

Submission

on

Proposed Water Supply Bylaw 2023

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Submission on: **Proposed Water Supply Bylaw 2023**
Closing date for Submission: **5 November 2023**
Project number: **BYL23/01**
TCC **does wish to be heard** in support of this submission.
TCC is making this submission as a Community organisation.

The Tamahere Community Committee [TCC] was established by the Waikato District Council [WDC] to support the Councillors representing the Tamahere Ward, being part of the new Tamahere-Woodland general ward. TCC members are publicly elected triennially and governed by the Council protocols for Community Boards and Committees.

This submission is made by TCC representing the wider interests of the Tamahere Community and its population of approx 9,000 living in a rural/country living environment. Tamahere Ward ratepayers are the largest financial contributors of rating income to the Council, other than rural farmers across the whole District.



TCC submits:

1. In clause 3 the Scope of the Bylaw suggests it applies to **ALL PROPERTY** in the Council District and provides it **shall apply to “any land, building, work, or property under the control of the Council.”**
2. This is a **serious over reach of the Councils powers and authority** as the Bylaw can only apply to properties where the Council supplies water directly as a Water Supply Authority, i.e. by pipe.
3. Given the largest portion of the Council District is farm land, where **property owners supply their own water** from within the boundaries of their property and **subject to the requirements of the Waikato Regional Council**, the **District Council** is seeking to inappropriately **duplicate the role and function of the Regional Council**.
4. Clause 7.1 sets out definitions which shall apply for the interpretation of the Bylaw. It specifically does not include a definition for:
 - a. “water supply network”, or
 - b. “water supply system”, or
 - c. “water connection”.
5. Both “water supply network” and “water supply system” are extensively used in the Bylaw, from which the Council has draconian powers and rights of control including the extensive ability to impose Council determined charges, penalties, fees and costs.
6. The cumulative effect of the prescriptive nature of this Bylaw is to significantly impact on water sources outside of the “pipeline” supply the Council provides that this Bylaw seeks to cover.
7. Specifically, water from “any natural source(s) such as a well, spring, river, stream”, as these words appear in the definition of Auxiliary Supply.
8. Specifically, the consequences of “contamination”, where the Council can seek to recover the “cost of remediation of contamination”.
9. Specifically, the potential for Council to “designate” “Surface water and groundwater catchment areas from which untreated water is drawn” as a:
 - a. Controlled Catchment; or
 - b. Restricted Catchment; or
 - c. Open Catchment.”which terms are NOT INCLUDED in the clause 7.1 definitions.



10. Clause 7.1 defines “Catchment” as “An area of land which drains to a waterbody from where a public water supply is drawn.” **so potentially includes all farm land** ... due to run off to, ultimately, the Waikato River.
11. The Bylaw seeks to include all:
 - a. properties at which agricultural, horticultural or viticultural land use is occurring
 - b. Lifestyle bocks (rural supplies);in the definition of “Extraordinary Use” then provides that those properties are subject to provision where “any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including but not limited to water alerts and emergency provisions.” irrespective of whether or not the Council supplies the water to such properties by pipe. This is a serious over-reach.
12. Clause 9.6. provides for meters and flow restrictors for all “water. Connections”. The assumption is a piped water connection, but the concept of what might be a “water connection” is not defined in clause 7.1 (so could be inappropriately construed as applying to ALL PROPERTIES which use water no matter its source).
13. Clause 9.6.1 (c) makes no distinction as to the property zoning or use, e.g multiple farm houses on a large dairy farm might caught by this provision to separately meter every dwelling. This provision makes sense in an urban environment where in-fill houses or the new 3x3 development rules apply in town centres, but is inappropriate for rural properties and lifestyle properties which have water tanks and (usually) a long-distance Supply Pipe to the Councils point of supply, where the Council is providing water by pipe.
14. This will be particularly onerous on an existing property which seeks to add a ‘granny flat’ as a secondary dwelling. The owner should have the option of maintaining just one meter for the whole property and the ability to simply meter the water to the secondary dwelling from anywhere in the line to the secondary dwelling, not the Councils ‘point of supply’ (if water use apportionment is considered essential).
15. Council needs to properly consider and address the ‘charges’ for any water supply by pipe to any rural or lifestyle (non-urban) property where the property has water tanks and fills those tanks from roof rain water. Often the water use from the Council piped supply will be low unless and until there is a serious drought or water shortage. Access to the Council supply should be a very modest charge, so as to encourage (not penalise) the owners to store water and utilise rain water as much as possible.
16. If an ancillary meter is to be installed, it should not be subject to a yearly charge attached to it (i.e., charges should only be for the water used). The



annual charge (for the connection but using no water) is already included in the rates.

TCC seeks the following changes from the WDC:

1. A clear qualification that the Scope of the Bylaw to only apply to properties to which the Council supplies water by pipe from its controlled water supply system.
 2. A clear statement that the Bylaw only applies to the Councils controlled water supply system and is not intended to duplicate or interfere with the water rights and responsibilities of the Waikato Regional Council including any consents granted by the Waikato Regional Council to a property.
 3. A review of the definitions to clearly address what is intended to be included in, and how, the Bylaw is interpreted.
 4. A clear statement that the Bylaw does not extend to any property in the District which does not have a connected Supply Pipe.
 5. A review of the minor/ancillary/secondary dwelling provision in clause 9.6.1 to exclude inappropriate or unintended consequences to properties outside of urban zoning and no additional annual meter charge.
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This submission is filed electronically with the WDC on 5 November 2023

Charles Fletcher – Chair

Tamahere Community Committee

