

ADOPTION OF FINAL WELLINGTON CITY COUNCIL CONSOLIDATED BYLAW 2012 PART 8: WATER SERVICES

1. Purpose of report

The purpose is to report back to the Committee on consultation on the proposed amendments to the Water Services Bylaw.

The report also proposes the adoption of the amended Wellington City Council Water Services Bylaw 2012.

2. Executive summary

The unusually dry summer experienced by the Wellington region highlighted some administrative shortcomings in the Water Services Bylaw regarding the application of watering restrictions.

In order to rectify this, consultation was undertaken to seek feedback on minor amendments to the Bylaw that would allow the Council to respond more efficiently to water supply situations arising from high demand or reduced supply.

Feedback received from the consultation process has resulted in minor changes (refer table 2 - section 5.4) to the wording of the proposed amendments in order to improve the clarity of the Council's intentions and processes.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that on March 27, 2013 the Council agreed to undertake consultation in relation to proposed amendments to the Council's Water Services Bylaw*
3. *Note that the Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services is being recommended as the appropriate mechanism to formalise the use of outdoor water use restrictions across Wellington City during periods of high demand or limited supply.*

4. *Note that, for the purpose of increasing efficiency and giving clarity to the process of imposing water use restrictions during periods of high demand or low supply, recommendations include:*
 - (a) *Limiting garden watering by sprinkler, irrigation system or unattended hoses to alternate days for the official period of 'daylight saving'.*
 - (b) *Delegating the authority to introduce water-use restrictions during periods of high demand or limited supply to the Wellington City Council Chief Executive Officer.*
 - (c) *Formalising the schedule of outdoor water use restrictions available to Wellington City Council to manage demand during periods of high demand or limited supply and under states of 'local emergency' conditions.*
6. *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*
7. *Recommend to the Council that it adopt the Wellington Consolidated Bylaw 2013 part 8: Water Services as attached as Appendix 1.*
8. *Delegate to the Three Waters Portfolio Leader and Chief Executive Officer the authority to make minor editorial changes to the final Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services.*

4. Background

Exacerbated by the loss of one of the Stuart Macaskill lakes for seismic strengthening, the settled, warm and dry weather Wellington experienced in early 2013 saw not only the use of garden sprinkler and unattended hoses being restricted; but also the need for a complete outdoor water use ban.

Although this transition from moderate restriction to a higher level of restriction is catered for within the current bylaw the ability to move promptly and effectively from one level of restriction to another was found to be wanting.

On 7 March the Committee passed a resolution to provide a temporary delegation to the Chief Executive the authority to impose water restrictions. At that time it was also agreed that the existing bylaw be amended and consulted on to make the Council's response to high demand or reduced supply situations more efficient.

The amendments to the bylaw formalise the use of alternate days, based on house numbering, for garden watering by sprinkler, irrigation and unattended hose to certain hours on prescribed days.

The use of an authority delegated to the Council's Chief Executive Officer (CEO) enables the Council to manage demand promptly and effectively during unseasonal periods of high demand or limited supply.

The introduction of a formal ‘Schedule of Water Use Restrictions’ available to the Council via the delegation to the CEO ensures the process to manage the use of water restrictions is consistent, transparent and, procedurally, simple to put into effect.

5. Discussion

The bulk water supply relationship between Greater Wellington Regional Council (GWRC) and local city councils has in place arrangements where decisions on water restrictions are undertaken by the respective city council on the advice of GWRC.

This arrangement is relied on because GWRC does not have a direct relationship with water users that could effectively enable a reduction in demand to be requested. Additionally GWRC does not have the ability, as held by the four city councils, to prosecute breaches of a bylaw or for water wastage.

Wellington City Council’s own process for implementing water use restrictions is contained within the Water Services Bylaw adopted in 2011.

The bylaw was based on the model Water Services Bylaw produced by Standards New Zealand and used across the country.

Summer demand

Water demand in Wellington City increases moderately over the summer periods that are traditionally marked by the ‘daylight saving’ period.

Managing this demand consistently requires an approach that is understood by the end user, reflects the current situation and is workable in its area of operation.

5.1 Consultation and engagement

A formal period of consultation was carried out between 16 April and 16 May (2013) as per the requirements of section 86 of the Local Government Act 2002.

The feedback received from the consultation is summarised as follows.

#	Submission Summary	Action
1	Clarification sought as to the times ‘daylight saving’ water restrictions apply.	Wording in clause 6.1(b) amended to improve clarity.
2	Request for consideration of an exemption from restrictions for residents growing vegetables.	No change – refer section 5.5 for comment.
3	Support, but better timing needed along with education programmes. Reminder of WCC’s position on residential metering.	Noted
4	Clarification sought regarding use of rainwater tanks.	Noted – Wording in clause 8.4 amended to reflect application of

	Recommendation on considering enforcement.	Bylaw to reticulated water supplies.
5	Requested the Council to consider impacts of restrictions on residents, offered a tiered approach to restricting commercial users. Recommended linking bylaw to regional and city water strategies.	Noted – refer section 5.5 for comment.
6	Clarification sought regarding use of rainwater tanks. More focus required on internal consumption to support the use of restrictions.	Noted – Wording in clause 8.4 amended to reflect application of Bylaw to reticulated water supplies. Refer section 5.5 for comment.
7	Clarification sought regarding use of rainwater tanks. Clarification sought regarding notification of restrictions being implemented.	Noted – Wording in clause 8.4 amended to reflect application of bylaw to reticulated water supplies. Clause 8.3 amended to add timing of notification details.

Table 1 Consultation feedback and action summary

5.2 Written submissions

A total of 7 submissions were received during the consultation period – these range from straightforward requests that the Council consider exemptions to enable residents to continue growing their own vegetables¹ and reminding the Council of its position on universal metering² to more detailed submissions covering the social impacts of water restrictions³.

Other submissions sought clarity in the wording of the respective changes around when restrictions would be ‘publicly notified’ and the ability of the Council to differentiate between Wellington’s reticulated water supply and the use of alternative supplies such as rainwater or greywater systems.

There were no submissions that spoke against the use of restrictions as opposed to how restrictions should be used.

A number of submissions also stressed the importance of water conservation-based education being used in conjunction with any need for restrictions.

5.3 Oral submissions

In addition to the written submissions there were also 2 oral submissions heard by Councillors – these were heard in conjunction with the 2013/14 Draft Annual Plan oral submissions.

¹ Submission # 2 (M Smith)

² Submission # 3 (B O’Shaughnessy)

³ Submissions # 5 (Regional Public Health) and Submission # 6 (M Payne)

In both cases the oral submissions reflected the nature of the respective written submission with both submitters reinforcing support for the Council’s approach and expanding on key subject matters.

Mr O’Shaughnessy stressed the importance of the Council’s stated policy against universal water metering and reminded the Councillors of the 18,000-signature petition against metering that had been lodged in 2011.

Mr Payne spoke of the ways in which water is consumed in the home and asked the Council to be mindful of the gains that could be made through education about this area of water consumption as well as discussing the use of watering restrictions and their potential for negative social impacts.

5.4 Consultation results

The amendments to the draft bylaw consulted on are designed to add clarity to the use of water use restrictions during periods of high demand or low supply and are as follows.

Clause	Version consulted on	Post consultation version
6.1(b)	During the official period of ‘daylight saving’, garden and lawn watering by sprinkler, irrigation or watering system, or a single unattended hose can be done only from 6–8am and 7–9pm on alternate days; even-numbered houses on even-numbered days and uneven (odd) numbered house on uneven (odd) numbered days.	During the official period of ‘daylight saving’ garden and lawn watering by sprinkler, irrigation or watering system, or a single unattended hose is only permitted during the hours of 6-8am and 7-9pm on alternate days; even-numbered houses on even-numbered days and uneven (odd) numbered houses on uneven (odd) numbered days.
8.3	The customer shall comply with any restrictions approved by the Council to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule One, will be imposed by authority delegated to the Chief Executive Officer and will be advised to the Council and publicly notified.	The customer shall comply with any restrictions approved by the Council to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule One, will be imposed by authority delegated to the Chief Executive Officer and will be advised to the Council and publicly notified prior to their coming into effect.
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.	No person may use, or allow to be used water from the city’s reticulated supply in contravention of any restriction or prohibition made by the Council under this bylaw

Table 2 Amendments to Bylaw clauses resulting from consultation

5.5 Feedback considered and not adopted

There were also a number of suggestions contained in the submissions that were considered but for the following reasons did not effect a change to the bylaw as it was consulted on.

Impacts of restrictions on various community sectors

Primarily these items were focused on the application of restrictions and their potential to adversely affect different parts of the community. It was also felt by some submitters that the commercial sector should be focussed on more so than the residential community.

It was offered that the Council give consideration to an exemption for outdoor water use restrictions to residents who grow their own vegetables, or that the Council consider a tiered approach to restrictions on commercial use (i.e. commercial use restrictions followed by further commercial use restrictions).

Recent outdoor water-use restrictions highlighted the wide-ranging impact of such decisions on businesses and Council operations as well as the potential to impact on residents.

It was apparent that a widespread and complete ban on outdoor water use could quickly result in water-dependent commercial operators, such as window washing enterprises, laying off staff or even failing as a business.

In considering the social impacts of the outdoor water-use restrictions it is important to note that while some commercial operators or businesses may be able to reduce their consumption, others completely rely on the ability to source water for their operations.

During the recent use of restrictions several commercial water users were asked to reduce their consumption as much as possible without compromising their assets, commercial sustainability or survival.

In respect to residents being granted exemptions this was considered not to be a favourable response as it was felt to be more susceptible to subjective exemptions being granted where water recycling was readily accessible and easy to implement.

Officers consider that both areas can be suitably addressed via education and direct communications with individual consumers and industry groups. This is considered to be more effective than a potentially complex series of exemptions and rules that may achieve little more than increased bureaucracy or confusion.

Links to water conservation

Regional Public Health offered that the bylaw should “link to other regional planning; particularly any water supply planning that is undertaken in response to the recent drought”.⁴

Officers considered that this should actually be reversed and regional planning should reflect the requirements of the local authorities and their respective regulatory processes.

⁴ Submission # 5 (Regional Public Health) page 2

It was also felt that including in the bylaw strategic approaches that are rightfully contained in the Long Term Plan and Annual Plan went beyond the role of a bylaw as described in the Local Government Act 2002.

5.6 Financial considerations

None to consider.

5.7 Climate-change impacts and considerations

None to consider.

The proposed amendments are aligned with the Council's drive for increased water conservation and efficiency across the region and complement the outcomes of the 2012 – 2022 Long-Term Plan and the Council's 'Living City' strategic direction.

5.8 Long-term Plan considerations

None to consider.

6. Conclusion

Wellington City Council requires the ability to respond promptly and efficiently to changing circumstances affecting the city's demand for water or supply situation in order to protect the more essential water uses across the city.

The ability to respond needs to be relative to the situation to which it is being applied and of a level of clarity and consistency that enables widespread understanding across the community as to why the need for water use restrictions are required.

For these reasons and as per the discussions contained in this report, officers conclude that amendments proposed enable the Council to satisfy any concerns in using restrictions to manage demand in the future.

Contact Officer: *Paul Glennie - Team Leader, Strategic Planning (City Networks) and Haydn Read – Manager Strategic Asset Planning*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The recommendations contained within this report and the draft Water Services Bylaw are aligned with the strategies and outcomes sought within the Council long-term planning and goals.

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

There are no LTP/AP or long-term financial impacts arising from this report.

3) Treaty of Waitangi considerations

There are no matters within this report do not meet the principles of the Treaty of Waitangi or Councils memorandum of Understanding with Manu Whenua

4) Decision-making

This is not a significant decision.

5) Consultation

a) General consultation

Consultation was carried out in preparation of this report and the draft Bylaw attached as Appendix 1 in accordance with the provisions of the Local Government Act 2002.

b) Consultation with Maori

There are no matters within this report that required a separate consultation with Mana Whenua.

6) Legal implications

There are no legal implications arising from Committee adopting the recommendations contained within this report.

7) Consistency with existing policy

This report and the recommendations contained within are consistent with existing policies and procedures.

WELLINGTON CITY COUNCIL CONSOLIDATED BYLAW 2012

PART 8: WATER SERVICES

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 2012 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 include, but are not limited to:

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- (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.

"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

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- (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
- 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.

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"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.

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- 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 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:

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- (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) **During the official periods of 'daylight saving' garden and lawn watering by sprinkler, irrigation or watering system, or a single unattended hose is only permitted during the hours of 6-8am and 7-9pm on alternate days; even-numbered houses on even-numbered days and un-even (odd) numbered houses on uneven (odd) numbered days;**
- (c) the exclusion of its use under any restrictions imposed by the Council under clause 8.3 of this Bylaw;
- (d) payment of any prescribed charges in respect of the premises;
- (e) compliance with the terms and conditions of this Bylaw or contained within any Council approval;
- (f) payment of any other charges or costs associated with sub-divisional development; and
- (g) Council reserving the right in "special circumstances" to:
 - (i) install an approved water meter; or
 - (ii) install a flow restrictor.

Extra-ordinary Supply

6.2 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 will be the responsibility of that customer 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 the Council to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule One, will be imposed by authority delegated to the Chief Executive Officer and will be advised to the Council and publicly notified **prior to their coming into effect.**
- 8.4 No person may use, **or allow to be used water from the city's reticulated supply** 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

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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.

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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.

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(g) 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 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.

11.4 Restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.

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- 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 and any 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 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 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).

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- 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 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.
- 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.

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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.

Schedule of Water Use Restrictions

Clause 8.3 and 8.4 require that:

- 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, as contained in Schedule One, will be imposed by authority delegated to the Chief Executive Officer and will be advised to Council and publicly notified prior to their coming into effect.
- 8.4** No person may use any water, or allow to be used, water from the City's reticulated supply in contravention of any restriction or prohibition made by the Council under this bylaw.

The Schedule of Water Use Restrictions (Level One to Five inclusive) that may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer is as follows.

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Level Six and Level Seven may only be imposed following the declaration of a state of local emergency as per section 68 (Declaration of a state of local emergency) of the Civil Defence Emergency Management Act 2002.

Level One (provides for):

- Daylight Savings alternate day garden watering allowances and hand-held hose use
- Water Patrols (providing advice on allowed watering hours)
- Joint advertising across Councils

Level Two (provides for):

- Level One, plus,
- Increased advertising
- Increased use of water patrols

Level Three (provides for):

- Level Two, plus,
- Increased advertising (restrictions/leak reporting) and water patrols
- Ban on garden sprinklers and unattended irrigation systems (watering only by hand)

Level Four (provides for):

- Level Three, plus,
- Increased advertising (restrictions/leak reporting) and water patrols
- Ban on domestic hose use (watering can/bucket use only)

Level Five (provides for):

- Level Four, plus,
- Increased advertising (restrictions/leak reporting) and water patrols
- Ban on all outdoor water use (other than for emergencies)

Level Six (provides for):

- Level Five, plus,
- Increased advertising (restrictions/leak reporting) and water patrols
- Ban on all non-essential water use (emergency use only)

Level Seven (provides for):

- Level Six, plus,
- Increased advertising (restrictions/leak reporting) and water patrols
- Life-sustaining and emergency water use only

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Commentary

The following comments do not form part of the Bylaw. They are included to provide advice on the relevant legislation and information that relates 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.

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Submission details

The following table details the submissions received during the period of public consultation seeking feedback on the proposed amendments.

Consultation ran from 16 April until 16 May 2013 with 7 written submissions received and 2 oral submissions requested.

#	Submitter details	Comments
1	Tony Cox Email – 16/04/13	Hi, Can someone clarify the times for me please, is the proposal saying you can only water between 6am and 8am and 7pm and 9pm on alternate days or these are the times when you can't water?
	Oral Submission - No	<p><i>Officer response (email 16/04/2013):</i></p> <p>Hi Tony - Thanks for the question – the proposal formalises what has been Council 'policy' for the past 20 odd years. It will mean that during the daylight savings period you can only water between the prescribed hours on the alternate days.</p> <p>Research indicates that this approach does not materially negatively impact gardens or lawns (i.e. they don't need watering every day) – it is important to note also that you can still water a lawn or garden at any time with a hand held hose.</p> <p>The approach is designed to stop people from turning on the sprinkler and leaving it all day (it does happen unfortunately).</p> <p>Please feel free to come back to me with any additional comments or questions.</p> <p>Action: Clarity of clause 6.1(b) amended to reflect applicability to "water from the city's supply" as opposed to "any water".</p>
2	Maire Smith Hataitai	Please consider giving an exemption to watering restrictions for watering vegetables, to encourage people to save resources by growing their own. This might require earlier imposition of restrictions to achieve the same overall saving.
	On-line submission form 18/04/2013 Oral Submission - No	<p><i>Office response (email 18/04/2013):</i></p> <p>Good afternoon Maire,</p> <p>Thank you for your comments.</p> <p>We are mindful of the potential for an impact on those that save precious resources through growing their own vegetables – our preference is that people use recycled water where possible if the situation becomes dire enough to restrict outdoor water use again.</p> <p>Potentially exemptions could be made depending on the circumstances to which we are responding.</p> <p>We are also mindful that once we start making exemptions there are always more that follow – each with valid reasons for the person advancing them, it makes it very difficult for the Council to remain objective under these circumstances.</p> <p>Once again thank you for your thoughts, please feel free to ask any other questions or advance any other ideas.</p> <p>Action: Noted</p>

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3	<p>Bernard O'Shaughnessy</p> <p>19/04/2013</p> <p>On-line submission form</p> <p>Oral submission – Yes 21/03/2013</p>	<p>1. I support the proposal, but I think;</p> <ol style="list-style-type: none"> a. Both Regional and City Councils must advise the public earlier about water shortages. You left it too late to say “wolf” b. More public education is needed by Councils regarding water c. An ad should appear, say twice a week, giving a regular indication as to how much water we are using, not just in a crisis situation d. BUT NO WATER METERS! Remember the City Council had an 18,000 petition lodged recently. <p><i>Office response (email 19/04/2013):</i></p> <p>Good afternoon Bernard,</p> <p>Thank you for your thoughts below and its good to note we are in agreement on all of the points you raise – regarding the early warnings, the events did advance a lot faster than GWRC had advised and we were caught a little by surprise too.</p> <p>This is being covered in a post event de-brief.</p> <p>Please note however that no-one is suggesting metering, and education forms a large part of the Council's adopted Water Conservation and Efficiency Plan.</p> <p>Once again thanks for your thoughts Bernard, I will add you to the Oral Submission list.</p> <p>Action: Noted</p>
4	<p>Sophie Mormeade</p> <p>Karori</p> <p>Email Submission</p> <p>15/05/2013</p> <p>Oral submission - No</p>	<p>I support the changes proposed to the bylaw, and the idea of water conservation. I believe enforcement should be carried out at all times when the restrictions are in place, and not only during exceptional circumstances: a law is only as good as its enforcement. I also strongly support community education, and metering.</p> <p>I believe the bylaw needs clarifications around clause 6.1 and the recommendation for use of water tanks. Would the sprinkler bans and any other bans apply to rainwater tanks or not? And if not, how do you consider differentiating rainwater tanks with or without town water top-up?</p> <p>Also I am not sure I understand under section 8.3 the timeline for notifications. It might be worth clarifying this point.</p> <p>Thank you for your interest.</p> <p>Action: Officer comments contained in text</p>
5	<p>Regional Public Health</p> <p>Written submission</p> <p>16/05/2013</p> <p>Oral submission – No</p>	<p><i>Refer Appendix Three</i></p> <p>Action: Additional officer comments relating to the establishment of restrictions are contained in report text – refer section 5.5</p>
6	<p>Martin Payne</p> <p>Written submission</p> <p>16/05/2013</p> <p>Oral submission – Yes 23/05/2013</p>	<p><i>Refer Appendix Four</i></p> <p>Action: Clarity of clause 6.1(b) amended to reflect applicability to “water from the city’s reticulated supply” as opposed to “any water”.</p> <p>Additional officer comments relating to the use of restrictions for demand management contained in report text- refer section 5.5</p>

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7	Wellington Underwater Club Written submission 16/05/2013 Oral submission - No	<i>Refer Appendix Five</i> Action: Clarity of clause 6.1(b) amended to reflect applicability to “water from the city’s reticulated supply” as opposed to “any water”. Clarity of clause 8.3 regarding “notification” improved with addition of “prior to their coming into effect”.
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Appendix Three: Written submission # 5

Submission of Regional Public Health

16 May 2013

Alex van Paassen

Capacity

Private Bag 39804

Wellington Mail Centre 5045

Dear Alex

Re: Submission on Wellington City Council Bylaw Amendment – Part 8 Water Services Bylaw

Thank you for the opportunity to provide a written submission on this consultation document.

Regional Public Health serves the Greater Wellington region, through its three district health boards (DHB): Capital and Coast, Hutt Valley and Wairarapa and is based at the Hutt Valley District Health Board.

We work with our community to make it a healthier safer place to live. We promote good health, prevent disease, and improve the quality of life for our population, with a particular focus on children, Maori and working with primary care organisations. Our staff include a range of occupations such as: Medical Officers of Health, Public

Health Advisors, Health Protection Officers, Public Health Nurses, and Public Health Analysts.

The provisions of the Water Services Bylaw are important in helping to minimise

adverse public health effects in situations where the drinking water supply is compromised e.g. during periods of drought conditions. Regional Public Health

(RPH) consider that the proposed recommendations in our submission should help to clarify and strengthen the bylaw.

We are happy to provide further advice or clarification on any points raised in our written submission. The contact point for this submission is:

Chris Edmonds

Health Protection Officer

Ph. 570-9134

Email: chris.edmonds@huttvalleydhb.org.nz

Kind regards,

Dr Jill McKenzie

Medical Officer of Health

Peter Gush

Service Manager

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RPH **supports** the proposed amendments to the Wellington City Council (WCC) Consolidated Bylaw - Part 8 Water Services Bylaw Amendment. In particular, the consistency of watering restrictions across the region and the ability for the WCC Chief Executive Officer (CEO) to respond promptly to situations which require restriction of water supplies e.g. during periods of drought conditions.

It is important that when WCC is implementing restrictions in the bylaw, they need to ensure that they do not place a disproportionate burden onto low income households or vulnerable individuals, e.g. those with medical conditions requiring security of water supply.

RPH has the following two **recommendations** relating to:

- commercial water supply users and;
- linking the bylaw to regional water supply planning and emergency planning.

Commercial Water Supply Users

It is important that commercial water supply users consider measures they can apply to reduce their water consumption as part of their business continuity planning. Although the proposed bylaw is intended to manage both residential and commercial water usage (page 2), RPH consider that water use restrictions should include specific reference to commercial users. This will give WCC flexibility in imposing specific restrictions on commercial users depending on their requirements for water usage during periods of restricted use. RPH therefore **recommend** that reference to commercial users be included in the Schedule of Water Use Restrictions. For example:

Level four (provides for):

- *level three, plus,*
- *increased advertising (restrictions/leak reporting) and water patrols*
- *ban on domestic hose use (watering can/bucket use only)*
- **restrictions on commercial users**

Level five (provides for):

- *level four, plus,*
- *increased advertising (restrictions/leak reporting) and water patrols*
- *ban on all outdoor water use (other than for emergencies)*
- **further restrictions on commercial users**

Linking Regional Water Supply Planning

RPH consider that the water services bylaw should link to other regional water supply planning; particularly any water supply planning that is being undertaken in response to the recent drought. This should also include linking to regional Civil Defence Emergency Planning for the level six and seven water restrictions. RPH therefore **recommend** that the

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bylaw should include specific commentary on related documents/planning that have implications for water supply restrictions.

As noted in the bylaw amendment proposal document, there is a need for on-going work with the public to improve understanding of water conservation (page 3). Following the recent drought response, there is a need for on-going work around raising public awareness of the regional water supply and the impact that water use has on the security of this supply. The amended bylaw should be linked to the activities of the WCC Water Conservation and Efficiency Plan.

Appendix Four: Written submission # 6

Submission of Martin Payne

Currently I am studying for a Masters of Health Science (Environmental Health)

The subject of my research is urban water with a particular focus on applicability rainwater harvesting in urban areas.

While I agree that the Wellington City Council (WCC) needs to be able to impose restriction on water drawn from the public water supply, there are situations where the blanket nature of restriction would not be appropriate.

Rainwater tanks and greywater use

Property owners that have installed rainwater tanks (filled from a roof catchment) or greywater reuse systems in anticipation of water shortage or interruption could be unfairly penalized or restricted under the current provisions.

Section 8.3 requiring customers to comply with “any restriction” approved by the Chief Executive Officer or Council in conjunction with the wording of section 8.4 forbidding the use of “any water” in contravention of any restriction or prohibition made by the council in my view is problematic.

I would suggest that the use of “any restriction” and “any water” is too broad and needs to be clarified for customers that have alternative water sources available to them. Perhaps “any water drawn from the public water supply” could be substituted in these sections.

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, as contained in Schedule One, will be imposed by authority delegated to the Chief Executive Officer and will be advised to Council and 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.

There is a similar issue with the use of “water” in section 8.6 which needs to be amended to recognise water sourced from alternative sources.

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.

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It is my opinion that rainwater harvesting and the safe reuse of greywater needs to be encouraged as an important water conservation and efficiency measure. Property owners who make this investment need to be encouraged rather than hindered in their full use these systems.

Additional water restriction measures

From a broader viewpoint, I also wonder whether the exclusive focus on outdoor water use restrictions in Level One to Level Five responses to public water supply shortages is sufficient. While enforcement of bans would be more easily undertaken, the suggested restrictions do not give recognition to the fact that the bulk of potable water use is consumed indoors within households and businesses.

Under server drought conditions, outdoor water restrictions in themselves may be insufficient to balance available water supply with demand. I would suggest that additional measures encouraging indoor water savings need to be incorporated at the higher restriction levels. While these indoor savings may inherently be more difficult to regulate, triggering public education and information campaigns at the higher restriction levels will be important rather than total reliance on outdoor water bans for savings.

Food production in cities

I have also observed that research into creating resilient and sustainable cities suggest that increased food production within city boundaries, even at small scales, is valuable. I wonder if this bylaw has fully considered the implication on such food production systems. For example, this may well be an issue for low income households that depend on sufficient production from their gardens to feed their families. We only have to look at the growth in community gardens in Wellington city to see a developing trend. Continuity of supply from a garden, especially during summer months, can depend upon continued water availability. While mulching and other techniques may reduce vegetable garden water use to a low level, a total ban may see a significant disruption of this food supply.

Thank you for this opportunity to submit on the draft WCC Water supply bylaw amendment.

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Appendix Five: Written submission # 7

Submission of Wellington Underwater Club



To whom it may concern,

The Wellington Underwater Club (WUC) wishes to thank the Wellington City Council for the opportunity to provide feedback on the water services bylaw. WUC is the oldest dive club in New Zealand, and is particularly interested in matters of water use and quality in the Wellington region, as it has one of the largest impacts on the quality of the marine environment surrounding Wellington (both in the harbour and on the South coast).

We do support the principle of water conservation. We do believe that enforcement should be more than during high demand but during the entire duration of the restrictions (see section b(ii) in the summary document). We also support community education and other water use reduction measures such as metering large clients to reduce the immediate need for a new reservoir.

We also have specific comments to the updated bylaw:

Last paragraph of clause 6.1: the council recommends the use of a rainwater tank for those wanting to water during restrictions. How does WCC propose to differentiate a banned sprinkler use with an authorised sprinkler use from a rainwater tank in clause 6.1b? Should it be explicit that clause 6.1b applies to town supply only? It might also be worthwhile carefully considering this issue as water tanks are often automatically topped up with town water, so the distinction between a bona fide rainwater use and town supply use can be blurry.

Section 8.3: what is the timeline in terms of notifications?

Under levels: "water patrol (providing advice on allowed watering hours)": when does enforcement come into play?

We hope the points raised above will be taken into consideration when reviewing the proposed water bylaw. We do not wish to make an oral presentation.

Alan Smithson
President of the Wellington Underwater Club
On behalf of the committee