Author:	Wade Hill, Consents Manager
Authorised by:	Roger MacCulloch, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To inform the Policy and Regulatory Committee on resource consent forecasting as required by the Action Register November 2023.

2. Executive summary

Whakaraapopotanga matua

This report provides a summary of key resource consent statistics for the current year-to-date and an estimate of year-end results. A brief outline of the current resource consent workload is also provided; as well as a summary of current process improvements and changes to consenting which will impact on key results in the future.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee receives the Resource Consent Forecasting report.

4. Background

Koorero whaimaarama

This report builds on the information previously provided to the Committee in the report titled Resource Consent Information and Forecasting dated 3 October 2023.

5. Discussion

Matapaki

Key Statistical Summary and Forecast

Below is a table outlining the current year's statistics including year-to-date progress and an estimate for year-end results. The year-to-date statistics and estimates are based on what consents have been processed in the previous nine months of the current financial year, to the end of March 2024. Also included for comparison are statistics for the last two previous years (2021/2022 and 2022/2023) an indication of the range (low to high) for each key statistic in the period 2014/2015 to 2023/2024.

Year	Range 2014-15 to 2023/24	2021/22	2022/23	2023/24 Year to Date	2023/24 Estimate - Year End
Applications received	786 (2014/15) to 1310 (2021/22)	1310	995	621	828
Consents Issued	681 (2014/15) to 1166 (2021/22)	1166	934	539	719
Consents in time	666 (2014/15) to 1128 (2021/22)	1128	863	502	669
Consents out of time	5 (2019/20) to 69 (2022/23)	38	69	37	49
% Consents in time	99.5% (2016/17) to 92.6% (2022/23)	96.7%	92.7%	93.1%	93.1%

s.88 return application	35 (3.5%) (2022/23) to 256 (25%) (2015/16)	55(4%)	35(3.5%)	29(4.6%)	38
s.92 requests further information	37.9% (2021/22) to 43% (2022/23)	497 (37.9%)	428 (43%)	296 (48%)	395
s.37-time extensions	193 (2014/15) to 1026 (2021/22)	1026 (100%+)	1023 (100%+)	407 (66%)	543

Year to date (end of March 2024), 621 applications have been lodged with Council. The number of applications lodged with Council has been below average for approximately the last 12 months.

Once an application is lodged with Council and the deposit has been paid, the application is ready for processing and the application is assessed by the planner for completeness. If the planner considers the application is not complete in a manner that it can be processed to completion, the Council has the discretion to return the application. The number of applications returned pursuant to s.88 of the Resource Management Act 1991 (RMA) has remained consistently low at approximately 3 to 4% for the last 4 years. This is much lower than previous years, such as 2015/2016 when it was as high as 25%. Generally our staff and consultants who process the applications take a permissive customer friendly approach in these situations.

Following this, once the application is accepted for processing, Council can request further information (RFI) pursuant to s.92 of the RMA. Council can pause the timeframes when further information is requested the first time. The percentage of applications that are subject to an RFI at Council vary between 37% to 48%.

This is consistent with the percentage of applications subject to RFIs across other Territorial Authorities. However, it is noted that the percentage of applications being subject to RFIs by Council has increased particularly over the last couple of years. This in part is because applications are being assessed under two planning frameworks and an increasing number of complicated applications are being lodged.

This requires increased levels of information and detail with applications, such as those for complicated joint subdivision and land use applications for Comprehensive Residential Developments or Rural Subdivisions involving Highly Productive Land. Unfortunately, many applications are not being lodged with the required information. While being customer friendly in not returning the applications under s.88, the information is still nonetheless required to process the applications to completion.

Resource consents are required to be processed within the stated statutory timeframes in the RMA. For non-notified applications, which comprise over 99%+ of applications processed by Council, this is 20 working days. The Council can double the timeframes for processing applications because of special circumstances, due to a range of matters, including the complexity of the application.

Applicants themselves can also agree to extending timeframes up to and beyond the doubling of timeframes. Over the last few years, the number of applications requiring extensions to timeframes has been quite high. In the previous two years there has been more than 1000+ time extensions issued each year. This current year has seen a significant reduction in the number of time extensions, with 66% of applications being subject to extensions.

There has been a significant reduction in the number of consents issued by Council. Year-to-date (end of March 2024) 539 consents have been issued by Council. The number of consents issued within statutory timeframes this year 93.1%, has improved slightly compared to last year, but is still lower than percentages achieved prior to 2021. Last year (2022/2023) the end of year result was comparable with 92.7%. In real numbers this amounts to 37 consents out of time year-to-date (estimated 49 out of time year-end), compared with 69 consents the previous year.

Current consent work loads

Currently the team (both staff and consultants) are processing approximately 370 applications at any one time. Approximately 69% of these consents are being processed by staff and 31% by consultants. The overall number of applications being processed at any one time has reduced from its all time peak in the last couple of years (c.470). The percentage of consents being processed by consultants has also decreased from a high of approximately 45%.

However, consents are continuing to be processed under two planning frameworks, complicating both the planning and engineering assessments. In addition to this rural subdivisions and other land uses located on highly productive land are also quite complicated to process. So while the raw numbers of consents being processed has lowered over the last 12 months, they are still quite complex to process and therefore, the time taken to process the applications remains high. This is reflected in the low number of consents being issued every month. Under the current circumstances in which consents are being processed it would take some time to see a further reduction in the number of over time consents and time extensions given.

Looking forward

The Committee would be aware that Council is currently undertaking a consents transformation project called P2B2 "Plan to Build Together". The aim of this project is to increase efficiencies in the consenting workstream, based largely around the automation of processes.

Council is required by the National Planning Standards to have an on-line interactive District Plan, an ePlan. The ePlan must have the ability for users to query the ePlan to display the provisions which apply to a specific property (section linking). It must also have the ability for users to query the ePlan to display the plan provisions which relate to one or more specific activities managed by rules in the plan (activity linking). This work is currently being undertaken, led by Council's Resource Management Policy Team.

In the October forecast report to the Committee, it was stated that approximately 66% of all land use consents processed by Council involved minor earthworks and/or building development non compliances (57% and 61% respectively); and in terms of subdivision most applications involve either rural (40%) or residential (29%) zoned properties. In undertaking the activity linking, staff have identified these as the most common activities that would benefit the most from this linking. So work on linking has started in these areas first. The aim is to look for the biggest opportunity for efficiency gains first.

This work will provide benefits for both our staff as well as customers. Once the ePlan is operational and the activity linking has been done, customers will be able to query the ePlan themselves and obtain their own rule sets for their property and the activity they wish to undertake. This reduces the need for our duty planners to provide this information to customers and frees them up to take on other higher value tasks such as processing consents. Applicants and Council planners will also have one source of truth when undertaking district plan assessments for applications and planning reports, further making the processing of consents more efficient.

Guided lodgment is also a part of the P2B2 project. The aim of this is to improve the customer experience when lodging applications with Council. It involves such things as improving application forms, automating lodgment and linking between related Council processes such as applications for vehicle entrances which require input from multiple teams. The P2B2 project has acted as a catalyst for making other improvements in our consenting processes. Other work being undertaken includes rationalizing how other common activities, such as minor earthworks are reported on by our planners. In the future the P2B2 project also envisages similar improvements right through the consenting process, including reporting, invoicing and the issuing of consents.

The above work in the P2B2 project work stream fits together well with Variation 3 - Enabling Housing Supply. The Committee would be aware that the recommendations on submissions to Variation 3 have been made by the Independent Hearings Panel. If the Council decides to adopt the recommendations and the new provisions become operative this will reduce the number of consents and/or the scope of consents required to give effect to subdivisions and developments in residentially zoned areas. No longer would a consent be required to build multiple dwellings on the same Record of Title. While consents may still be required for minor non compliances such as earthworks and vehicle entrances, the work described above will drive increased efficiencies with those remaining consent requirements.

It is considered that the implementation of the measures involved with the P2B2 project and other associated work will improve consent the efficiency of consent processing in the future. When combined with Variation 3 becoming operative, this will further reduce the number and scope of consents required. This will enable Council to achieve better resource consent results in the future.

6. Next Steps

Ahu whakamua

Staff note that the Resource Consent forecasting report is requested 6 monthly.

7. Attachments

Ngaa taapirihanga

None

To	Policy and Regulatory Committee
Report title	Approval to correct minor error in Water Supply Bylaw 2023
Date:	23 April 2024
Report Author:	Deron Sharma, Three Waters Reform Project Manager Hannah Beaven, Principal Corporate Planner
Authorised by:	Anthony Averill, Deputy General Manager

1. Purpose of the report

Te Take moo te puurongo

To seek approval from the Policy and Regulatory Committee to amend the Water Supply Bylaw (the Bylaw) to correct a minor error within Table 1: Compatibility Features.

2. Executive summary

Whakaraapopotanga matua

Council adopted a new Water Supply Bylaw 2023 in December 2023. Since the adoption of the Bylaw, staff have noted an error within Schedule 2: Table 1 Compatibility Features.

Table 1 specifies the water pressure required for Council's on demand water supply. "Meters head" and "kPa (Kilopascal)" are two ways of describing pressure. The first figures listed in Column 'Value' are correct. However, the kPa figures for 'Minimum operating pressure' and 'normal operating pressure' were not updated.

Table 1: Compatibility Features

Feature	Value
Maximum operating pressure	100 metres head (1, 000 kPa)
Minimum operating pressure	20 metres head (2 100 kPa)
Normal operating pressure	30 – 40 metres head (2 300 - 3 400 kPa)
Free available Chlorine	Up to 1.5 g/m ³
Minimum operating pressure (for rural supplies)	10 meters head (100 kPa)

Staff recommend that the Bylaw is amended to replace the kPa figures with the correct figures. Council can amend the Bylaw Schedules through a Council resolution.

The significance of this decision is low, and no further internal or external engagement is required.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Policy and Regulatory Committee:

- 1. Recommend to Council that the amended Water Supply Bylaw 2023 (Attachment 1) is adopted, noting the amendment to Schedule 2: Table 1 Compatibility Features**

4. Background

Koorero whaimaarama

Council is responsible for ensuring a supply of 'potable' (drinking) water to ratepayers connected to a water supply network. Council's water supply network includes almost 18,000 connections, of which 99% are metered. It is estimated that 50% of rateable properties in the district are connected to the water supply network.

To manage and protect the Water Supply Network, Council undertook the Special Consultative Procedure on a proposed Bylaw. Eight submissions were received. The Bylaw was adopted by Council in December 2023.

The Bylaw contains Council's rules for protecting the water supply network. It includes proposed rules regarding:

- Accessing and connection to the water supply network, including use of fire hydrants.
- Protection of water sources.
- Connection and disconnection to the water supply network.
- Ownership and responsibility for maintenance.
- Rules regarding meters and flow restrictors.

5. Discussion

Matapaki

Since the adoption of the Bylaw, Council's Water Staff have noted an error within Schedule 2: Table 1 Compatibility Features.

Table 1 specifies the water pressure required for Council's on demand water supply. "Meters head" and "kPa" are two ways of describing pressure (akin to using °C and °F to describe temperature).

The first figures, in units of metres head, listed in Column ‘Value’ are correct. However, the Kilopascal (kPa) equivalent figures for ‘Minimum operating pressure’ and ‘normal operating pressure’ are incorrect. These are incorrect because it was not updated to reflect the changed metres head value, and so the values in kPa and metres head in the current Bylaw are currently not equivalent.

The proposed changes are showed in Table 1 and in tracked changes in Attachment A.

Table 1: Compatibility Features

Feature	Value
Maximum operating pressure	100 metres head (1, 000 kPa)
Minimum operating pressure	20 metres head (2 400 kPa)
Normal operating pressure	30 – 40 metres head (2 300 - 3 400 kPa)
Free available Chlorine	Up to 1.5 g/m ³
Minimum operating pressure (for rural supplies)	10 meters head (100 kPa)

Clause 12 of the Bylaw notes that Schedules within the Bylaw can be amended through a Council resolution. In addition, Council can, by resolution publicly notified, correct errors within a bylaw if the changes or corrections do not affect an existing right, interest, title, immunity or duty of any person to whom the bylaw applies (S.156(2) of the Local Government Act).

As a result, Council can make this minor change by resolution and no further public consultation is required. Public notices will be issued.

Due to the minor nature of the proposed change, there is no further impact on social, economic, environmental, or cultural well-being.

5.1 Options
Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Committee to consider. This assessment reflects the low level of significance (see paragraph 6.1) and Council’s legal obligations. The options are set out below.

1. Council amends the proposed Bylaw, by resolution publicly notified (recommended by staff).
2. Council does not amend the Bylaw, and this error is corrected when the Bylaw is reviewed in five years’ time.

Staff recommend option 1 because this ensures that the information provided to the public in the Bylaw is correct. Limited staff time is required to amend the Bylaw by public notification only. If Council chooses not to amend the Bylaw by resolution, this error will remain uncorrected for a length of time of approximately four to five years.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements. Council can resolve to amend the error within Table 1: Compatibility Features without further public consultation because:

- Clause 12 of the Bylaw notes that Schedules within the Bylaw can be amended by Council resolution.
- Council can, by resolution publicly notified, correct errors within a bylaw if the changes or corrections do not affect an existing right, interest, title, immunity or duty of any person to whom the bylaw applies (S.156(2) of the Local Government Act).
- The significance of the proposed change is assessed as low in accordance with Council's Significance and Engagement Policy 2023.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

The report and recommendation have no material Maaori and cultural considerations.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks

Tuuraru

The matters in this report have no known risks for Council.

6. Significance and engagement assessment Aromatawai paahekoheko

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	No further engagement is required under the Local Government Act 2002 due to the minor nature of this proposed change.				

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 and hapū
			Affected Communities
			Affected Businesses

7. Next Steps Ahu whakamua

If Council resolves to adopt the amended Bylaw, the Bylaw will be signed by the Mayor and Chief Executive and sealed with the Council seal. Staff will update Council's website with the amended Bylaw and issue public notices.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations	Recommendation to Council/Committee required
--	--

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (section 5.1)	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (section 6.1)	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (Section 6.2)	Confirmed
The report considers impact on Maaori (Section 5.5)	Confirmed
The report and recommendations are consistent with Council's plans and policies (Section 5.4)	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (Section 5.3)	Confirmed

9. Attachments

Ngaa taapirihanga

1. Water Supply Bylaw 2023 - Proposed amended Bylaw. 8 04 2024

Waikato District Council Water Supply Bylaw 2023

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

1. Introduction

- 1.1. Waikato District Council (the Council) has the ability to make bylaws for the purposes of protecting, promoting and maintaining public health and safety.
- 1.2. Council has a duty under Section 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). The vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and well-being of the Waikato River, and all it embraces, for generations to come”. In this regard, the Council recognizes the special, cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.

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

2. Short Title, Commencement and Application

- 2.1. The Bylaw shall be known as the “Waikato District Council Water Supply Bylaw 2023”.
- 2.2. The Bylaw shall apply to the Waikato District.
- 2.3. The Bylaw shall come into force on 22 December 2023.

3. 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.

4. Purpose

- 4.1. The purposes of this Bylaw are:
 - (a) Promoting the efficient use of water and protecting against waste or misuse of water from the water supply network.

- (b) Protecting the water supply and water supply network from pollution and contamination.
- (c) Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply network.
- (d) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply network.

5. Compliance with Other Acts and Codes

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, including.
 - i. Building Act 2004.
 - ii. Fire and Emergency Act 2017.
 - iii. Local Government (Rating) Act 2002.
 - iv. Local Government Act 2002.
 - v. Resource Management Act 1991.
 - vi. Water Services Regulator Act 2020.
 - vii. Water Services Act 2021.
 - viii. Water Services Entities Act 2022.
 - ix. Te Ture Whaimana – the Vision and Strategy for the Waikato and Waipā Rivers.
- (b) This bylaw is subject to the relevant Codes and Standards, including:
 - i. Water Services (Drinking Water Standards for New Zealand) Regulations 2022.
 - ii. Drinking Water Quality Assurance Rules 2022.
 - iii. 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.

- iv. SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
- v. NZS 4503:2005 Hand operated fire-fighting equipment.
- vi. NZS 4517:2010 Fire sprinkler systems for houses.
- vii. NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square meters).
- viii. NZS 4541:2020 Automatic fire sprinkler systems.
- ix. Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
- x. Water Meter Code of Practice 2003, Water New Zealand.
- xi. Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
- xii. Waikato Regional Infrastructure Technical Specification.
- xiii. National Engineering Design Standards.

6. Interpretation

- 6.1. 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.
- 6.2. 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.

7. Definitions

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

Advisory Note A note which further explains a Bylaw clause but does not form part of the Bylaw.

Air Gap A vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.

Approved	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
Authorised Agent	Any person authorised or appointed by the Council to do anything in respect of the water supply network.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Auxiliary Supply	A water supply, other than the Council's system, on or available to a Customer system. These auxiliary supplies may include water from another provider's public potable water supply or any natural source(s) such as a well, spring, river, stream, or "used waters" or "industrial fluids."
Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply network.
Backflow Device	Backflow device or air gap that is designed to prevent the return of flow into the Council's water supply network. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
Boundary	Legal boundary of the site, or in the case of more than one premise on a site, it is defined by the notional boundary of a complying unit site area.
Catchment	An area of land which drains to a waterbody from where a public water supply is drawn.

Commercial Use	<p>The use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services and includes shops, markets, showrooms, restaurants, cafes, takeaway food bars, professional, commercial and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Advisory Note: Commercial components of retirement villages will be metered and classified as commercial activity.</i></p> </div>
Connection	<p>The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.</p>
Council	<p>The Waikato District Council and includes an officer authorised to exercise the authority of the Council.</p>
Customer	<p>A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.</p>
Domestic Water Use	<p>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.</p>
Development contribution	<p>As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.</p>
District	<p>The Waikato District.</p>
Extraordinary Supply	<p>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.</p>
Extraordinary Use	<p>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including but not limited to water</p>

alerts and emergency provisions. This applies to the following water users:

- (a) Residential properties with spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity;
- (b) Residential properties with fixed garden irrigation systems;
- (c) Commercial or business premises (including home-based commercial activities);
- (d) Industrial premises.
- (e) Any properties at which agricultural, horticultural or viticultural land use is occurring;
- (f) Lifestyle blocks (rural supplies);
- (g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (h) Outside of Waikato District customers (supply to, or within another local authority);
- (i) Temporary suppliers;
- (j) Any other property found by Council to be using water above 15m³/day (a consent from the Waikato Regional Council is required);
- (k) Water carriers;
- (l) Any other auxiliary supply.

Fees and Charges

The fees and charges for water supply set by the Council.

Fire Main Supply

A category of supply from pipework installed for the purpose of fire protection only.

Individual Customer Agreement	An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.
Isolation Valve	The valve at the Customer end of the service pipe used to control and/or isolate the supply. This is also known as the service valve or toby.
Level of Service	The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.
NZS	New Zealand Standard.
On Demand Supply	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
On Demand Water Supply Area	An area serviced by a Council owned reticulated water supply network as defined in Schedule 3: Water Supply Area Maps, that is intended to supply water to Customers via on demand supplies with firefighting capability.
Ordinary Supply	A category of on demand supply used solely for domestic purposes, excluding any identified extraordinary water use.
Owner	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
Occupier	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
Permit	A permit or written authority issued by an authorised officer.
Person	An individual, corporation sole, or a body of persons whether corporate or otherwise.

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

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

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

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

Advisory Note: 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;
- (b) One or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; or
- (c) Includes any other public notice that the Council thinks desirable in the circumstances.

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 network outside on demand areas and defined in Schedule 3: Water Supply Area Maps Water is supplied through a flow control device and customers are required to provide onsite storage to cater for demand fluctuations.

Service Pipe

The section of water pipe between a water main and the point of supply.

Storage Tank

Any tank having a free water surface in which

water supplied by the Council is stored for use.

Supply Pipe

The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.

Water Alert Level

Classification system used for applying water conservation restrictions.

Water Carrier

Any individual drinking-water carrier or company registered with the Taumata Arowai as a recognised carrier of drinking- water.

Water Supply Network

All those components of the water supply system between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to:

- (a) catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes/reservoirs, falling and rising mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water Unit

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

8. Protection of Water Supply Network

8.1. Water Supply Network

8.1.1. Access and connection to Network

- (a) No person other than the Council and its authorised agents shall have access to any part of the water supply network, 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 network, unless with prior approval.

- (c) Where the water supply network 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 network during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result of the incident.

8.1.2. Fire Hydrants

- (a) No person may take water from a fire hydrant unless that person is:
 - i. taking the water for the purposes of firefighting and is a Fire and Emergency New Zealand personnel – as defined in the Fire and Emergency New Zealand Act 2017; or
 - ii. authorised to do so either by Council directly or through the granting of a permit in which case the taking of water is in accordance with any conditions attached to such approval.
- (b) Any person using a fire hydrant in breach of 8.1.2 (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 8.1.2(a)(ii) 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 network. 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 Catchment; or
- (b) Restricted Catchment; or
- (c) Open Catchment.

Advisory Note: 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; or
 - 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 network, 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.

9. Conditions of supply

9.1. 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. Tamper with any, access point, valve on, or otherwise 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 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 9.1(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 days 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

Advisory Note: Refer to [SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice](#) for acceptable volume and pressure levels.

- 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.

9.2. 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.

9.3. 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 isolation valve and the Customer stopcock, the Customer may use the isolation 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.
- (d) The Customer shall be solely responsible for maintaining the proper position (open or closed) of the Isolation Valve, commonly referred to as the Toby, and ensuring it is correctly set at all times. If any additional water use occurs as a result of the Isolation Valve position, the cost of such use shall also be the responsibility of the Customer.

Advisory Note: The isolation valve is normally located at the front of the property under a blue or black plastic cover alongside the water meter.

9.3.2. Location

- (a) For each individual property there shall be only one point of supply, unless otherwise approved in writing by the Council. A point of supply 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.
- (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 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 provide notice to the Customer.
- (c) If, after giving reasonable notice, an authorised agent is prevented from accessing the point of supply at any of the above times and a return visit is required, a fee may be charged in accordance with the fees and charges. Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day.
- (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 a fire protection system complying with SNZ PAS 4509: 2008, in order for that use to be classified as ordinary, the Customer shall comply with the conditions set under clause 9.8.

9.5.3. Restricted Flow Supply

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

flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.

- (b) This may include for the purposes of:
- i. Rural supply within district; or
 - ii. Water demand management (including for drought, misuse and non-remedy of water leaks); or
- (c) The water supply shall be restricted so as to deliver 1.8m³ per day or the agreed number of water units at a steady flow rate through a water meter.
- (d) The Council shall charge for the restricted supply by:
- i. A targeted rate based on rating unit; or
 - ii. The volume passing through a meter per m³; or
 - iii. Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas may 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.
- i. Any property owner who receives written notice may make a written application within 10 working days of receiving such notice for an exemption.
 - ii. Matters which will be taken into account when assessing an application for exemption include (but are not limited to):
 - Location of the property;
 - The basis on which the exemption is claimed;
 - Any other matter which the Council deems relevant.
- (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: 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 isolation valve and the (Owner) stopcock, the (Owner) may use the isolation 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.
- (c) The Council may fit additional meters to any minor or ancillary dwelling located on any Premises, for the purposes of determining water consumption. This applies to premises with a connection to On Demand Supply and excludes Restricted Flow Supply, unless requested by the Property Owner.
- (d) 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.

Advisory Note: Clauses 9.6.1 (a) to (d) shall only apply to properties which have a connection to the water supply network.

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 network, 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.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply network, the Council shall not be responsible for damage caused to the asset in order to maintain the Council water supply network.
- (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.

Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the [SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice](#). Customers may also wish to consult with the New Zealand Fire Service Fire and Emergency New Zealand about suitable measures to provide firefighting protection for their properties.

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 water used, and credit to the Customer's account an amount based on such an estimate.
- (d) 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

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 Network

The Customer of the premises shall not damage or tamper with any part of the water supply network, 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) or its amendments, 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 network 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, educators, 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.

10. Breaches

10.1. 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 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 willfully 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 network, 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 or 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 they are 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 network 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 the Customer through an individual Customer agreement;
 - xiii. Other than the Council or its authorised agents, who accesses the water supply network 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.

11. Offences and Penalties

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.

12. 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

13. General

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.

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 18 December 2023.

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

Mayor

Chief Executive

Activity	Key Date	Council resolution
Bylaw made	18 December 2023	P&RHE2311/04
<u>Minor error corrected in Table 1, Schedule 2. Bylaw amended by Council resolution.</u>	<u>6 May 2024</u>	
Bylaw reviewed		
Next review due date		

Schedule 1: Examples showing Single/Manifold Connection

Example 1: With Street Frontage

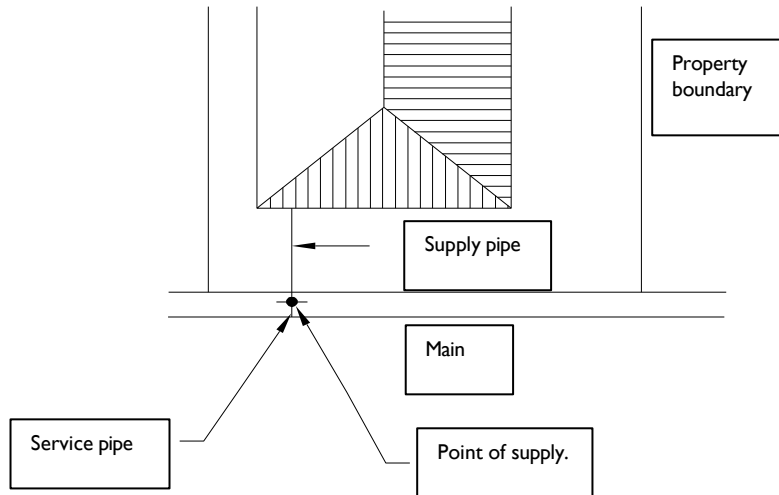


Figure 1: Point of supply outside property boundary

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

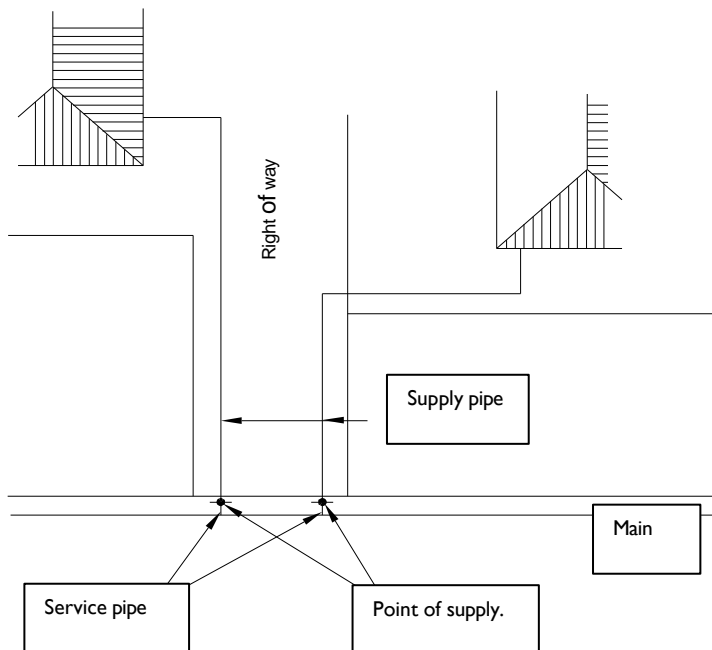


Figure 2: Point of supply outside property boundary

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

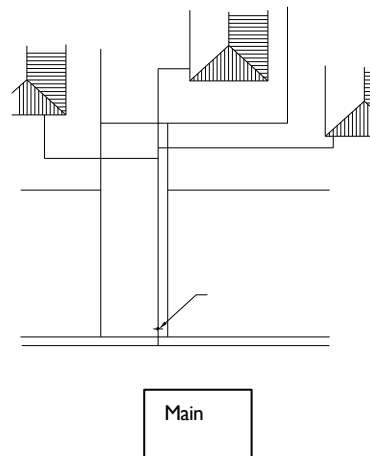
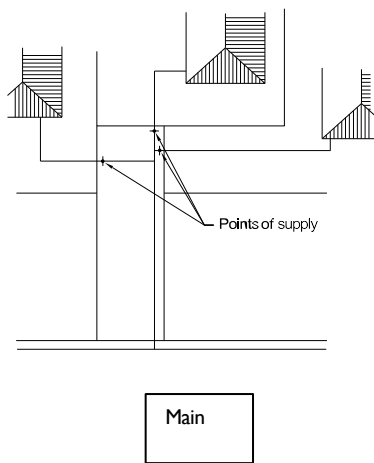


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

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

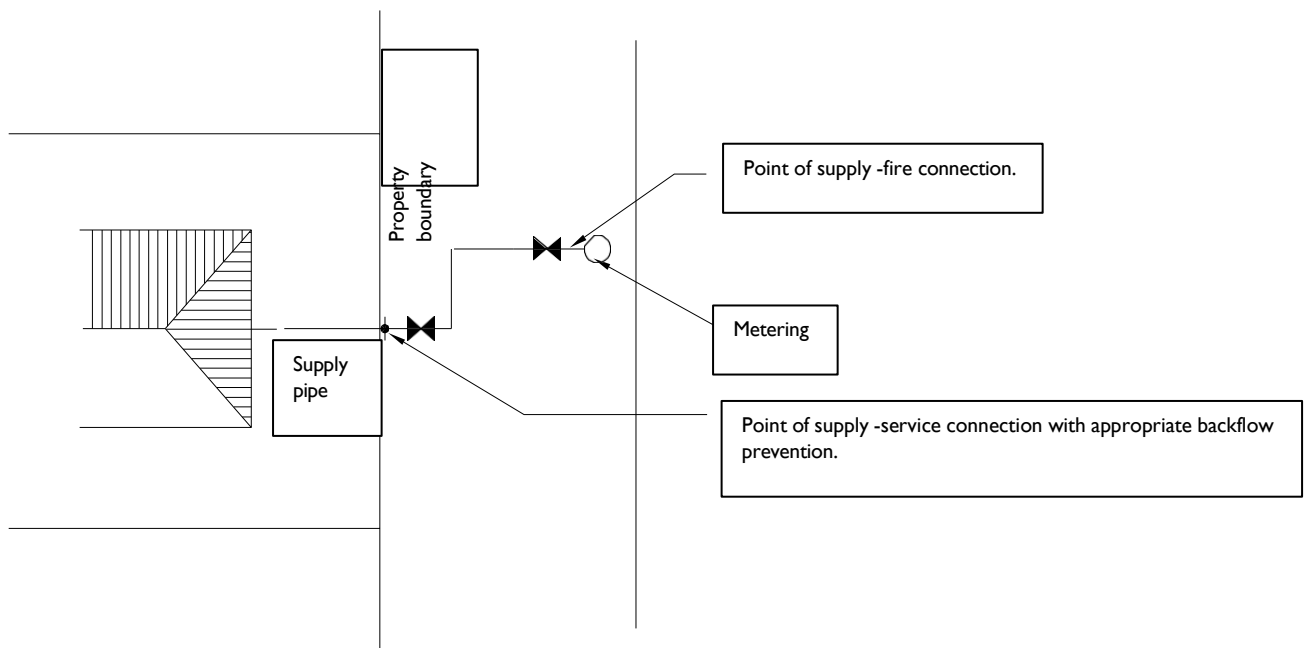


Figure 5: Combined fire and service connection

Advisory Note: Refer to SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for guidance on appropriate fire supply connection location.

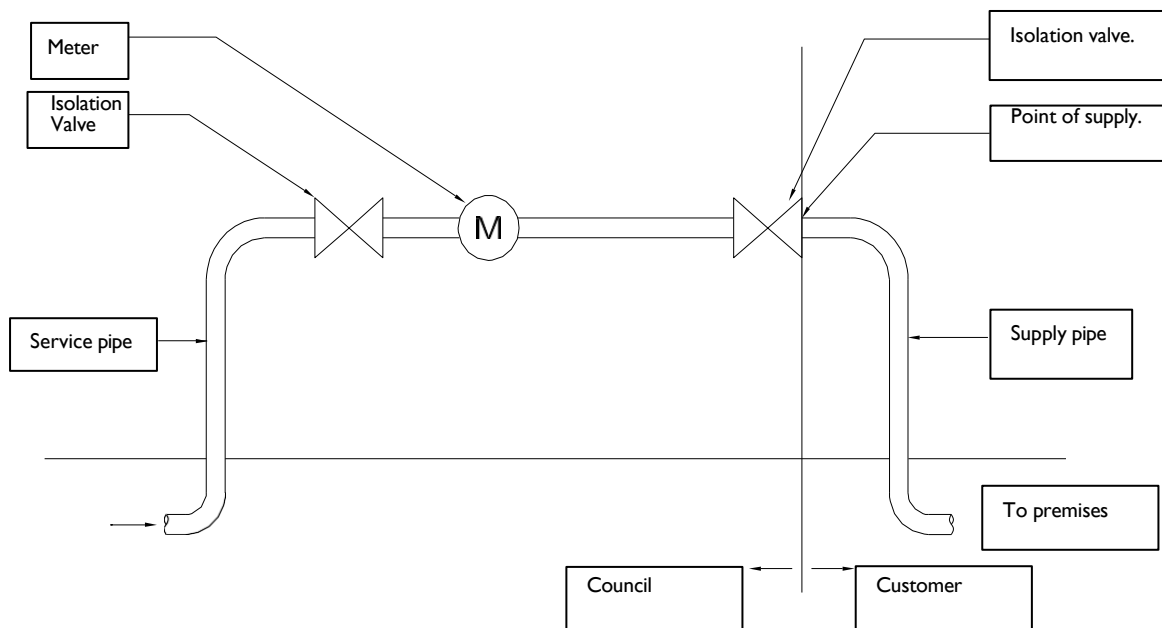


Figure 6: Domestic metered supply

Note:

1. Point of supply is tail piece of boundary box, meter, or isolation 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.

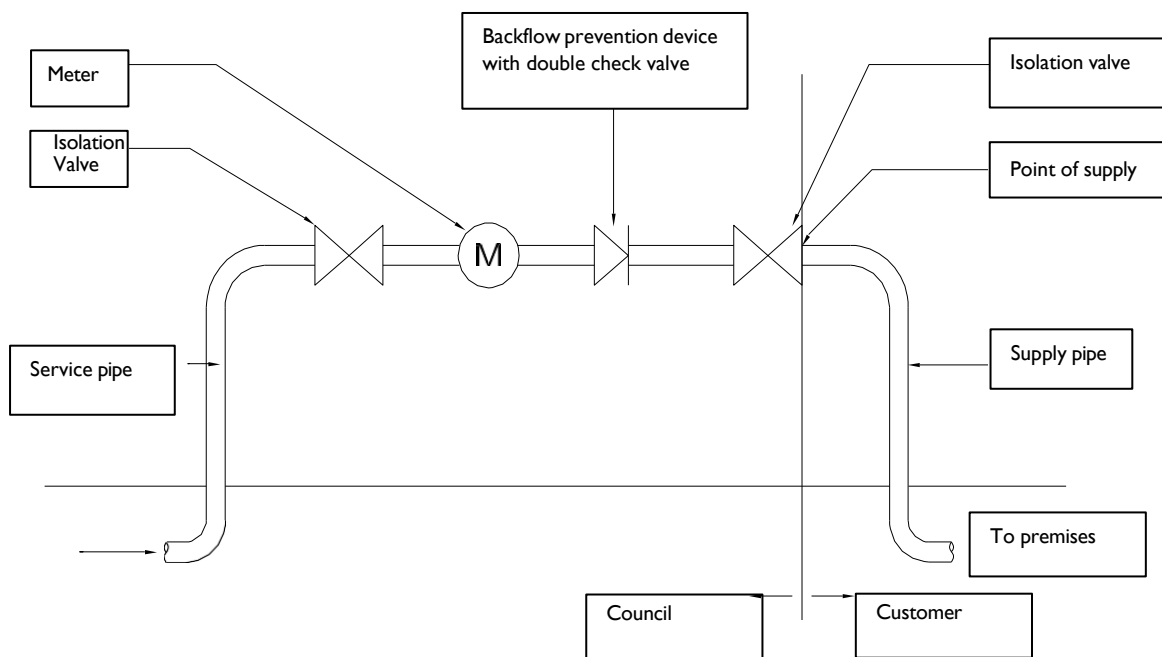


Figure 7: Metered supply with backflow prevention device owned by Council

Note:

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

Schedule 2: Table 1 Compatibility Features

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

Table 1: Compatibility features

Feature	Value
Maximum operating pressure	100 metres head (1, 000 kPa)
Minimum operating pressure*	20 metres head (2 100 kPa)
Normal operating pressure	30 – 40metres head (3 200 - 4 300 kPa)
Free available chlorine	Up to 1.5 g/m ³
Min operating pressure (for rural supplies)	10 meters head (100 kPa)

**Minimum pressure refers to on demand water supplies only*

Schedule 3: Water Supply Area Maps

Pokeno

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=6ee29987-d21a-4765-9f52-ed1f51e620e2>

Raglan, Te Akau, Western Districts & Onewhero

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=0f63eb87-3a54-4580-8bba-8dbfe04db53d>

Ngaaruawaahia, Taupiri & Hopuhopu

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=e78963c8-bdcb-4b3a-8a5a-e62e601ef967>

Huntly

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=e19282d9-22b6-4a6d-939a-b02c85e2539d>

Southern Districts

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=639f77f4-2657-42a1-8502-8ab72db49071>

Te Kauwhata and Surrounds

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=324a9778-4b44-4938-891e-97454262fef2>

Tuakau

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=3fec4d6-c5aa-468e-a672-9cc0aeb499d4>

Port Waikato

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=cfc4af0a-72da-443b-8885-4450b5bdee3d>