
REPORT 1
(1215/52/IM)

PROPOSED WELLINGTON CITY COUNCIL CONSOLIDATED BYLAW 2012 PART 8: WATER SERVICES – ORAL SUBMISSIONS

1. Purpose of Report

This paper outlines the submissions received to date during the public consultation that was carried out for the proposed Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services (the bylaw).

Feedback and comments received will be summarised along with the oral submissions and commented on fully in the Officer report back to the Committee on April 19.

2. Executive Summary

Section 146 Local Government Act 2002 enables Council to make specific bylaws “for the purposes of ...managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:

- water races:
- water supply:
- wastewater, drainage, and sanitation.”

The Local Government Act 2002 also requires though section 155 that Councils determine a bylaw is the most appropriate way to address a problem.

Following the 2008 review of the Water Services Bylaw and the subsequent introduction of the Water Charter, it has been determined these have not been able to achieve the desired water services objectives. A new bylaw with the necessary terms and conditions is proposed:

1. To meet the water conservation and efficiency strategies recently adopted by Council.
2. To enable Council water supply policies and procedures to be easily understood, implemented and, if necessary, enforced.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*

2. *Note that the draft Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services and Statement of Proposal is being consulted on in accordance with section 86 of the LGA 2002*
3. *Note that the draft Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services is being recommended as the appropriate mechanism to deal with the following problems with the current arrangements for water services:*
 - a) *Inability to require commercial premises to be metered*
 - b) *Inability to charge commercial customers for consumption*
 - c) *Inability to enforce water restrictions*
 - d) *Difficulty in dealing with wastage*
 - e) *Difficulty in dealing with private leaks*
 - f) *Difficulty in enforcing Council policies (e.g. establishing water connection, working around buried assets, invoking standards).*
4. *Note that the officers are not advocating the use of universal water metering on residential properties or proposing any deviation from Council's position on residential metering.*
5. *Recommend that Council adopt the Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services as attached as appendix 1*

4. Background

In 2011 Council reviewed the management mechanisms that supported the way water services were supplied to residents and businesses on the reticulated network.

As a result of that work a paper was presented to Council recommending that a draft Water Services Bylaw was made ready for consultation.

It was noted and agreed by SPC that a draft Bylaw would enable operational and policy weaknesses to be addressed and further reinforce the efforts contained in the water Conservation and Efficiency Plan.

Consultation has yielded a number of suggestions and observation to date that, where appropriate, will be included in the draft Water Services Bylaw that is contained in appendix 1.

5. Discussion

Consultation

5.1 Submissions

Consultation on the draft water bylaw ran for a period of just over 6 weeks (January 24 to March 9) with 17 submissions being received. Of these 17 submitters, 4 have requested to make an oral submission as well.

The written submissions are included along with officer comments/responses in appendix 2.

5.2 Oral submissions

Three oral submissions were heard on April 5 and are summarised as follows.

Mr Frank Cook, although fundamentally in favour of the approach offered, raised a number of concerns in relation to specific details.

Mr Cook identified there was potential for a tenant to be unfairly caught between the Council and an uncooperative property owner. This is a valid point and will be included in the process that supports section 6.1 to the extent that tenants will not be used to leverage the property owner into action.

Mr Cook also felt three letters was an unnecessary extension of the LGA2002 “written notice” provisions and will only lead to prolonging wastage. Officers agree this may be a consequence but prefer to exhaust communication avenues before exercising the other options open to Council.

Mr Cook identified a number of changes in the tone of the bylaw could be made clearer through slight changes – these have been put into effect and are included in section 5.4.2 along with other changes below.

Within this was a comment on the metering of modern and efficient irrigation systems as opposed to older style jet or spray systems that may be more wasteful. Officers concur with this observation and will consult the irrigation industry and Council officers within this area to determine a trigger point over the next month.

This will be published in the media when determined and included in any revisions to the water charter and other educational messaging.

A key area of Mr Cook’s submission related to education and the effective dissemination of important water conservation messaging – this is also contained within the Council’s Water Conservation and Efficiency Plan and will be further advanced through the mechanisms identified in that plan.

The Wellington Residents’ Coalition was represented by Ms Alison Robins and Mr Warwick Taylor who articulated the Coalition’s position on water metering and that water should not be treated as a commodity and traded for profit.

The Council’s position on metering has not changed and the cost structure for the supply of water by territorial authorities is governed by the Local Government Act 2002.

Ms Robins questioned the existence of the Council’s “Water Connection Standards” which is mentioned in the draft bylaw. This standard covers the technical aspects of water connection (such as pipe size, fire panel locations, performance requirements of fittings etc.) is being prepared for public dissemination via the Council’s and Capacity’s respective website and will be available online along with the other Council water related publications.

The Coalition also raised concerns about large families being unfairly affected by policies on wastage.

Officer’s advice is this overstates Council’s ability to measure or estimate the amount of water being consumed in an individual dwelling. It is simply not possible in the current environment.

Also raised was a concern about metering fire connections – Officers advise this is not a concern, as commercial fire systems are stand alone and are metered to ensure that they are used only for fire fighting. Council’s policy of refunding fire-fighting water supplies is still in place and is not under review.

A domestic sprinkler system, when designed and installed according to the appropriate standard, does not require a meter under the proposed bylaw.

When questioned by Councillor Pepperell on a position shift on commercial metering Mr Taylor acknowledged the previous position was somewhat ambivalent but was concerned small water users could be unfairly disadvantaged but offered that larger users should be charged volumetrically.

Officers advise this type of approach is too subjective as it fails to allow for a change of operation within a commercial premise – accordingly it is favourable to meter all commercial operations and enable the owner/operator to manage their consumption.

Mr Bernard O’Shaughnessy reminded Council that Wellington’s consumption is “around 240 litres per person” and the CBD contains a fair percentage of the City’s loss and should be high on the Council’s list of priorities.

Mr O’Shaughnessy also felt that wastage was overstated in the Council’s literature.

Officers advise Mr O’Shaughnessy may have mistaken the use of the word “wastage” with unaccounted for water of which wastage forms a part.

However wastage also occurs where consumption is measured and requires addressing by the Council if demand is to be managed.

Leakage can only become wastage if the source has been identified – within the CBD active leak detection is very difficult due to the volume of ambient noise but is carried out regularly to enable as much leakage as possible to be detected and addressed.

Undertaking more intrusive methods will disrupt traffic, pedestrians and businesses with a considerable cost to all parties.

5.3 Consultation conclusions

There was no opposition to the bylaw made by submitters to a level that would lead officers to conclude that the suggested approach is not valid.

There was however a number of suggestions and comments made that officers advise should be incorporated into the processes to be exercised under the bylaw in the managing of the City’s water supply activity.

These are able to be incorporated into the activities contained in the Wellington City Council Water Conservation and Efficiency Plan and reported as such alongside the progress achieved in creating a more water efficient and conservation minded community.

Officers conclude that the following steps could be readily adopted into the operating arena for the reasons contained in each section – none materially affect the adoption of a water bylaw but all can contribute to its effectiveness.

5.3.1 Water Charter

When Council adopted the current Wellington City Council Consolidated Bylaw 2008 Part 8: Water Services in 2008 it also revoked the Wellington City Council Consolidated Bylaw 1991 Part 20 (Water Supply) and created a Wellington Water Charter.

It was suggested during oral submissions that The Water Charter be used as both an educational tool that provides simple explanations of the three water activities and how the Council’s public network interfaces with private and commercial properties.

Officers concur with this position and suggest the Water Charter is also updated to articulate responsibilities and obligations in the delivery of water, wastewater and

stormwater services whilst providing the community with a clear understanding of what services they can expect to receive from their Council.

Options to disseminate this information as widely as practicable will be explored as a key part of 'Activity 1' of the Water Conservation and Efficiency Plan.

5.3.2 Other submitted suggestions

One submitter¹ suggested clause 12 (Customer responsibilities) be published in written and electronic form.

Officers feel the Charter can achieve this with additional information being made available on the websites belonging to Council and Capacity.

The content and underlying tone of submissions 12 and 14 reflect what was presented to, and adopted by Council within the Water Conservation and Efficiency Plan.

Further to the adoption of that plan, Officers can advise work is on-going in addressing demand management across a number of areas.

In relation to the bylaw specifically there were a number of suggestions in making the bylaw easier to read – where considered appropriate to the exercising of the bylaw these amendments have been made as follows:

- **"Extra-ordinary Use"** means the use of water for purposes other than ordinary domestic use. These uses **may** include, but are not limited to:
 - (i) domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
 - (ii) fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council; or
 - (iii) temporary supply.
- **"Uninterrupted service and maintenance of pressure"**
 - 8.1** The Council does not guarantee an uninterrupted or constant supply of water, nor does the Council guarantee maintenance of an existing pressure and flow.
 - 8.2** If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it **shall not** be the responsibility of **the Council** to provide any necessary storage, back up facilities, or equipment.

Note – This previously stated that it was the customer's responsibility to provide any necessary storage etc.

- **12.2** Customers must not allow water to run to waste, allow leaks to continue unchecked or **un**repaired or allow the unattended operation of hoses.
- **17. Change of Ownership**
 - 17.1** In the event of a **metered** premises changing ownership ~~or tenant~~ the Council requires the outgoing owner/~~tenant~~ to ~~advise details of the new owner or tenant as being the customer at that premises. Where a premise is metered The outgoing customer shall~~ give the Council 48 hours' notice to arrange a final reading.

5.3.3 Officer comments

¹ B Kelly, submission ref # 11

Officers highlight this exercise is contained within the Water Conservation and Efficiency Plan that was consulted on in 2011 with written submissions and public meetings.

Within that consultation the “increased or more stringent use or monitoring of restrictions and penalties to manage high demand” was supported by 34% of submitters.

The primary function of the plan is to manage demand so large capital items, such as enhanced regional bulk water storage, can be deferred for as long as possible.

Activity 2 of the plan articulated the need for establishing a Water Services Bylaw for which the legislative process is now being followed.

It has not been the intent of this Bylaw to consider residential metering is considered as an extension of this activity. There is no intention to build revenue streams or introduce residential metering.

As the metering of commercial properties is current policy the enforcement of these will remain the same – as Mr Cook mentioned in his oral submission there is little point in having a provision that cannot or will not be utilised.

Accordingly a policy requiring commercial metering that is then left to the preference of the individual is not the advice of Officers.

Additional concerns that a water bylaw will unfairly affect large or physically active families via Council’s need to target demand are also not the advice of the Officers, as it will be visible excessive usage or wastage (sprinkler systems, pools etc.) that is detected not consumption occurring within a particular household – these are not material volumes in comparison to the examples provided.

The Water Conservation and Efficiency Plan require Officers to report back to Council on its effectiveness and progress – officers will include the aspects discussed above in relation to the bylaw in September when the report is presented.

6. Conclusion

After reviewing the current water supply environment, alongside Council’s objective to manage water demand in order to defer the need to invest heavily in capital projects to further secure the region’s water supply, it was concluded that some areas required further action. The most appropriate path in the stated examples was to introduce a Water Services Bylaw.

This was initially introduced via the water Conservation and Efficiency Plan – consequently the frequent operational, development, and enforcement difficulties being encountered due to the lack of suitable enforcement provisions demonstrate there is a need to reinstate a water supply bylaw.

It has been concluded this is best dealt with by creating the proposed Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services. In most part, this involves including the previously utilised provisions and conditions of the 1991 Water Services Bylaw.

Contact Officer:

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Supporting Information

1) Strategic Fit / Strategic Outcome

The proposed bylaw is consistent with the Council's long term outcome of reducing Wellington's environmental impact by making efficient use of energy, water, and other resources, and minimising waste (See outcome 4.5 More Sustainable).

2) LTCCP/Annual Plan reference and long term financial impact

In order to achieve the outcome noted above, Council considers it necessary to have in place measures to regulate the provision of a public water supply. The proposed bylaw will regulate a range of activities associated with the provision of this service. The proposed bylaw is generally intended to ensure adequate controls and monitoring are retained to meet public expectations of the Council's maintenance and operation of the existing public water supply in Wellington. There are no new financial implications.

3) Treaty of Waitangi considerations

None.

4) Decision-Making

This is not a significant decision. The report recommends the replacement of an existing bylaw and does not constitute a change in policy direction.

5) Consultation

a) General Consultation

The special consultation required by the Local Government Act 2002 is proposed.

b) Consultation with Maori

The special consultation required by the Local Government Act 2002 is proposed.

6) Legal Implications

The requirements of the Local Government Act 2002 have been followed with respect to the bylaw review.

Philips Fox have reviewed the draft bylaw

7) Consistency with existing policy

The recommendations of this report are consistent with existing WCC policies on water usage that prioritise water conservation and encourage more efficient use of water.

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Appendix 1: Draft Wellington City Council Consolidated Bylaw 2008 Part 8: Water Services (2012).

The following is the Draft Water Supply Bylaw referenced in the body of this report.

PROPOSED WELLINGTON CITY COUNCIL WATER SERVICES BYLAW 2012

Introduction

The Local Government Act 2002 (the Act) enables the Council to make bylaws for the management and protection of water supplies, waste water, drainage and sanitation. These matters are also subject to statutory controls in the Act and other enactments. The need for a bylaw covering these matters is founded upon addressing perceived problems that are not effectively controlled by statute or regulation.

This bylaw is made pursuant to Part 8 of the Act.

Title

The title of this bylaw is the Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services.

Commencement

The bylaw shall be operative from (date). Unless revoked or reviewed sooner, it shall be reviewed no later than (date). If not reviewed by (date) this bylaw is revoked on (date).

Bylaws revoked & amended

From (date) the consolidated bylaw shown in Schedule 1 (Wellington City Council Bylaw 2008 Part 8:Water Services) is revoked.

1. Interpretation

In this part of the bylaw, unless inconsistent with the context, or where otherwise expressly provided:

"Air Gap Separation" means a minimum 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.

"Backflow" means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

"Council Approved Contractors" are contractors approved in writing by Council from time to time. A current list of these contractors is available from the Council.

"Customer" is the owner or occupier of the premises that is being supplied with water.

"Extra-ordinary Supply" is a category of on demand supply for which water is supplied for purposes other than that of an ordinary supply and which may be subject to specific limitations, terms and conditions.

"Extra-ordinary Use" means the use of water for purposes other than ordinary domestic use. These uses **may** include, but are not limited to:

- (i) domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- (ii) fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council; or
- (iii) temporary supply.

"Level of Service" means the measurable performance standards on which the Council undertakes to supply water to its customers.

"On Demand Supply" A supply which is available on demand directly from the point of supply subject to the agreed level of service.

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"Ordinary Supply" is a category of on demand supply used solely for domestic purposes.

"Ordinary Domestic Use" means the use of water solely for domestic purposes in a dwelling and subject to clause 8.3. This use includes, subject to prior Council approval, use in a fire sprinkler system installed to comply with NZS4517:2002 and the use of a hose for:

- (i) washing down house, a car, or boat or other domestic vehicle;
- (ii) garden watering by hand; and
- (iii) garden watering with one portable sprinkler per premises.

"Non-Domestic Use" means the use of water for purposes other than ordinary domestic use. These include, but are not limited to:

- (i) commercial and business uses;
- (ii) industrial uses;
- (iii) horticultural, agricultural and viticultural uses;
- (iv) fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council;
- (v) temporary supply.

"Point of Supply" - the point on the service pipe leading from the water main to the premises which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

"Premises" means:

- (a) a property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued, and in respect to which a building consent has been or may be issued; or
- (b) where a building exists, whether or not a building consent has been issued; or
- (c) a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- (d) land held in public ownership, such as a reserve, for a particular purpose.

"Prescribed Fee" means any fees or charges approved by the Council for and items or services associated with the supply of water and includes any fees/charges adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

"Publicly Notified" means published on one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the particular circumstances.

"Restricted Flow Supply" is where a small continuous flow is supplied by a flow control device across an air gap separation, and storage is provided by the customer to cater for their demand fluctuations.

"Restrictor" means a control device fitted to the service pipe or service valve to regulate the flow of water to a customer's premises.

"Service Pipe" means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the Council.

"Service Valve (Toby/Manifold)" means the valve at the customer end of service pipe used to control and/or isolate the supply.

"Special circumstances" means the circumstances that may lead the Council to install a meter on the supply to an "Ordinary Domestic Use" to a customer's property. This includes, but is not limited to:

- Known leaks that remain unrepaired

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- Where excessive usage is being investigated
- Where water is being wasted.

"Supply Pipe" means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the Customer.

"Termination" means the physical cutting off of the supply to a premise.

"Water Meter" means the approved device fitted to a service to determine the volume of water passing through that point.

"Water Supply Area" means any property or allotment serviced by reticulated water supply.

"Water Supply Connection Standards" means the Council's Water Supply Connection Standards, which is a public document and is available on the Council's website: www.wcc.govt.nz.

"Water Supply System" all of the components of the network between the reservoir and the point of supply. This includes but not limited to rising mains, trunk mains distribution mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices, manifolds and tobies.

"Water Unit" means the basis of measurement for a restricted flow supply and equals to a volume of 365 m³ delivered at the rate of 1 m³ per day.

2. Application of the Bylaw

2.1 Any person being supplied with, or who has made application to be supplied with, water by the Council is deemed to accept the terms and conditions contained in this Bylaw, and any subsequent amendments.

2.2 This Bylaw and its terms and conditions shall come into effect on the date notified by the Council, for customers receiving a supply at that time, and at the date of receipt of supply for customers connected after that time.

3. Application for Supply

3.1 Any person who wants to:

- (a) obtain a new connection to the water supply; or
- (b) replace an existing connection; or
- (c) alter an existing connection; or
- (d) change the use of the water or level of service,

must make an application on the prescribed form, including all the information required by the Council and pay any prescribed fee. No connection to the water supply, replacement or alteration of existing connections or change of use, shall be made without the prior written approval of the Council.

3.2 The applicant must be the owner of the premises or have the written authority to act on behalf of the owner of the premises for which the supply is sought.

3.3 On receipt of a complete application the Council will either:

- (a) approve the application, subject to any conditions the Council considers appropriate; or
- (b) refuse the application; or
- (c) request further information to be supplied by the applicant within a specified time.

The Council will notify the applicant of its decision in writing within 10 working days.

3.4 New connections, including all pipes, fittings and any other equipment, up to the point of supply, shall only be installed by Council approved contractors

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and shall be at the cost of the applicant. The applicant shall arrange for the Council approved contractor to complete the work and provide to the Council written confirmation from that contractor that the work was completed by them. No water can be taken from the water supply until that confirmation is received by the Council and acknowledged by the Council.

- 3.5 An approved application under clause 3.3, which has not been implemented within six months of the date of application, will lapse unless the Council approves an extension, before the 6 month period expires. Any refund of fees paid will be at the sole discretion of the Council.
- 3.6 Any water supply connection must comply with any requirements of the Council, including any requirements contained in the Water Supply Connection Standards.

4. Point of Supply

- 4.1 For each customer there shall be only one point of supply, unless otherwise approved by the Council. The service valve (Toby/Manifold) shall be located 450mm from the boundary, in the berm where possible or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- 4.2 The point of supply for single dwelling units, for customers on joint rights of way, common access strips and for the different forms of multiple ownership of premises and/or land shall be located as shown in the Water Supply Connection Standards unless otherwise agreed by the Council.
- 4.3 For a multiple ownership supply which was in existence prior to this Bylaw coming into effect, the point of supply shall be the arrangements that existed at that time, or as determined by agreement with the Council in any individual case.

5. Responsibility for maintenance

- 5.1 The Council shall own and maintain the service pipe and fittings up to the point of supply, including any water meter where fitted. The customer shall own and maintain the supply pipe beyond the point of supply. Without limiting that obligation on the customer, the customer shall undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by Council.
- 5.2 The Council gives no guarantee as to the serviceability of the service valve (Toby/Manifold) located on the service pipe.

6. Ordinary supply

- 6.1 Every residential premise shall be entitled to an ordinary supply of water, subject to:
 - (a) the premises being within the Water Supply Area, and the Council's reticulated water supply being available and capable of servicing the premises;
 - (b) the exclusion of its use under any restrictions imposed by the Council under clause 8.3 of this Bylaw;
 - (c) payment of any prescribed charges in respect of the premises;
 - (d) compliance with the terms and conditions of this Bylaw or contained within any Council approval;
 - (e) payment of any other charges or costs associated with sub-divisional development; and
 - (f) Council reserving the right in "special circumstances" to:
 - (i) install an approved water meter; or
 - (ii) install a flow restrictor.

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Extra-ordinary Supply

- 6.3** The Council is under no obligation to provide an extra-ordinary supply of water. However, if it does:
- (a) it shall be metered and charged for in accordance with any prescribed fee;
 - (b) the customer will meet all costs in relation to the initial installation of the water meter and testing of it if requested by the customer; and
 - (c) the Council will retain ownership of the water meter and be responsible for maintaining it

7. Restricted flow supply

- 7.1** Restricted flow supply shall only be available to premises within an area and/or under special conditions approved by the Council.
- 7.2** The Council reserves the right to require customers to have a meter fitted and to charge any prescribed fee.
- 7.3** A Restricted Flow Supply shall be measured on the basis of an agreed number of units supplied at a uniform flow rate.

8. Continuity of Supply

Uninterrupted service and maintenance of pressure

- 8.1** The Council does not guarantee an uninterrupted or constant supply of water, nor does the Council guarantee maintenance of an existing pressure and flow.
- 8.2** If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it **shall not** be the responsibility of **the Council** to provide any necessary storage, back up facilities, or equipment.

Demand Management

- 8.3** The customer shall comply with any restrictions which may be approved by Council to manage high seasonal or other demands. Any restriction or prohibition will be imposed by resolution and will be publicly notified.
- 8.4** No person may use any water, or allow any water to be used, in contravention of any restriction or prohibition made by the Council under this Bylaw.

Emergency Restrictions

- 8.5** Where there is an emergency (including natural hazards such as floods, drought or earthquake) this may result in disruption to the supply of water and the level service may not be maintained.
- 8.6** During an emergency the Council may restrict or prohibit the use of water for any specific purpose, for any specific period and for any or all of its customers. Such restrictions shall be publicly notified. Where an immediate action is required any restriction or prohibition may be imposed by an authorised officer of the Council subject to subsequent Council ratification.

Repair and Maintenance

- 8.7** Wherever practical the Council will make every reasonable attempt to notify the customer of a scheduled repair or maintenance shutdown of the supply before the work commences. Where immediate repair or maintenance is required and notification is not practical, the Council may shut down the supply without notice.

Liability

- 8.8** The Council shall meet level of service requirements but is not liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

9. Fire Protection Connection

- 9.1** No connection to the water supply for fire protection shall be made without the prior written approval of the Council. Any proposed connection for fire protection shall be the subject of an application (on the prescribed form) to the Council. It shall include all the details required by the Council and be accompanied by the prescribed fee (if any). Any such application may be granted, subject to any conditions the Council considers appropriate, or refused. The Council will notify the applicant of its decision in writing within 10 working days.
- Any fire connection must comply with the requirements of the Council, including any requirements contained in the Water Supply Connection Standards.
- 9.2** The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 9.3** The Council reserves the right to require the customer to supply and install an approved water meter at any time for water supply for fire protection and pay any prescribed fee. The metering of fire connections shall be as shown in the Water Supply Connection Standards, unless otherwise agreed by the Council.
- 9.4** Notwithstanding clause 9.3, for a fire connection (including those installed prior to the coming into effect of this Bylaw) which is so constructed or so located that it is likely or possible that the water will be drawn from it (including hydrants) or from any part of it by any person for purposes other than fire fighting, the Council shall require the customer to install a water meter suitable for the purpose, on the connection.
- 9.5** The right to gain access to, and draw water from, fire hydrants shall be restricted to:
- (a) the Council or its authorised officers;
 - (b) Fire Service personnel for the purpose of Fire Service operations; and
 - (c) fire hydrant permit holders, during the period for which the permit has been issued.
- 9.6** To obtain a fire hydrant permit, the applicant must make an application to the Council, including all information required by Council and payment of the prescribed fee (if any). The Council may, in its discretion, grant or decline such an application and if granted, may impose whatever conditions it sees fit, including limiting the time period when water can be drawn from the hydrant.
- 9.7** Where an unmetered connection has been provided to supply water to a fire protection system this shall be used for no other purpose than fire fighting and testing the fire protection system.
- 9.8** Handheld hoses intended for fire-fighting purposes are not to be used for purposes other than fire-fighting or testing of that system
- 9.9** It shall be the customer's responsibility to ascertain and periodically monitor whether the fire protection supply available is adequate for the intended purpose.
- 9.10** Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for fire fighting purposes, the Council shall, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate shall be credited to the customer's account.
- 9.11** Customers intending to test fire protection systems in a manner that requires a draw-off of water shall obtain approval from the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but quantity of water used may be assessed and charged for by the Council.

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10. Backflow Prevention

- 10.1 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. Council retains the right to fit a backflow prevention device on the customer's side of the point of supply at the customer's expense.
- 10.2 All water for shipping and fire service connections shall have an approved backflow prevention device installed on the customer's side of the point of supply at the customer's expense.
- 10.3 The customer is required to maintain the backflow prevention device in proper working order and undertake the annual inspection by an Independent Qualified Person (IQP). The annual inspection certification shall be forwarded to Council's Building Consents and Licensing Services Department
- 10.4 Failing to comply with 10.3 will result in the Council Building Consents and Licensing Services Department issuing an infringement notice to the customer.

11. Meters and Flow Restrictors

- 11.1 "Ordinary Domestic Use" is not required by the Council to be metered unless the provisions of clause 6.1(f) are in place.
- 11.2 "Non-Domestic Use" shall be metered. All meters must be installed by the customer in compliance with the requirements of the Council. The customer will pay for the initial installation of the meters as prescribed in the Water Supply Connection Standards. The Council will own and maintain the meter thereafter. All owners of premises which have a metered supply shall pay the prescribed fee in relation to that supply
- 11.3 All extra-ordinary supply shall be metered. All meters must be installed by the customer in compliance with the requirements of the Council. The customer will pay for the initial installation of the meter as prescribed in the Water Supply Connection Standards. The Council will own and maintain the meter thereafter. All owners of premises which have a metered supply shall pay the prescribed fee in relation to that supply.
- 11.4 Restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.
- 11.5 In "Special Circumstances", subject to Clause 6.1(f), where known water wastage remains unresolved, subject to the 'Special Circumstances Water Service Bylaw Procedure' establishing water wastage, a metered supply shall pay any prescribed fee in relation to that supply.
- 11.6 Where a customer requests the Council to test the meter, the Council will arrange a test to be carried out as prescribed in the Water Supply Connection Standards and all costs associated with test shall be paid for by the customer.
- 11.7 A customer (with an ordinary supply) may make application for the installation of a water meter to enable the customer to change from a capital value rates charge for water to a water-by-meter charge. The customer will meet all costs in relation to the installation of the water meter. The Council shall own and maintain the meter.
- 11.8 If the customer suspects that the meter has been tampered with the Council should be notified immediately.
- 11.9 Should any meter be out of repair or cease to register the Council shall estimate the consumption for the period since the previous reading as prescribed in the Water Supply Connection Standards.

12. Customer Responsibilities

- 12.1 The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the

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Plumbers, Gasfitters and Drainlayers Act 1976, the Building Act 2004 and the New Zealand Building Code and any other relevant statutory requirements in place at the time. In addition, the customer's plumbing system shall comply with any requirements in the Water Supply Connection Standards.

- 12.2 Customers must not allow water to run to waste, allow leaks to continue unchecked or **un**repaired or allow the unattended operation of hoses.
- 12.3 Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated cost as provided in the Local Government Act 2002.
- 12.4 Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted, shall not be connected directly to the supply pipe.

13. Working Around Buried Services

- 13.1 Any person proposing to carry out excavation work shall:
 - (a) Be responsible for locating all buried services prior to commencing excavation work, and
 - (b) Follow the procedures required for obtaining a Road Opening Notice (as laid down in the Council's Code of Practice for Working on the Road).
- 13.2 Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair.

14. Council Equipment

- 14.1 The customer shall take due care to protect from damage the Council equipment up to the point of supply, including pipework, valving and restrictors.
- 14.2 The customer shall maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents or is likely to prevent convenient access.

15. Payment

- 15.1 The customer shall be liable to pay for the supply of water and related services in accordance with the Council's prescribed fee.
- 15.2 The Council may recover all unpaid water charges for metered water usage, in the manner prescribed in the Local Government (Rating) Act 2002.

16. Transfer of Rights and Responsibilities

- 16.1 The customer's rights and responsibilities provided for under this Bylaw are not transferable.
- 16.2 Water which the customer draws from the Council supply shall not be provided to any other party without prior Council approval and a customer shall not extend the water supply by means of any hose or other pipe to a party beyond the customer's property.

17. Change of Ownership

- 17.1 In the event of a **metered** premises changing ownership ~~or tenant~~ the Council requires the outgoing owner/~~tenant~~ to ~~advise details of the new owner or tenant as being the customer at that premises. Where a premise is metered The outgoing customer shall~~ give the Council 48 hours' notice to arrange a final reading.

18. Termination

- 18.1 The customer must make an application to Council for termination of water supply on the prescribed form, including all the information required by the Council and pay any prescribed fee.

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18.2 On receiving approval of termination from Council the customer must arrange for any termination to be undertaken by a Council approved contractor.

18.3 Where a metered premise is to be demolished the customer shall give 48 hours' notice to arrange a final reading. The customer must also make an application to Council for removal of the water meter and termination of water supply as per 18.1 above.

19. Offences

19.1 Every person commits an offence against this bylaw who:

- (a) does or permits anything contrary to this Bylaw;
- (b) omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw;
- (c) fails to comply with any duty, obligation, or condition imposed by this Bylaw;
- (d) fails to comply with any resolution made under this Bylaw;
- (e) fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw;
- (f) provides an incorrect application for supply which fundamentally affects the provisions;
- (g) gains access to and draws water from a fire hydrant without prior approval from the Council;
- (h) makes any connection to the water supply system without prior written approval from the Council; or
- (i) tampers or interferes with Council equipment or water supply system, either directly or indirectly.

20. Resolution power

20.1 The Council may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding the use of water and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply.

Commentary

The following comments do not form part of the Bylaw. They are provided to advise on the relevant law and information that relate to the Bylaw.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

Legislation

There are a number of statutory provisions that relate to the control of the supply of water, wastage of water and the Council's powers of entry onto private premises. Please refer to sections 171-173 and sections 192 -193 of the Local Government Act 2002.

Obtaining approval from the Council

Should you need to obtain approval from the Council in relation to this Bylaw, you should contact the Council's Central City Service Centre, phone 499 4444, and they will direct you to the appropriate person. There will be an application form you will need to fill in. Council officers will be able to assist you in completing an application form.

Appendix 2: Submission analysis

#	Name / Mode	Submission	Officer Comments
1	Andrew Rouppe van der Voort (email)	<p>I am amazed that a suggestion that I have made several times has been studiously ignored. I have a spread-sheet showing that the men's urinals in the 5 floors that my company occupies in central Wellington waste over 1 million litres of water a year by flushing when the building is not occupied (14 hours a day average). See https://docs.google.com/spreadsheets/ccc?key=0Ai4dMzIEGQNsdDJITVJlB51KN0hsOVNscDhHMXM4RkE</p> <p>For the building that would equate to over 2M litres. If there were 10,000 cisterns in the wellington region that all flush automatically instead of using motion sensors, that would be 1 BILLION litres a year. Think of all the office building, bars, restaurants not only in Wellington City, but all the other cities that rely on that same water catchment and storage. I don't think 10,000 cisterns is an unrealistic number. Why can building inspectors not be tasked to visit every commercial premises, and mandate motion triggered urinal flushing?</p> <p>Why can the roofs of all those flat-topped commercial buildings not have rainwater capture systems for toilet flushing?</p> <p>Replied: 26/01/2012 email</p>	<p>Noted.</p> <p>Activities 1, 3 and 6 cover aspects raised in this submission relating to attention being given to leaks in commercial buildings and large water consumers.</p> <p>The use of rain capture systems for non-potable uses is encouraged by Council – this will be expanded further to the community in the education activity (1) of the Water Conservation and Efficiency Plan.</p> <p>Action for Water services Bylaw: Nil</p>
2	Paul Rosin (email)	<p>Water metering to pay for consumption should only be a last possible resort for businesses (i.e. those using excessive water). And water metering must never ever be used on residential properties. The installation of rainwater tanks should be made compulsory wherever possible. Also, the public need to be educated in becoming water-savvy & resourceful. This can be achieved by extensive signage/notices/ads/threat of fines for wasting water etc. Flush toilets are also water intensive so they should gradually be replaced by composting loos for households. Council rebates could be offered to households for installing rain tanks/composting loos?</p> <p>Replied / acknowledged: 13/01/2012 letter</p>	<p>Noted.</p> <p>Refer above for comments relating to Water Conservation and Efficiency Plan</p> <p>Action for Water services Bylaw: Nil</p>
3	Robb Morrison (email)	<p>If council is going to move forward with this proposed draft they need to lead by example. I have seen on regular occasions water leaking from ruptured pipes/manhole covers for days on end before council actions them.</p> <p>Introduce an requirement when issuing building permits for new housing that water tanks to collect rain water be installed.</p> <p>Replied / acknowledged: 30/01/2012 email</p>	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>

4	Roanne Steele (email)	<p>It is important to consider the requirement for more water storage as part of the Wellington growth strategy. Considering restrictions is a short term measure and does not address the on-going issues with the water supply for the greater Wellington region. We are going to require additional storage in the near future and this should be started now. This continual pushing it off and yet supporting transportation options first is very short sighted. Water is a necessity and this procrastination will cause issues. The council will then have to consider water meters. Restrictions are only part of the water strategy</p> <p>Just build the Dam.</p> <p>Replied / acknowledged 30/01/202 email</p>	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>
5	Ian Apperley (email)	<p>I see no issue with the Council addressing leakage on a property where necessary. For example if a home owner is on holiday.</p> <p>However, I do have issue with the Council utilising their own contractors then billing the customer without any consultation.</p> <p>The Council costs for this type of work are high compared to other private, certified providers.</p> <p>The by-law should then be altered to allow the Council to serve enforcement on a leakage within a period of time, giving the customer the option to source how that work is completed.</p> <p>In other words, serve notice prior, with a set amount of time to remedy, rather than just going ahead and billing the customer.</p> <p>Replied / acknowledged: 31/01/2012 email</p>	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>
6	David Fraser (WCC Form)	<p>It is great to see that “water aspects” are a high priority for the Council especially in light of the recent public petition on “domestic water metering” in the Wellington Region (against metering – 18,000 signatures).</p> <p>Water will be the greatest commodity of need soon, it’s good that we are looking at the need for “water conservation” and regulating our public water resources so that this valuable resource is not wasted! At the same time of this important debate I think that the council should also look at the need for obtaining “water resources research” and the need to look at future requirements for Wellington’s water needs regarding consumer use and population increase.</p> <p>Bylaw 2012: This bylaw should be examined closely! It is probably needed to examine the “variable differences” between “commercial and domestic needs” of water and how the bylaw, is to be enforced to save, and contain, water supply needs, now and in the future, securing resources.</p>	<p>Noted</p> <p>Submission includes comments of pricing policies – current arrangement is for metered supply to be charged at \$1.715 per cubic meter.</p> <p>Action for Water services Bylaw: Nil</p>

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		<p>Section 158 LGA 2002: This aspect is important part of legislation as reviews of bylaws have to be repealed and updated to adapt to changing circumstances of public events. Water consumption is huge and consumption has increased, domestically and commercially, due to increase of population and water usage as well. It is up to WCC to “enforce bylaws” that affect the constriction of water wastage, where they see fit.</p> <p>The use of “water metering” for commercial aspect would be appropriate but not for domestic use, due to the fact that commercial use would be greater in terms of usage and volume of supply.</p> <p>While it is fitting to be examining the aspects of water consumption we should be looking at the aspects of obtaining future supply methods for future usage, e.g. Recycling aspects artesian well supply, the effects of weather change! Conversion of sea water to fresh water as well and the costs of such ventures. I am in favour for the council to repeal section 158 of the Local Govt. Act 2002. I am against water metering for public cost on domestic use.</p> <p>Obviously, is droughts and in summer water consumption will be higher. The restrictions, the council impose, should be on “unnecessary wastage” of water e.g. watering lawns, gardens, excessive bathing, showering, leaving taps on, leaks in taps etc., leaky toilets, and “excessive flushing”. The WCC should run an awareness programme to the public on water conservation, TV and the media so that the public are aware of the need to conserve water resources!! The above, also has to apply to commercial usage, as well, more so! The three main (part 8) aspects should be covered in the new bylaw for both commercial and domestic purposes, for water consumption. A clause should be left open in the bylaw for special circumstances; this could apply for both of the above categories. For large families:- water consumption is a lot larger this should be taken into account as well.</p> <p>Provision clauses have to be made for Fire Brigades and the other services using large amounts of water, as well, consumption, is higher in summer and droughts.</p> <p>Replied / acknowledged 13/01/202 letter</p>	
7	<p>Philippa Boardman (WCC Form)</p>	<p>It would seem a prudent approach is very necessary to help the public to conserve water when adopting a bylaw on water services and has indeed been well covered in this proposed WCC Consolidated Bylaw 2012: Part 8”.</p> <p>Commencement of operative dates and especially reviewed dates should be standard practice as it certainly has been proven that remedies to combat water wastage needs to be urgently addressed and amended over changing periods of demand, and as problems arise and surface (last in 2008 – 4 years ago). Maybe</p>	<p>Noted.</p> <p>Officers believe that there is sufficient detail within bylaw to satisfy point raised in this submission regarding “extra-ordinary use” and to detail further will potentially create unintended exclusions.</p> <p>Increased advertising of high demand and restrictions is to be discussed with GW and other TA’s to maintain a</p>

		<p>have review dates sooner, e.g. 2yearly</p> <p>Clause 6.2(f) "Special circumstances" need to be classified more fully – 6(f)(2) needs to be clarified on who is to have an approved water meter installed? Commercial only proposed? – Does this stay or can the Council easily change "installation of a meter and/or flow restrictor" to private households? This is so unfair if so.</p> <p>They are very good ideas for where water has proven to be wasted, however. Not sure that all Commercial premises would waste water, so careful monitoring should be appropriately measured before Council enforces this ruling to them.</p> <p>A suggestion could be incorporating rates for different consumption like power companies have e.g. low user and this could work as an incentive to commercial premises to reduce their high usage?</p> <p>6.3 "Extra-ordinary use" must be defined to both private and commercial premises but how will Council know who has a domestic spa and/or swimming pool in excess of 10 cubic metres on their property? Are permits required? I can see there will be abuse of just who will be honest here?</p> <p>Continuity of supply (8.2). Does this clause cover customers with medical requirements in a dependency of water situation? Are you saying they should also provide necessary storage or back up, should an emergency arise?</p> <p>Once again, it's a problem like Power Companies have to allow for the medically dependant.</p> <p>[✓] Approve the leak detected or advised provision guidelines.</p> <p>Overall, the proposal has covered very important areas of the City's water services, but as I've said it's an area that must be constantly reviewed if we are going to keep to maintaining water level demand, as it is now.</p> <p>P.S The regular reminder adverts as on radio/papers are good ways to help the public to conserve water.</p> <p>Replied / acknowledged 22/02/2012</p>	<p>uniform approach to messaging.</p> <p>Action for Water services Bylaw: Nil</p>
8	<p>Bernard O'Shaughnessy (WCC Form)</p> <p>Oral submission requested</p>	<ol style="list-style-type: none"> 1. I think greater publicity should be given to this proposal. I could hardly find it at my local library. 2. Yes, stick water meters on all in CBD area. Remember Council agreed with Frank Cook that the largest % of the leaks was in the CBD! 3. On page 2 of the proposal under "Ordinary Domestic Use" I suggest you delete (i) washing down house, or car, or boat, or other domestic vehicle." 4. Also remind yourselves that Wellingtonians only use 240 litres each a day. But 	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>

		<p>of course education should continue to gain water efficiencies. Replied / acknowledged 22/02/2012</p>	
9	<p>Graeme Sawyer (Email) Oral submission requested</p>	<p>I would appreciate clarification of these two points before I make a submission on behalf of my organisation, please.</p> <p>1/Under this bylaw, who is responsible for maintaining of repairing a faulty or inoperable Toby? I see that S.5.1 gives WCC responsibility for Water meters, and S.5.2 says "The Council gives no guarantee as to the serviceability of the service valve (Toby/Manifold) located on the service pipe" - SO if the council doesn't guarantee its serviceability, Does that mean that maintaining "my" Toby is "my" responsibility..... or not? If it does, why does S.5 not state this clearly?? please explain....</p> <p>2/ Has WCC looked at the economics of paying plumbers to carry out "water saving" maintenance inside private premises? (ie, providing these services "free" to ratepayers??) Other councils do this, and this seems like a more positive and proactive way to minimise waste, and is likely much more successful and efficient than this bylaw, which may well pit homeowners against the council rather than encouraging them to work together to save water....</p> <p>If the economics of this option have been explored, what were the results please?? Replied / acknowledged 24/02/2012</p>	<p>Noted. Questions responded to – no additional comments or questions received.</p> <p>Action for Water services Bylaw: Nil</p>
10	<p>Voicemail message</p>	<p>Clause 12.2 should read "unrepaired" not "repaired" Noted for final version</p>	<p>Noted Bylaw amended to reflect this correction</p>
11	<p>B Kelly (WCC Form)</p>	<p>1. Thank you for a well drafted document; it is clear, without too much legalese. 2. Property owner education about his/her responsibilities</p> <ol style="list-style-type: none"> Clause 12 should be included in a brochure and website, [or ?] notice sent out with rates notice after the bylaw is passed. Chart: "Leak detected or advised on private property" which was included in the consultation package; should also be sent to property owners (and their tenants where applicable) Who owns what? – Water Supply – see Wellington Water Charter 2008 (page 3) Diagrams of water supply connections could be publicised with the "responsibilities" brochure. <p>Replied / Acknowledged 07/03/2012</p>	<p>Noted Comments largely relate to activities that sit outside of the bylaw. Suggestions will be adopted within updated Water Charter and Water conservation and Efficiency Plan activities.</p> <p>Action for Water services Bylaw: Nil</p>

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12	<p>R Averton (Email)</p>	<p>I make this submission as an individual and do not wish to be heard but do wish to be kept informed of hearings.</p> <p>I have read the promotional information; the 'Discussion Document' and attended SPC briefings prior to notification.</p> <p>Below is my updated submission it should be regarded as complementary to that which I submitted in 2010.</p> <p>Submission:</p> <p>I substantially support the implementation of the water efficiency measures set out in the WC&EP.</p> <p>However I am opposed to the construction of any new dam ie: storage facilities on the Whakatikei River or elsewhere, in the foreseeable future; that is until the actual population of Wellington {i.e. Miramar to Tawa inclusive} exceeds 500,000.</p> <p>I am unequivocally opposed to any compulsion that would require residents to install water meters believing that the costs* will not justify the supposed benefits. [NB: Fairly assigning - economic, social and environmental costs to include both actual and incidental contingencies, e.g. installation, monitoring, "reading", servicing, reliable provision of supply etc. However I would support the compulsory installation of water meters by all commercial concerns excluding those buildings occupied as part of a flat-owning company or where individual owners are "unit holders".</p> <p>I am wholeheartedly supporting of deferring all substantial infrastructure development instead preferring that residents be encouraged to conserve and where possible minimise water use. I believe that any interruption of water supplies is likely to be a result of a natural disaster which cannot be predicted when one notes that Wellington is built on or near at least 4 known earthquake fault-lines and to a coastline susceptible to both the effects of erosion and tidal impacts. Building on reclaimed land also presents unpredictable risks to our water supply and where possible serious consideration should be given to planting trees and shrubs that retain coastlines and thrive in a watery environment.</p> <p>Commercial users should be obliged to conserve and where possible re-use water they should be charged the full cost of their consumption and their rates increased.</p> <p>Consideration to the disadvantages of building large apartment blocks to replace single residences should be factored in to any planning model.</p> <p>The simple equation is that a single resident multiplied by 30 seriously impacts on both waste and storm water capacity, both in the use; the disposal, inevitably to the harbour.</p>	<p>Noted</p> <p>Suggestions for activities for Council to advance water conservation have been noted and will be addressed where appropriate or possible via the Water Conservation and Efficiency Plan.</p> <p>Action for Water services Bylaw: Nil</p>
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	<p>The flat parts of the City are especially susceptible to land failure caused by undetected leaks, seepage from existing pipe networks being damaged but not identified during construction and the underlying "Te Aro Swamp" as identified by earlier settlers; however carefully built the subterranean geology is as it always was, inhospitable and unstable. Building on this land presents a hazard as reports written post 1848 show. The reports sent to England made it clear that building on "blue mud" (liquefaction prone land) would be negligent in this treacherous area. Two storeys was considered the ideal height.</p> <p>Using vegetation to mitigate water loss is a sensible option. Trees and hedges absorb, from roots and canopies, approximately 90% of the water flowing past them and thus are sustainable. Vegetation also protects the land from erosion. Carbon Credits accrue when trees are sustained and fences are replaced with hedges. Escarpments denuded of vegetation are at risk of both run-off and slippage both significantly costly in terms of remediation.</p> <p>All infrastructure activities should incur a premium, paid for by the developer, to manage the possible costs of mitigating water flow from either the hills or from around the harbour. Any new structure that is likely to require a pumping station (e.g. ISC - aka Australian Savings Bank Sports Centre) should be required to account realistically for the costs (economic, social, cultural and environmental) to the community at large. All commercial users of water should be obliged to reimburse the City for any unplanned disruptions to supply caused by the development work disturbing infrastructure.</p> <p>All developers should be obliged to pay for the environmental impact of their development, that payment must include reimbursement for the damage to flora, fauna and the cost of loss of amenity to residents during the construction phase at the very least. Archaeological sites should be protected from incursions of water whilst sites are developed and evidence of earlier habitation should be preserved so that it may be viewed by all citizens at their leisure.</p> <p>Building on or near Wellingtons many reclaimed sites requires great consideration at the planning stage to ensure that whatever is built will have minimal contingent effect in surrounding areas. By this I mean that disturbing waterways may also result in surrounding buildings becoming susceptible to water damage and for the land to become unstable putting people and buildings at risk.</p> <p>The social implications of charging for water and water meters would have the greatest impact on those least able to afford the charges. All citizens regardless of their circumstances have a right to have access to clean water readily available to guard their health.</p>	
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	<p>Water restrictions should only be imposed when there is a significant drought (ie: two months without substantial rain and all reservoirs at their lowest ebb). It would be acceptable at those times to restrict the use of “clean” water for non-essential uses by this I mean establishing “water stations” where cars can be washed with free “grey water” and where “rainwater” is available in containers (deposit for re-usable container) to allow gardeners to collect water for sprinkling. It’s important that Council staff seek the co-operation of citizens for all activities. Washing ones residence or building should be a restricted activity during a drought. Commercial external cleaning Operators should have their licenses to operate restricted during any drought (see definition above).</p> <p>Arbitrary restriction should never be imposed by Council.</p> <p>I support the following measures:</p> <ul style="list-style-type: none"> * Council providing a “free” plumbing service to assist in leak detection and repair of domestic devices. * The provision of “free” expert advice to all water users. * Funding support by grant to residential users to aid in the installation of new rainwater tanks * Increased investment of Council resources dedicated to initiatives such as: leak detection, pipe replacement and repair across all of the Council network. * Substantially increased investment in isolating and identifying Wellington’s subterranean network of culverts, streams and post settlement reclamation sites with the goal of producing a map that shows the entire network from 1840 to the present. * Council resources should be dedicated to the upgrade of community housing and the installation of water conservation hardware e.g. shower heads, front loading washing machines and waste disposal units [which apparently use fewer resources than taking or sending rubbish/recycling to the dump], toilets with dual flush low volume or other environmentally sensitive lavatories etc. * Council should require all commercial users to have water meters installed and to be charged for their actual usage of water; whether clean or “grey” and for the treatment of all waste water so that where possible it can be re-used. * All new buildings should be required to have water efficient hardware installed and to provide a “water usage plan” showing the proposed occupancy of any building and the possible impact on both waste and stormwater infrastructure. * Council should subsidise the installation of rain water tanks for residents and owner occupiers including those of flat owning companies. * Council should subsidise the replacement of existing taps with low flow or drip 	
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	<p>resistant ones when called to service or repair existing taps as part of the proposed “free” plumbing service.</p> <p>* Council should provide grants to residential ratepayers to subsidise the replacement of “hardware” such as dishwashers, washing machines etc., with low water use models.</p> <p>* On request Council should provide a list of exotic and native vegetation that would benefit the terrain by retaining escarpments and absorbing water simultaneously improving our carbon credit status.</p> <p>NB: should there be a decision to compel residents to install true “smart” meters then full funding by way of grants should be provided based on means.</p> <p>Conclusion:</p> <p>I understand that the costs of deferring the erection of a dam but think that it is a prudent decision that reflects the fact that any such “development” on terrain susceptible to earthquake, as this land is, should not be excavated. Wellington is built on an area that is crossed by 4 known fault-lines.</p> <p>It appears that there is no great urgency in changing our water consumption habits. Increasing charges and installing meters seem an overreaction. Especially the latter, which will impose many costs on citizens especially the poorest.</p> <p>The majority of residents feel over-burdened by high land rates already. Predictions of population growth are notoriously unreliable. I have recently read an article written by Dr Bill Sutch in the early 60’s that quoted predictions for a population of Wellington City being 200,000 by 1980.</p> <p>Demand increases in summer but climate change will doubtless ameliorate that impact.</p> <p>I do not support loans as they would require prudential oversight to ensure repayment and would also incur a cost that may outweigh their value to the community.</p> <p>Please do not hesitate to contact me for any clarification of the points raised.</p> <p>Thank you for this opportunity.</p> <p>Replied / Acknowledged 08/03/2012</p>	
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13	P Graham (WCC Form)	<p>The City Council must bite the bullet over water management. The best and most effective way of managing our water supply is to install water meters for all users, domestic as well as commercial. I hope the Council has already put water meters at all businesses, including hotels, motels, B&B premises, homestays as well as offices, cafes, restaurants etc., etc., and that they are being monitored and charged accordingly. Now is the time to start implementing a programme to install water meters at the remaining domestic premises - some of us have them already. This would be done in a 3-4 year programme of installing the meters. Of course it wouldn't be cheap but the alternatives of expanding the supply system wouldn't be either. And the education and restrictions don't go far enough.</p> <p>It is a well-established fact that water meters help conserve water. Savings of 10-20 per cent are likely. We can't simply go on expanding supply. Water meters really help focus people on their use of what is a valuable resource.</p> <p>Those who say water should be free are not facing reality. They are already paying for it through their rates. At present they don't know how much they are using; they have no way of checking this. More than this they have no way of benefiting from any conservation efforts they make. Water meters enable them to do this. They people who save are rewarded. Surely this is a good thing.</p> <p>Further than this water meters help to check for hidden leaks, dripping taps and excessive use (albeit innocent). There are a whole range of advantages to the overall water system. Let's start installing them as soon as possible.</p> <p>Replied / Acknowledged 08/03/2012</p>	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>
14	Wellington Residents' Coalition (email) Oral submission requested	<p>Proposed Wellington City Council Consolidated Bylaw 2012 part 8: Water Services Background:</p> <p>At a meeting on 18 January 2009 the Wellington Residents' Coalition moved the following two resolutions:</p> <ol style="list-style-type: none"> 1. That this meeting recognises water as one of the necessities of life and therefore a basic human right. Water must not be regarded as a commodity to be traded for commercial interests. Accordingly, this meeting opposes water metering, particularly for domestic use. This meeting supports publicly-controlled, not-for-profit alternatives of water conservation and management. 2. That this meeting supports direct action against water commercialisation. <p>The Wellington Residents' Coalition developed a petition worded in support of these resolutions. The people that signed the petition called on their elected</p>	<p>Noted</p> <p>Clarification sought over position stated on commercial metering – refer oral submissions section in body of paper (5.3).</p> <p>Other comments relate to previous Council papers and the Water Conservation and Efficiency Plan.</p> <p>Action for Water services Bylaw: Nil</p>

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	<p>representatives in local, regional and national government to:</p> <ul style="list-style-type: none"> • Reject water metering as a method of domestic water management. • Promote and subsidise alternative technologies that enable the collection and use of rainwater and grey water. • Support publicly-controlled, not-for-profit management and conservation of our water resources. <p>Just under 18,000 (17,988) signatures were collected and the petition was presented to the Strategy and Policy Committee of the Wellington City Council on the 2nd December 2010, in the context of WCC's consultation on their Water Conservation and Efficiency Plan. A copy was also presented to the Social and Cultural Wellbeing Committee of the Wellington Regional Council on 16 March 2011, in the context of their agenda item 'Water - Security of Supply'.</p> <p>Please see the following link for the WCC's response to the presentation of the petition 'Say No to Water Meters': http://www.wellington.govt.nz/haveyoursay/otherpetitions/details/2010-12-02-watermeters.html. Point 2 of the WCC's response was to: 'Agree that the Council again reconfirm that it wants to avoid the need for either compulsory residential water metering or major storage dams, and to this end is considering a range of means to promote water conservation and efficiency.'</p> <p>Body of our submission</p> <p>The new bylaw would, in special circumstances – such as known unrepaired leaks, an investigation into excessive usage or blatant water wasting – allow the Council to install a water meter to measure usage and, if necessary, charge for the water wasted or consumed. The Wellington Residents' Coalition is concerned that the criteria for excessive usage and extra-ordinary supply needs to bear in mind the needs of large families and large flats and special needs. E.g. households with higher laundry and showering needs due to many people playing a field sport or having incontinence or households which grow their own vegetables in their gardens.</p> <p>The proposed bylaw clause 7.1 reads 'Restricted flow supply shall only be available to premises within an area and/or under special conditions approved by the Council.' Given concerns about affordability, if there is a case of blatant water wasting, the Wellington Residents' Coalition believes that Council should use powers to restrict the flow of water rather than charge for wastage.</p> <p>Cases such as known unrepaired leaks are best met by more effort going into renewing pipes, fixing leaks and green plumbing.</p>	
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15	<p>F Cook (email)</p> <p>Oral submission requested</p>	<p>Water Bylaw Submission</p> <p>Introduction</p> <p>The bylaw sets out the responsibilities and rights of water users and Council and gives Council explicit power to act where water is wasted. The bylaw replaces the 2008 water bylaw and includes aspects of the Wellington Water Charter relating to water use.</p> <p>Summary</p> <p>This submission is in general support of the proposed bylaw. Further consideration of some aspects of the proposed bylaw is suggested.</p> <p>As the Wellington Water Charter coverage was wider than reticulated water a number of its provisions have not transferred to the bylaw. This submission suggests that the Charter be retained and strengthened with its primary function consolidation of those practices relating to the three waters which encourage water conservation, minimise runoff, and are generally good for the environment.</p> <p>Comments on the bylaw</p> <p>Customer and Non-Owner Occupied Premises</p> <p>The customer is defined as owner or occupier. While section 3 makes the provision of the supply an issue between the council and the owner or some acting on the owner's behalf, the responsibility for the maintenance falls on the customer. In the case of a rented residential property where the tenant is the customer it needs to be noted that a tenant's ability to have maintenance done by the owner ends with the Tenancy Tribunal. While I am wholly supportive of the bylaw in acting against leakage on premises I am concerned that circumstances may arise whereby a tenant would be adversely affected by circumstances beyond their control.</p> <p>Ordinary Supply -Special Circumstances</p> <p>Where special circumstances have led to the installation of a meter it is not clear that the fee referred to in section 11.5 will relate to the volumetric supply, though that is probably the intention. This being the case it would be important to have the option of reverting to the capital based water fee either after a passage of time for the current customer or should the customer change.</p> <p>In invoking actions which may lead to the installation of a meter or a flow restrictor</p>	<p>Noted</p> <p>The detailed processes that applies to clause 6.1(f) is designed to be communication based – if a tenant has exercised everything in their power to resolve the issue it is unlikely that onerous restrictions would be the desired path of action for Council as opposed to actions against the owner. This is likely to involve a meter rather than a restricted supply with costs being applied to the owner.</p> <p>Clause 11.5 has been amended to reflect a volumetric supply being billed.</p> <p>The processes in place reflect that a property owner can revert to the rates based charge once any leakage has been resolved.</p> <p>Clause 8.2 has been amended as per the submitter's observation and suggestion.</p> <p>Change of ownership clause (17.1) has been amended to reflect that there is no real benefit for Council to be advised of tenancy changes or ownership changes in relation to an un metered water supply.</p>

	<p>the bylaw requires three letters to be sent (the Act requires a written warning only regarding wastage of water). Considerable time is likely to have elapsed and a lot of water wasted during this time. If other actions are not possible it may be best to include a time limit for the procedure.</p> <p>Further the decision to install a meter or a flow restrictor does not in itself ensure the leak will be repaired.</p> <p>Restricted flow supply</p> <p>It may be useful to have guidelines relating to 7.3 written into the bylaw. Otherwise reaching agreement - required for action to proceed - may be difficult. The restricted flow requirement to supply at a uniform rate could cause hardship in the case of a sufficiently low number of agreed units and limit the actions open to the council.</p> <p>Continuity of Supply</p> <p>Clause 8.2 states it is the responsibility of the customer to provide necessary storage etc., whereas it may be more appropriate to note it is not the council's responsibility.</p> <p>Change of Ownership</p> <p>The requirement that a change in tenancy in a residential property be notified to the council is probably not necessary in the case of non-metered water supply. It is unlikely to be observed by many thereby weakening the bylaw.</p> <p>Premises</p> <p>The intention of Section (b) is clear - that any existing building is a premises - but the sentence does not connect with the opening phrase.</p> <p>Comments relating to the Wellington Water Charter</p> <p>The nature of the charter changes with the introduction of the bylaw. I see that as an opportunity to give serious consideration to rewriting the charter as an informative document on good practice in such matters as sound environmental use of water, efficient use of water, various storm water and grey water options in an urban environment.</p> <p>Growing practices like provision of green roofs, the use of water tanks and the use of permeable surfaces all benefit the environment and improve community resilience and reduce water use would properly sit in such a charter.</p> <p>On the question of efficient use of water, while Section 192 of the Local Government Act 2002 makes it illegal to waste water it does not define what</p>	
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16	R Whelan Email	<p>Council should be working towards water meters for ALL properties as this is the only fair way to charge for this resource. It is also the only practical way to monitor and restrict usage by price. The current method of a base rate (137.71 then a capital value surcharge (605.50) is grossly unfair. It encourages those on base rate only to just go for it and there is certainly no reason to save water. We agree that anyone who ignores warnings to fix leaking/faulty water appliances should have a meter installed after a second warning. There is opposition to meters as many people dont want to save water they just want to use it and at the uniform/base rate they don't care.</p> <p>Replied / acknowledged 29/02/2012</p>	<p>Noted</p> <p>Action for Water services Bylaw: Nil</p>
17	D Horman Email	<p>To my council,</p> <p>As a ratepayer and domestic user of water I reject the installation and use of water meters by the council be it in a commercial or domestic situation. Once again this is an attempt by you the council to create another revenue stream while couching it in good intentions in attempt to sell it to the public. This is clearly highlighted by the fact that you have failed to mention anything specific in this proposed bylaw regarding the prescribed fee that will be paid by those forced to install a water meter.</p> <p>You have clearly neglected to consider in this bylaw that currently all ratepayers both commercial and domestic pay for the use of water via their annual rates. For those forced to install a water meter how will you reconcile this fact? Will you reduce their rates by removing the water supply component that they currently pay</p>	<p>Noted</p> <p>Fees are published within Council Annual Plans and LTP – any installation costs (for a meter) will vary slightly from property to property but will be charged back to property owner at cost if the cost is to be recovered under the bylaw.</p> <p>Action for Water services Bylaw: Nil</p>

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	<p>for? Will you set an amount that these ratepayers can consume without having to pay an additional fee? Or will you just force them to pay both their current rates and the metered fee for the water they consume and in so doing increase the revenue you generate from supplying water? How will you manage the supply of metered water in the long term? Will you do this yourselves or will you sell the rights to manage the supply and billing to a private company as has been done in Auckland? How long will it be before we are all paying for the water we use via meters and in so doing providing a private company with a healthy profit at our expense? This is what I and many others believe is the ultimate aim of the Wellington City and Regional Councils.</p> <p>Additionally, I believe that the installation of water meters in an attempt to reduce water consumption and waste is ultimately flawed. Currently, you are motivated to ensure that your ratepayers do not waste water because if they do it costs you more to supply it. If any of your domestic or commercial ratepayers are charged for using water based on what they consume two things will happen. Those that can afford to will consume more than they did in the past, those that can't will consume less. Ultimately consumption will not fall and less well off ratepayers will be unable to afford the water they need. Secondly, you will stop being genuinely focused on reducing water consumption because ultimately the more water ratepayers consume the more potential profit there is for you to make. As a former resident of Upper Hutt I find this abhorrent. To me the water I consume comes from a river I know well and love. To me it is not a resource to be exploited for profit. To me it is a place of recreation where I spent almost everyday of my summers as a child and some of my time during the winter. Every time I turn on tap I am conscious of the fact that this water has come from my river. I don't believe that you the members of my council can make that claim.</p> <p>If you my council were truly concerned with reducing water consumption and protecting our rivers instead of making a profit you would sponsor creative initiatives aimed at reducing consumption i.e. discounts for those not using town supply, incentive based schemes for those that collect rain water etc. Ultimately, there is one key thing you must remember at all times; you exist to serve your ratepayers and to provide us with access to key utilities. Of these utilities water is of supreme importance as it is required to support life. If you do not continue to supply this utility in an environmentally friendly, fair and just manner you may as well not exist.</p> <p>Replied / acknowledged 09/03/2012</p>	
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