

Appendix 4 Summary of Submissions

Submitter	Summary of Issue	Officer Comment
<p style="text-align: center;">Wellington Residents Coalition</p>	<p>The submitter would like the Charter to include the three principles from the NZ Water Charter:</p> <ul style="list-style-type: none"> • Water is one of the necessities of life and a basic human right, • Water must not be regarded as a commodity to be traded or used for purely commercial interests, • Water should be protected from commercial exploitation. <p>Use of the word “Charter” could cause confusion between the Wellington Charter and the NZ Charter.</p>	<p>Council has specific legal responsibilities and duties for water services. For example, in s 193 restrictions of water supply cannot be so limited as to permit unsanitary conditions to develop. The Health Act Amendment Bill proposes to amend the Local Government Act 2002 by allowing supplies to be restricted for non payment or non maintenance of leaks, provided supply remains adequate.</p>
	<p>Water must not be regarded as a commodity to be traded or used for purely commercial purposes.</p>	<p>Water is used for many commercial and industrial purposes. Connected properties fund services by user charges or rates. It is presumed the submitter’s concern is that water services should not be managed for profit or on the basis of a return on capital investment, etc.</p> <p>Subpart 2, Part 7 of LG 02 contains obligations and restrictions relating to provision of water services. Generally these provisions would probably address the submitter’s concerns in so far as Council would have statutory requirements to negotiate, if it intended to privatise / divest of its water services.</p>

Submitter	Summary of Issue	Officer Comment
Wellington Residents Coalition	Join together to seek urgent legislation that will protect NZ's water against commercial exploitation	The Health Act Amendment Bill presented the submitter with an opportunity to put this issue before members of parliament.
	References to 'customers' and 'Capacity', should be changed. Council should consider / adopt the NZ Water Charter and refer to 'users' instead of 'customers'.	'Customer' and 'user' are contextually explained in 1.0 and 2.0 of the Charter. The submitter appears to misunderstand the role of Capacity, which is explained in 3.1.
	The Charter could have more performance measures.	One of the principles behind drafting the Charter, indeed the whole review of the Council's water bylaws, is a desire to make the information as accessible as possible to users by avoiding jargon. The document is kept concise by avoiding duplicating information that is kept in other policies, etc. This also avoids needing to maintain two documents that would be necessary if the duplicated information is changed. Additional specific performance measures can be found Asset Management Plans, which also have been summarised in the interests of improving public engagement and the Annual Plan / Report. As the Charter evolves over time the Council can determine whether more specific performance measures should be included. As previously advised, Council can amend the Charter without being <u>required</u> to use the Special Consultative procedure.
	Recommendations <ul style="list-style-type: none"> • Amend charter to further emphasise the importance of water • Amend charter to refer to users, instead of customers. 	

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Barney Scully	The bylaw should make provision for public drains that have been missed off the asset register.	Not required. If the Council finds a drain that has been missed off the register, officers can update the register without needing authorisation in a bylaw. The drain referred to in the submission is on the Council's asset register.
	Recommendation <ul style="list-style-type: none"> • No change 	
Bernice Kelly	Water charter clearly defines rights and responsibilities	
	Responsibility to avoid blockages should be included in the Charter, similar to 7.7 of the Plumbing and Drainage Bylaw	The bylaw makes it clear that owners and occupiers are responsible for keeping drains in good working order. This requirement relates to private drains and laterals. It is found in 9.2 of the Charter and s459 of LG 74. Critical drains undergo routine inspection. Frequency for this varies. Other drains are inspected on reactive basis.
	Recommendation <ul style="list-style-type: none"> • No change 	
Peter Cowley	Charter responsibilities are clear. It is easy to read and understand.	Submission is in support of proposal
	Removing duplication is a good thing.	
	Proposed new bylaw is clear, concise and easy to understand.	
	Recommendation <ul style="list-style-type: none"> • No change 	

Overall comments

Submitter	Summary of Issue	Officer Comment
<p style="text-align: center;">Greater Wellington Regional Council</p>	<p>The Charter lacks substance, is too vague.</p>	<p>One of the principles behind drafting the Charter, indeed the whole review of the Council’s water bylaws, is a desire to make the information as accessible as possible to users by avoiding jargon. The document is kept concise by avoiding duplicating information that is kept in other policies, etc.</p> <p>Specific performance measures can be found in the Annual Report and Asset Management Plans, which also have been summarised in the interests of improving public engagement.</p> <p>As the Charter evolves over time the Council can determine whether more specific performance measures should be included. As previously advised, Council can amend the Charter without being <u>required</u> to use the Special Consultative procedure.</p>
	<p>It should disclose the statutory powers that the Council can use.</p>	<p>Agreed. Section 10 was clear that certain actions could lead to prosecution. The revised Charter states that breaching user responsibilities may give rise to a prosecution under LG 02.</p>

Overall comments (cont)

<p>Greater Wellington Regional Council</p>	<p>Controlling Water Usage</p> <p>Concerned by / opposed to the loss of water conservation and demand management provisions in the bylaw. WCC may be lessening its options for quickly implementing water restrictions.</p>	<p>The Council's abilities to enforce water restrictions are effectively the same under LG 02. Efficient and responsible use of water is achieved through promotion and education before needing recourse to coercive regulations, which can be obtained from statutes.</p> <p>Bylaw regulations can be reconsidered when the Wellington Water Management Plan is finalised. Hosing / garden usage could be controlled under s 192 or s 193 LG 02, provided the Council gives appropriate public notification, which the current bylaw also requires (20.1.3.7.2).</p> <p>Breach of the bylaw would technically be an offence and prosecution proceedings would be no quicker than breach of LGA.</p>
	<p>The Council appears to be giving up the ability to restrict or stop water services for customers who fail to repair leaks or who wilfully waste water.</p>	<p>Incorrect. The Council has recourse to various options, which can be installed on the service pipe (for example, meter or restrictor).</p> <p>The bylaw did not give the Council the ability to stop water services to users who fail to repair leaks or waste water. Such action would breach s193 (Water services may not be stopped altogether, as this would create unsanitary conditions). The power to stop water is strictly limited to undertaking repairs or responding to an event that poses a risk to public health (s194).</p>
	<p>How will the Charter be publicised?</p>	<p>External media, flyers and website. Changes to the Charter and seasonal demand management notices provide opportunities to promote the Charter.</p>

Detailed Comments

Submitter	Summary of Issue	Officer Comment		Recommendation
Greater Wellington Regional Council	Consistency of terminology 1.0 Council officers c/w council employees	Agreed		Remove 'officers'.
	3.1 Reference to Council is ambiguous The role of GWRC is inaccurate.	Agreed	Replace ' <i>owned by the Council</i> ' with ' <i>that we own.</i> <i>The Greater Wellington Regional Council is our wholesale water supplier and manages water quality to the point of supply for our reservoirs and direct supply points.</i>	
	5.1 Emphasis on water meters, which isn't the most common arrangement for residential customers.	Accepted	This section to be revised. This section to state differences in charges for residential customers.	
	6.1 No definition of minimum flow rate or pressure.	Agreed	Charter to disclose that minimum flow rate is 15 litres per minute and pressure may range from 25 – 90 meters at point of supply	
	6.2 What is a reasonable period of time that could elapse before a person is liable for being charged for requesting a test?	Noted	Water quality is of vital importance to users and Council's officers do their utmost to identify the cause of a problem.	Revise clause to give emphasis to the importance of resolving water quality concerns.

Detailed Comments (cont)

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<p style="text-align: center;">Greater Wellington Regional Council</p>	<p>6.3 How much would be charged?</p>	<p>Customer can check cost at time of requesting the plans. See Council schedule of fees.</p>	<p>Revise Charter</p>
	<p>6.4 Is there a fire fighting code / or similar standard that Council would commit to.</p>	<p>Yes, SNZ PAS 4509:2003 NZ Fire Service Fire fighting water suppliers' code of practice.</p>	
	<p>6.5 Can 'one day' be more definitive?</p>	<p>The minimum is intended to be 24 hours. Council aims to give users seven days notice of a planned interruption.</p>	

Detailed Comments (cont)

Submitter	Summary of Issue	Officer Comment	Recommendation
Greater Wellington Regional Council	<p>6.6 Water Wastage Commitment to reducing loss is not quantified</p>	<p>Noted. Water loss targets are disclosed in the Water Supply Asset Management Plan Summary.</p>	<p>Revise as follows “and monitoring usage.” Make reference to Local Government Acts (LG 74 and LG 02). Further emphasis is given in clause 10.</p> <p>Addressed below.</p>
	<p>Could be interpreted to indicate that the Council is committed to universal metering.</p>	<p>Noted</p>	
	<p>Can water wastage be defined and quantified?</p>	<p>Wastage of Water is an offence against s 192 of LG 02. The Act does not quantify ‘wastage’. Council’s options, short of a prosecution, are not inhibited by the Charter.</p>	
	<p>The Council should provide information and advice on how to conserve water.</p>	<p>The Charter is an educational tool that can be modified to include more information. This can be reconsidered after the Wellington Water Management Plan is finalised.</p>	
	<p>What specific requirement is there for public fixing leaks on their fittings?</p>	<p>See 9.2 of the Charter. Officers work with users to isolate leaks and resolve problems.</p>	
	<p>Wellington CC should set a good example for responsible and efficient use of water. Performance measures for the Council’s operational water use should be disclosed in the Charter.</p>	<p>Council’s water usage is dictated by operating requirements and maintenance standards for its reserves, playing fields, green spaces, etc. To include this information in the Charter would diffuse its purpose and focus.</p>	

Detailed Comments (cont)

Submitter	Summary of Issue	Officer Comment	Recommendation
Greater Wellington Regional Council	6.7 'Bad weather' is ambiguous	Agreed	Revise as follows 'weather related disruptions' Year-round garden watering restrictions to be stated in the Charter.
	6.8 Water Conservation How will the Council maintain its all-year round watering restrictions? What is the expectation for compliance with water restrictions outside of reasons given? High demand is not defined.	See 6.8 of the Charter. The Council will publicly notify restrictions to help manage demand at peak times. Water restrictions are introduced for a reason. The charter states the usual circumstances that would require the Council to have water restrictions. In the absence of substantive reasons, maintaining water restrictions would seem unreasonable and difficult to enforce (note a distinction needs to be drawn between water restrictions to manage demand and water wastage). Water restrictions should not impinge on the customer's expectations for an on-demand supply. Not required. Reference is contextually self evident.	

Detailed Comments (cont)

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Greater Wellington Regional Council	9.0 Maintenance and Improvements Works, - time to respond and repair is not clear.	Asset Management Plan is the most appropriate place to state the Council's performance targets for maintenance of the network. Para 9.7 clearly states that the table on page 15 is for expected response times after receiving a customer complaint. The table is derived from the service contract.		
	9.2 Private maintenance Reasonable time for repairing defects is ten days, but this only applies to waste water systems.	Noted. Building Act states ten days is a reasonable period of time.		Amend para – delete 'waste water', so that the customer will repair defects in their systems as soon as possible.....
	Will the Council be able to require backflow prevention?	The current bylaw duplicates provisions in the Building Act and Water Supplies Protection Regulations. The Council can also install backflow prevention equipment on its side of the Point of Supply. See 9.2 of the Charter. Backflow prevention is a condition of supply for new commercial and industrial users.		
	9.6 Questions reference to 'Water Services pipes'	Noted		Amend to 'our pipes'.