

Minutes for a hearing of the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Water Supply Bylaw 2023) held in the Council Chambers, 15 Galileo Street, Ngaruawahia on **WEDNESDAY, 22 NOVEMBER 2023** commencing at **9.30am.**

Present:

Cr C Eyre (Chairperson)
Cr C Beavis (Deputy Chairperson)
Cr J Gibb
Cr M Keir
Cr E Patterson
Cr M Raumati
Cr V Reeve
Cr L Thomson
Cr T Turner – *from 10.03am*

Attending:

Ms M May (General Manager Service Delivery)
Ms C Biddick (Legal Counsel)
Ms H Beaven (Corporate Planner)
Ms K Atchison (Corporate Planner)
Mr M Telfer (Operations Manager Waikato – Watercare)
Ms N Hubbard (Corporate Planning Team Leader)
Mr T McIntyre (Policy Advisor)
Mr K Martin (Waters Manager)
Mr D Sharma (Three Waters Reform Manager)
Mr J Baldwin (Waters Engineering Manager)
Ms E Saunders (Senior Democracy Advisor)

The Policy and Regulatory Committee opened the meeting with a Karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Patterson/Gibb)

THAT the Policy & Regulatory Committee accept the apologies from:

- a. Her Worship the Mayor, Mrs JA Church, Cr P Matatahi-Poutapu, Cr K Ngataki and Cr P Thomson for non-attendance.**

CARRIED

P&RHE2311/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Eyre/Beavis)

THAT:

- a. the agenda for a meeting of the Policy and Regulatory Committee hearing and deliberations of the Water Supply Bylaw held on Wednesday, 22 November 2023 be confirmed; and**
- b. all reports be received; and**
- c. all items therein be considered in open meeting with the exception of those items detailed at agenda item 5 which shall be considered with the public excluded.**

CARRIED

P&RHE2311/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

Hearing Report on the Water Supply Bylaw 2023
Agenda Item 4.1

The report was received under [P&RHE2311/02] and the following discussion was held:

- The Three Waters Reform Manager opened the hearing with a brief overview of the Water Supply Bylaw history and the provisions that have been made in the 2023 bylaw.
- An overview of the legislative changes that have been incorporated in the bylaw along with the inclusion of Watercare as the Contractor for Waikato District Council.
- The Consultation period ran from 5 October to 5 November 2023.

Submissions:

Mr Charles Fletcher – Tamahere Community Committee:

- Mr Charles Fletcher (Chairperson of the Tamahere Community Committee) spoke to the submission on behalf of the Committee and gave an overview of the different issues the Committee have raised along with the concerns they have with the Proposed Bylaw as outlined in the submission attached to the agenda. d

Mrs G Wilcock:

- Mrs G Wilcock spoke to her submission and provided an overview of the issues along with the concerns she has with the proposed bylaw.
- This bylaw does not allow for the differences between Rural, Urban & Commercial zoned properties and the bylaw needs to reflect the diversity of the Waikato District and cannot be a one size fits all model.
- Concern was raised around the accuracy of water meter records held by Council in comparison to the accuracy of records and as-built plans provided by property owners.
- The use of language in the Bylaw was raised particularly around the responsibilities of Supplier vs Customer.
- Cr Gibb acknowledged the two submitters, thanked them for their presence at the hearing and wanted to ensure the submitters understood that a lack of questions from the Committee is not a reflection of elected members not appreciating the submissions.

Resolved: (Crs L Thomson/Reeve)

THAT the Policy and Regulatory Committee, pursuant to section 83 of the Local Government Act 2002, considers all submissions and, where requested, hears submissions on the Proposed Water Supply Bylaw 2023.

CARRIED

P&RHE2311/03

The meeting adjourned at 10.08 for morning tea and resumed at 10.31 am.

Deliberations Report on the Water Supply Bylaw
Agenda Item 4.2

The report was received under [P&RHE2311/02] and the following discussion was held:

- Clarification was sought in relation to social media comments on the Council Facebook page and whether it was just these comments that were captured or whether comments on other posts that have been shared by elected members to community pages were also captured?

ACTION: Corporate Planning Team Leader to discuss with Communications team to determine which comments are social media posts are being captured and if posts by elected members are also being captured.

Clause 9.6.1

- A question was raised the submission of the Tamahere Community Committee and the single water meter connection for multiple dwellings and what this may mean for tenants of those properties moving forward. It was noted that it would be a good thing to flesh out what the recommendation is and ensure any concerns are captured.
- It was confirmed that under the Tenancy Act, property tenants can only be charged for water consumption, not the fixed fees incorporated on a properties rating bill. It was further clarified that the liability for payment of a water bill liability sits with the property owner.
- Cr Beavis clarified what the submission for both the Tauwhare Community and the Tamahere Community meant by the requirement of needing two water meters for multiple or secondary dwellings in the rural area and what the main concerns are with this requirement.
- The Waters Manager clarified what having one water tank for two dwellings would mean; this would classify the property owner as a water supplier and therefore they would need to meet the legal standards as a water supplier.
- There was an extensive discussion around the requirement for a second meter for a secondary dwelling and the requirements of property owners around secondary water tanks. The principles of Taumata Arowai was also discussed and the Waters Manager spoke to the number of water suppliers already being used in the Waikato District and what this means for the properties in the Rural area. It was noted that moving forward the Bylaw will require a note outlining the proper requirements of supplying water.
- A comment was noted that Waikato District Council appeared to be more interested in the needs of water suppliers rather than ratepayers and customers.
- Cr Raumati spoke to finding a solution during the deliberations of the hearing particularly for the issues raised around metering and paying for bulk water supply from Hamilton City Council and the Waters Manager noted that they are here to be guided by Council. A further discussion occurred in relation to multiple dwellings and the requirements.
- A change was made to part c) of the clause and it will now read: This applies to properties with a connection to On Demand Water Supply and excludes trickle feed supply, unless requested by the Property Owner which the Committee agreed with.
- A query was raised in relation to multiple dwellings on one Record of Title and the owner of that Title being responsible for the billing. Mr Telfer spoke to this along with the Waters Manager and it was noted that there is concerns around multiple dwellings on one single Record of Title and what impact there may be if further development on the property occurred.
- It was confirmed that whilst the property owner will be sent the water usage bill, the owner can then pass that usage bill onto the tenants of the other dwellings on the property.
- A query was raised in regards to the intent of the bylaw? Are we being overzealous or over regulatory with this bylaw? How do we weigh Customer Service vs Water Supply? The Three Waters Reform Manager along with Legal Counsel spoke to this point and provided clarification for the committee.

- It was suggested that Council could consider an advisory note in the Bylaw that this Bylaw will not be applied retrospectively. It was noted that the statutory position is not to have enforcement retrospectively so the note will not be required.
- The adoption of the Bylaw date vs the enforcement of the bylaw date was clarified for the committee.

Interpretation (Clause 6)

- A question was raised around extraordinary water supply and the steps taken when cutting off trickle feed supply which was answered by Mr Telfer and the Waters Manager.
- How are communities notified of any restrictions? Mr Telfer noted it was done through letter drops, multiple signage in the affected area and social media.
- It was confirmed that this is a matter for the bylaw as it empowers the decision of restrictions and cutting off water supply to be made and it was further noted that extraordinary does not just refer to Rural but Commercial property as well.

General Discussion:

- It was confirmed that a property owner has the ability and is able to turn off a water meter toby if they require.
- It was confirmed that a Property Owner is responsible for the backflow prevention on a water meter and that Council is responsible for the maintenance of the water meter.

Resolved (Crs L Thomson/Keir)

THAT the Policy and Regulatory Committee:

- a. considers all submissions and the contents of this report in their deliberations on the proposed Water Supply Bylaw 2023;**
- b. determines that Council has followed the requirements for consultation under the Local Government Act 2002 Section 83;**
- c. confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- d. reconfirms, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s) in relation to the water supply network;**
- e. confirms, in accordance with Section 155 of the Local Government Act 2002, that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and that the bylaw is the most appropriate form of bylaw;**
- f. recommends that Council revokes the Water Supply Bylaw 2014 (amended in 2021) (Attachment 2); and**

- a. recommends that Council adopt the **Water Supply Bylaw 2023 (Attachment I)**, with amendment to Clause 9.6.1 (c) as follows:
 - i. This clause includes a new sentence shown in *italics* and shall be read as **'9.6.1(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.*'**

CARRIED

P&RHE2311/04

There being no further business, the hearing was adjourned at 11.45am.

Minutes approved and confirmed this day of 2023.

C Eyre
CHAIRPERSON