

# Acquisition and Vesting of Private 3-waters Schemes Policy

## 1 OVERVIEW

### 1.1 CONTEXT

Queenstown Lakes District Council (**the Council**) is committed to ensuring a consistent level of service across the health, safety and security of drinking water supply, efficient wastewater collection, treatment and disposal, and storm water collection, treatment, and discharge (**the 3-Waters**) that are affordable and scalable for growth.

Safe and reliable drinking water supplies are recognised as being crucial to the wellbeing and prosperity of our District.

The Council also provides reticulated wastewater services. Reticulated wastewater systems are recognised internationally as the most cost-effective and efficient method of protecting public health in urban areas from outbreaks of waterborne diseases that are associated with human and business liquid wastes. Reticulated wastewater systems also enable cost effective treatment and disposal, which helps to support improved environmental outcomes.

Stormwater systems are provided to protect private properties and buildings from rainwater and groundwater. Effective management of rainwater within these systems is vital to controlling erosion and land stability, as well as ensuring public amenity of open spaces and protection of the environment.

### 1.2 ISSUE

Private water, wastewater and stormwater schemes are commonplace in New Zealand however with legislative change and greater regulation of non-compliance, many private schemes may require increased investment and more thorough management to comply.

The Water Services Act 2021 came into effect on 15 November 2021 and Taumata Arowai became the dedicated water services regulator for Aotearoa. The Water Services Act 2021 imposes duties on all drinking water supplies other than domestic self-supplies.

There is a likelihood that many of the private 3-waters schemes may not have the capacity or capability to comply, leading to an increased risk to public health. Some may choose to divest schemes into Council's control to reduce their health and safety risks and/or to avoid the increasing operational costs and liabilities under the new regulatory framework.

### 1.3 PURPOSE

The purpose of Councils Acquisition and Vesting of Private 3-waters Scheme Policy is to;

1. Foremost, minimise the public health risks to the community from 'non-compliant' 3-waters schemes.
2. Secondly, minimise financial prejudice to the Council and indirectly, ratepayers from the transfer of privately owned assets by establishing guidelines for assessing requests to transfer assets to the Council by balancing equity, fairness and administrative efficacy for existing ratepayers and prospective ratepayers.

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## 1.4 SCOPE AND APPLICATION

This Policy sets out the material aspects that are to be agreed between Council and private scheme owners in the vesting and acquisitions of existing private schemes and informs applicants of the level of acceptance for new 3-water schemes for future vesting in Council.

This Policy applies to all existing private 3-waters networks including potable water supply, wastewater and storm water schemes in the Queenstown Lakes district that may be vested in or acquired by Council. This policy does not supersede the standard approach for vesting assets for a new development as part of the subdivision process. However, the policy does provide guidance to newly constructed schemes that may initially remain in private ownership.

The applicability of the Policy to existing 3-waters schemes is to establish a baseline of expectations in the process for negotiations that sets out with fairness to 3-waters scheme owners and prudence to ratepayers in how the performance, condition, capacity and value will be considered.

Where private schemes cannot be avoided, private schemes operators are encouraged to design and implement in such a way that does not preclude vesting and acquisition in the future. Even insofar that is not the intention to ever vest in Council—this approach will reduce costs and need of rework if ever it is needed.

The new Water Services Act now requires that all drinking water supplies comply with the drinking water standards within specific timeframes. The timeline for full compliance is:

- Registered water supplies – must comply immediately with the new provisions of the Water Services Act.
- Unregistered water supplies - 4 years for the registration of currently unregistered supplies and up to 7 years before compliance is required with most obligations under the Act.

## 1.5 NAVIGATING THIS POLICY

The policy is split into ten components:

- **Section 1 to 3** - Provide the purpose, overview, and background of the policy
- **Sections 4 to 7** - Guide private scheme owners to understand the vesting process. Namely their responsibilities, and Council's approach to considering the risk, quality, capacity, value, funding/financial and legal issues associated with each scheme.
- **Section 8 to 10** - Guidance for the design of new private schemes that may be vested, consultation requirements, and reference materials.
- **Appendix** - includes the Water Supply Risk Assessment.

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## 2 BACKGROUND - GOVERNING REGULATORY FRAMEWORK

### 2.1 NEW REGULATORY FRAMEWORK

A full description of the new regulatory framework is beyond the scope of this document, and subject to change. However, for context is summarised as below. Check the Department of Internal Affairs Three Water Review<sup>1</sup> for updates.

In response to the Government inquiry to the Havelock North Drinking Water Outbreak, New Zealand's Drinking Water regulatory framework is undergoing significant changes with:

- Establishment of Taumata Arowai<sup>2</sup> in July 2020 – Aotearoa New Zealand's dedicated regulator of the three waters.
- Water Services Act<sup>3</sup> 2021 has been introduced to establish operational requirements for all drinking water suppliers, territorial authorities and Taumata Arowai.
- Amendments to the Local Government Act 2002 (via the Water Services Act), specifically, obligations to make assessments of drinking water, wastewater, and sanitary services and to ensure communities have access to safe drinking water
- 3-waters Reform – Governance, administration and operation of Council 3-waters networks are likely to be transferred to new regional entities from 1 July 2024 (subject to legislation).

### 2.2 IMPACT OF THIS NEW FRAMEWORK

In transitioning to a new regulatory framework, it is expected that both public and private operators will be impacted, with potentially significant investment required to make existing small schemes compliant with the new DWSNZ and Water Services Act. The costs of which would be passed on to the users are discussed in the BECA report "Cost Estimates for Upgrading Water Treatment Plants to Meet Potential Changes to the New Zealand Drinking Water Standards – 2018<sup>4</sup>," a report procured by the Central Government.

The Water Services Act now applies to all water supplies, whereas previous legislation had different obligations for smaller schemes of less than 100 connections. It is expected that many small scheme operators may be unable to meet the requirements affordably, hence motivating a desire to divest their assets in territorial authorities (or the regional entity) in consideration and mitigation of the increased costs and risks to owners and operators. There are transitional timelines in the Water Services Act, enabling water supplies time to comply (4-7 years). The intent of this policy is not to compel private supplies to vest in QLDC, simply to provide a well understood pathway.

#### 2.2.1 PRIVATE/SMALL DRINKING WATER SCHEME OPERATORS CAN EXPECT TO SEE:

- Increased and immediate investment requirement in backflow prevention.
- Increased monitoring of water schemes and treatment to meet DWSNZ.

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<sup>1</sup> [Department of Internal Affairs - Three Waters review](#)

<sup>2</sup> [Taumata Arowai—the Water Services Act 2021](#)

<sup>3</sup> [Water Services Act](#)

<sup>4</sup> [BECA report "Cost Estimates for Upgrading Water Treatment Plants to Meet Potential Changes to the New Zealand Drinking Water Standards – 2018](#)

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- Requirement to develop and administer a drinking water safety plan and a source water risk management plan (catchment).
- Increased costs of source water quality monitoring and testing.
- Increased personal liability to directors with heavy fines for incidences, up to and including imprisonment.

## 2.2.2 PRIVATE/SMALL WASTEWATER AND STORMWATER SCHEME OPERATORS CAN EXPECT NEW LAWS EMPOWERING TAUMATA AROWAI TO:

- Compile information about wastewater and stormwater networks in a national public database:
- Set environmental performance measures, which wastewater and stormwater operators will have to report against annually:
- Publish an annual report on the environmental performance of wastewater and stormwater networks and their compliance with applicable regulatory requirements (such as resource consents):
- Identify and promote national good practice for the design and management of wastewater and stormwater networks.

## 2.3 RETIRED REGULATORY FRAMEWORK

A full description of the retired regulatory framework is beyond the scope of this document. However, for context a summary is provided below.

Until the full enactment of 3-waters reforms underway, Council is the operational and controlling authority responsible for the supply, treatment, reticulation/conveyance and discharge of public 3-waters services (excluding private networks) within the District. The provisions and duties of Council were legislated under the Resource Management Act 1991, Health Act 1956, Ministry of Health Drinking Water Standards NZ (DWSNZ) and Southern District Health Board as the drinking water assessors, Local Government Act 2002, and the Building Act 2004.

The Otago Regional Council (ORC) is responsible for management of water quality and environmental impact of the catchment. The Ministry of Health were responsible for regulating registered drinking water schemes to comply with the NZ Drinking Water Standards, and Southern District Health Board were responsible for the assessment and monitoring of registered drinking water supplies to these standards, including private schemes.

The Council, ORC, and Southern District Health Board had a collaborative working relationship to ensure the safe provision of water and wastewater and management of the environment.

### Council responsibilities to private schemes

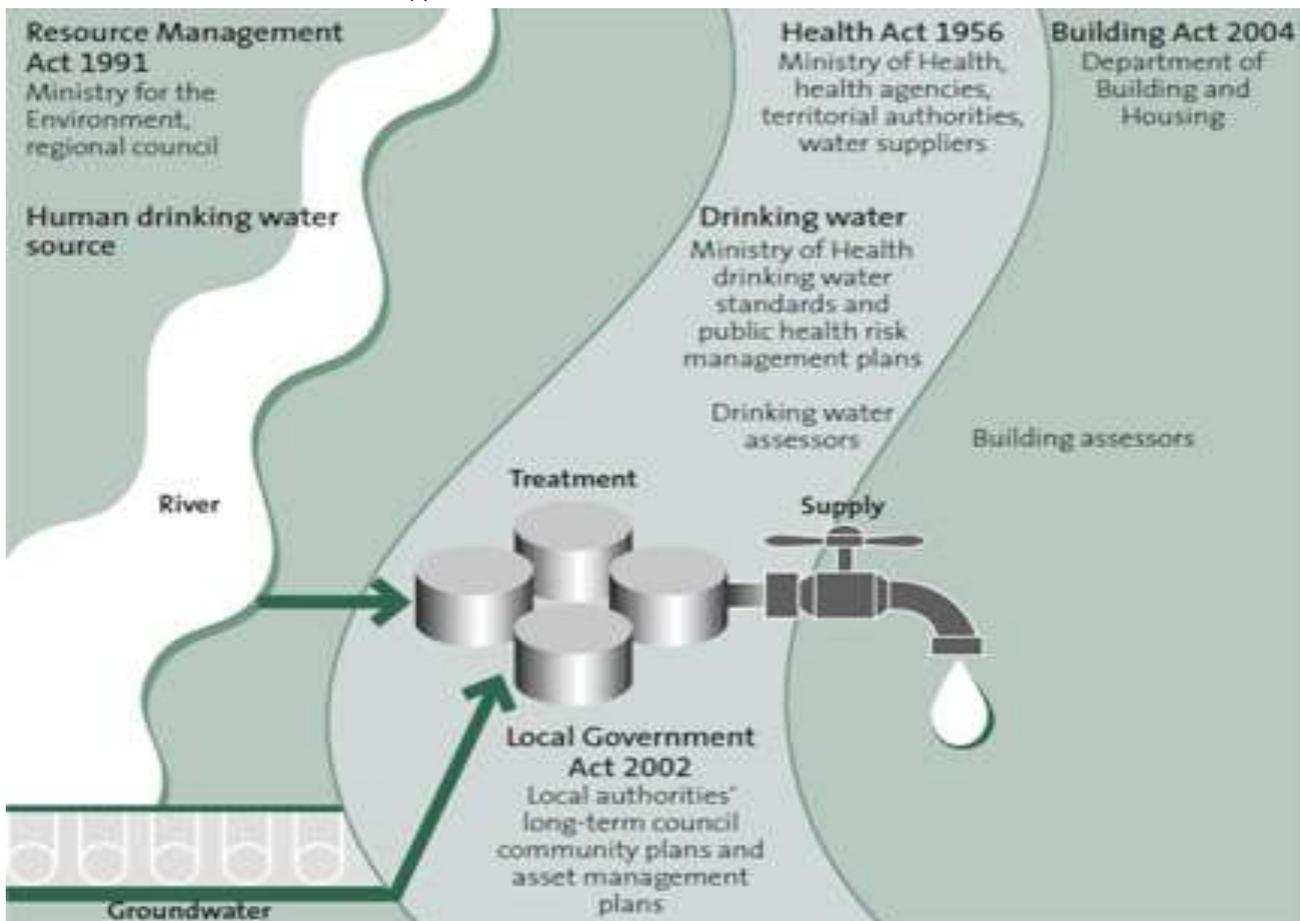
- Council conditions that are applied at subdivision stage generally require evidence to be submitted to demonstrate compliance with Drinking Water Standards to achieve 224c.



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- Conditions applied through a land use consent are usually for a new dwelling and the applicant is required to demonstrate supply. Often this can be an existing supply. At this time, usually evidence is submitted to demonstrate the supply is meeting drinking water standards.
- There can be on-going monitoring requirements placed on the consent holder. Should Council become aware of issues through this monitoring, Council will work with the Consent holder and the “Drinking Water Assessor” (Ministry of Health).
- Council have some responsibility to residences serviced by private schemes – such that where schemes are risky or non-compliant, Council in cooperation with the drinking water assessor and Ministry of Health need to take steps towards enforcing an action plan for ongoing access to safe drinking water. This is however focused at the household rather than the supplier.



The Government inquiry to the Havelock North Drinking-Water Outbreak<sup>5</sup>(2016) has identified the need for change in the existing regulatory framework after multiple fatalities were linked to a widespread outbreak of gastroenteritis from a public water supply. The need and justification for change is outside the scope of this document. Refer to link for further information.

<sup>5</sup> [Government inquiry to the Havelock North Drinking-Water Outbreak](#)

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## 3 3-WATERS SCHEME ASSET ENVIRONMENT

### 3.1 PHYSICAL LAYERS

All schemes physical infrastructure assets (tangible assets) can be described in terms of

- their respective source or discharge point (and associated permit/consent),
- headworks (abstraction, treatment, storage facilities including land ownership) and
- conveyance (pumps, pipes) and reticulation networks (subdivision piping) to the point of service connection to users/ratepayers.

### 3.2 PAPER LAYERS

In addition to physical assets, private schemes must be assessed in consideration of their paper (intangible) assets such as the legal entity or registered trade name, service agreements, supplier contracts and easements/right-of-ways or land-use rights if not owned, and resource consents, operations and maintenance manuals, procedures, water safety plans, maintenance records, operational and health and safety incident historians, data logs, statements of accounts, registered assets and liabilities, etc.

### 3.3 HUMAN RESOURCES

In some cases, private schemes will have employed operational and maintenance staff and these obligations and organisational structures must be treated with due care and process.

It is desirable that schemes vested in Council will be maintained and operated by Councils 3-waters maintenance and operations contractor and varied into the Districts NZS 3917:2013 form of contract for services.

Vesting and acquisition should contemplate or allow for a transitional period between operations.

### 3.4 SCHEME VALUE (LAYERED)

Private schemes may each vary in size, complexity, purpose, and usefulness once integrated to a Council network. Depending on the age and condition, original design intent and purpose, and proposed enduring use once integrated into a Council network, each of the above physical and paper layers will vary in terms of their overall usefulness and hence value in an enduring public network to be integrated into a Council scheme going forward.

Each scheme will be considered holistically as a package on the basis of all physical and paper layers. Only the assets that Council believe provide an enduring benefit will be allowed to be vested.

### 3.5 SCHEME TYPES – SECONDARY/INTEGRATED/ISLANDED

Vesting and acquisitions may result in either an integration of a private scheme with a Council scheme, or a stand-alone private scheme that remains separate from any other Council schemes. These are called islanded schemes.

Both integrated and islanded Council schemes must consider and allow for a migration path toward a compliant scheme.

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Secondary Supply schemes are those that have an existing agreement to be supplied by another supply scheme (are not primary supply schemes)..

Primary supply schemes are those that provide the source of supply services to consumers, or to subsequent secondary supply schemes.

## 4 DEVELOPERS AGREEMENT

Vesting and acquisition of private 3-waters schemes will require a developer's agreement to be drafted that sets out the agreed outcomes of each section in this Policy between the parties including at a high level but not limited to Valuation and Purchase Price of \$1.00 or other, Sinking Fund Amount to transfer to Council, Schedule of Assets and Liabilities, Land and Easement Transfer/Novation, Assignment of third-party obligations and liabilities, Purchase of Enduring Value etc..

Requests for a standard pro-forma of Developer Agreement may be made to Council.

### 4.1 PROCESS OF AGREEMENT

Private scheme owners / operators are to meet and develop a Heads of Agreement (HOA) document in consultation with Councils Property & Infrastructure department, the high-level objectives and commercial imperatives of each party to proceed with drafting an agreement.

Once an HOA is developed and agreed in principle (without prejudice and no obligations), the scheme assessment shall commence.

Once completed, each party shall undertake independent review of the assessment and agree to proceed with drafting of the Developer Agreement.

Once executed, the Development Agreement and any associated Sale and Purchase agreements, etc. will give effect to vesting and acquisition of scheme in accordance with the terms agreed.

## 5 VESTING / ACQUISITION PROCESS

Scheme owners concerned with the health and safety performance of their schemes MUST contact Taumata Arowai first and foremost.

The purpose of scheme assessments is to establish the:

- Scheme Performance - Does the scheme present an unacceptable risk to the connected users?
- Due Diligence – What investment and funding is necessary to reduce the health and fiscal risks to acceptable levels?

### 5.1 WHO PAYS FOR THE VESTING PROCESS?

Council is legally responsible to the ratepayer for financial prudence and hence must approach such acquisitions judiciously to demonstrate consistent, robust, and fair process that ensure the costs and burden of upgrading, maintaining, operating and renewing assets are being fairly apportioned.

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The costs of the scheme assessment and vesting process thus will sit with the private scheme owners undergoing the process, to ensure existing rate payers aren't funding costs that benefit private schemes. The following steps outline the expectations of Council in vesting private 3-Waters schemes.

## 5.2 STEP 1: UNDERSTANDING THE PERFORMANCE OF THE SCHEME(S)

The DWSNZ and Health Act 1956 sets out the minimum requirements for water scheme compliance, while the DWSNZ define the Maximum and Minimum Allowable Values (MAVs) of determinants in water quality. The Water Services Act sets out requirements for the operations of the services in the scheme. Discharge permits set out the performance requirements for wastewater and stormwater discharges.

Drinking water schemes to be acquired by or vested in Council must be demonstrated to comply with the Health Act 1956, DWSNZ and the Water Services Act 2021, as defined by the appropriate authority being both the DHB Drinking Water Assessor / Taumata Arowai, and as published in the most recent Drinking Water Assessor Annual Report on Drinking-water Quality - Ministry of Health, and in compliance with all ORC permits and consents.

New schemes are required to undergo operational and performance testing to demonstrate compliance prior to vesting. This might not always be practical with existing schemes that are proposed to be vested or acquired, hence Council at their discretion will determine to what degree operational and performance testing is required, with bonding and settlement linked.

A preliminary health risk assessment is recommended using the Risk Assessment Tool provided by Public Health South and/or by Taumata Arowai. The risk assessment considers the following aspects.

- Population served.
- Type of connections.
- Source; Type, availability, protection.
- Barriers; prevention of raw water contamination, particle removal, kill/inactive protozoa, kill/inactive bacteria prevention of re-contamination post treatment.
- Monitoring and Management – Water Safety Plans, TP & distribution zone compliance, DWSNZ compliance, likelihood of illness, CCPs.

The risk rating score is grouped as low, medium, high and very high. The questions in the Risk Assessment are appended to this policy. This can be provided by Public Health South upon request from [PublicHealth@southerndhb.govt.nz](mailto:PublicHealth@southerndhb.govt.nz) or downloaded from QLDC's [website](https://www.qldc.govt.nz/your-council/council-documents/policies). <https://www.qldc.govt.nz/your-council/council-documents/policies>.

Where a scheme is deemed unsafe and/or non-compliant, a migration pathway such as an approved Water Safety Plan<sup>6</sup> must be identified and documented by the scheme owner, that is acceptable to Council, and provisioned as part of the vesting and acquisition, or defined and valued as part of the transaction for works to be undertaken by Council as part of vesting. The necessary steps are outlined in Steps 2, 3 and 4 below. This is also subject to Council discretion over compatibility of integrated schemes or of connecting to or operating island schemes.

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<sup>6</sup> <https://www.health.govt.nz/publication/new-zealand-drinking-water-safety-plan-framework>

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All schemes must also:

1. Demonstrate compliance with initial design basis and local and regional resource consent and permits and must make disclosure of any departures in an operations history or log.
2. Assets to be vested must also comply with Councils Land Development and Subdivision Code of Practice.
3. All design basis documentation, performance history and recorded databases must transfer as assets.

## 5.3 STEP 2: DUE DILIGENCE

The fundamental principle of this Policy is that any performance gaps and/or financial risks and liabilities between Council's standards and that of the private 3-waters scheme(s) will need to be either funded or fixed before acquisition or vesting. This due diligence step is focussed on quantifying these performance and financial gaps.

Council will require the scheme to undertake an evidence-based assessment of the assets to be vested (tangible and intangible) that includes the upfront and on-going costs to meet the performance standards in Step 1, as well any enduring value available to Council. All legal obligations associated with the scheme(s) must also be understood and documented.

- Up-front Costs / Compliance Upgrades – What upgrades / improvements /extensions / disposals will be required to achieve performance compliance in Step 1?
- On-going Costs – What are the on-going maintenance and operating costs of the scheme(s) and has the decline in service potential been adequately managed or accumulated for in financial reserves / sinking fund?
- Enduring Value – Are there value adding aspects of the scheme that Council would be willing to acquire? E.g. additional capacity for future growth, a new water source, a resource consent.
- Legal Requirements – Understand all agreements, liabilities, easements etc. that are transferred to Council with the scheme(s). Refer to Section 7 Legal requirements.

### 5.3.1 UP FRONT COSTS / COMPLIANCE UPGRADES

Unless completed by the scheme owner(s) prior to vesting and acquisition, all necessary upgrades, extensions, improvements and interventions necessary to comply with the expectations in Step 1 must be costed by an appropriately qualified person to a level of detailed deemed acceptable by Council.

### 5.3.2 MAINTENANCE AND OPERATION COSTS

All costs and liabilities to maintain and operate the scheme(s) will transfer to Council. These costs must be accurately determined and be based on achieving Council's level of service. All historical maintenance and operations plans and schedules must also be provided.

### 5.3.3 RENEWALS AND DEPRECIATION

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An asset valuation determines the total value of the network, annual depreciation and depreciated replacement cost as to reflect the future financial obligations that Council will be taking on. Council will require the scheme owner(s) to have accumulated adequate financial provision to reflect the decline in service potential of the scheme (see step 3).

For schemes considered Small, Minor or Large schemes by Taumata Arowai, or schemes that may have an optimised gross replacement cost greater than \$1M, a valuation by a suitably qualified professional shall be provided by the scheme owner. For very small schemes, a QLDC template will be provided to assign a value to all assets in the asset register.

The required outputs of a valuation are:

- Optimised gross replacement cost – is the value of an asset that replicates the existing asset most efficiently, while providing the same level of service as a Council scheme. Replacement costs are to be optimised to take into account technological change, over- design, redundancy and system reconfiguration.
- Depreciated replacement cost – is the optimised replacement cost after deducting an allowance for wear or consumption to reflect the remaining or economic service life of the asset on the total useful life, age and the residual value of the asset.
- Annual depreciation – to be calculated using straight line depreciation based on the total useful life of the asset.
- Accumulated depreciation – the difference between the optimised gross replacement cost and the depreciated replacement cost. This is often referred to as the sinking fund - the amount that is set aside each year to build a reserve to replace/renew the assets when they reach the end of their useful life.

Valuations should be carried out in accordance with the following standards:

- Accounting standards for public benefit entities based on International Public Sector Accounting Standards 17 Property, Plant and Equipment (PBE IPSAS 17).

The NZ Infrastructure Asset Valuation and Depreciation Guidelines (Edition 2) issued by the NAMS group of IPWEA provides a useful outline of the process.

The valuation must include an asset register for review by Council (and their advisors). The register should include the following components for each asset:

- Activity – water supply wastewater, stormwater
- Type, make, model
- Dimension/size
- Quantity
- Installation date and/ or age
- Physical Condition

The asset register should be supported by As-built plans provided by the scheme owner to current as-built specification, together with inspections and site measurements. The asset registers must record data to a component level that allows assets to be considered in isolation.

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## 5.3.4 DEBT OR BORROWINGS AGAINST THE ASSETS

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All outstanding debt or borrowings against the assets to be vested or acquired must be declared including special purpose vehicles.

## 5.3.5 ACQUIRING ENDURING VALUE

Council will consider the acquisition of schemes or parts of a scheme, that provide strategic enduring value to its 3-waters network. For example: Schemes with additional built capacity to service future growth.

## 5.4 EXCLUSIONS

Assets which are associated with the private side of a property shall not be included in the assessment, as their financial management is to be undertaken separately and these assets are likely to remain in private ownership.

Irrigation, electricity, telecommunications, and gas infrastructure shall be mostly excluded as Council does not operate or accept these services. There are some exceptions, such as control cables and underground ducts which are to be included within the assessment.

Other exclusions include individual service connections from water, wastewater, and stormwater mains beyond the current adopted point of supply.

## 6 FINANCIAL / FUNDING CONSIDERATIONS

Before vesting or acquisition, all performance gaps and/or financial liabilities identified in Step 2 must be addressed either through:

- physical upgrades and improvements to the scheme to achieve Council's performance compliance, and/or
- funding of any performance and financial liabilities to a level that is fair and reasonable.

### 6.1 SINKING FUND / ACCUMULATED DEPRECIATION

Annual depreciation reflects the decline in service potential of an asset. To reflect the perpetual needs of the 3-waters activity, Council funds its annual depreciation to finance the renewal of assets as they reach the end of their useful lives. Doing so preserves the overall condition of the assets as to maintain the scheme's performance and to minimise maintenance costs. Funding depreciation also enables the real whole of life costs of infrastructure assets to be fairly apportioned to users of the service each year. This is a requirement of Council under Section 101 of the Local Government Act 2002 and helps council achieve intergenerational equity.

Thus, Council expects all scheme(s) to be vested / acquired to have been managed under these same principles and to have:

1. accumulated sufficient financial reserves to reflect the decline in service potential of the assets, and/or;
2. To have been prudently renewing assets at the end of their useful life

Council expects that an appropriate sinking fund will be transferred to Council with the assets.

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## 6.2 EQUITY AND FAIRNESS

Some private schemes may have designed and installed schemes to a different standard than Council. Where a scheme's design, installation and/or operations is considered to require higher than typical rating to cover, as compared to like Council's schemes then Council reserves the right to decline the scheme or, establish a targeted rate (or equivalent agreement) to recover the true annual costs to deliver service levels. The purpose of this requirement is for equity and fairness to existing ratepayers, by limiting the level of cross subsidy from existing ratepayers.

## 6.3 NETWORK PLANNING AND ASSET MANAGEMENT

The decision to vest or acquire schemes will be conditional to the risks posed to Council from having to manage many small schemes and / or undergoing network extensions. Furthermore, any proposed changes to the strategic intent of Council's 3-waters network must be proposed and consulted on through the Long Term Plan process.

## 6.4 CATCHMENT AREAS/SCHEME BOUNDARY

When a scheme is vested in Council it will be integrated into Council's scheme boundary.

This requires a scheme boundary adjustment in accordance with Council's policies and processes; Water Supply and Wastewater Scheme Boundary Adjustment Policy.

In some case a better long-term outcome may be for existing private schemes to be decommissioned, and Council's existing network extended to service the properties. In these cases, the provisions of the Water Supply and Wastewater Scheme Boundary Adjustment Policy and Development Contributions Policy shall apply. This is typically extension costs funded by the private property owners and then the assets vested in Council, and development contributions payable to Council for the capacity of the wider network.

## 6.5 DEVELOPMENT CONTRIBUTIONS

Once vested/acquired, Council may levy development contributions in accordance with Development Contributions Policy. Any scheme that is connected to QLDC's existing wider network as part of the vesting process will pay a development contribution as per the policy at the time of service connection.

## 6.6 RATING POLICY

The properties served by the vested / acquired asset will be rated under Council's Rating policies under the Rating Act. Council's retains the option to separate a newly acquired scheme into a new rating area. This may include, but is not limited to:

- Island schemes that are typically rated in isolation.
- Where a newly acquired integrated scheme has high operating, maintenance and / or renewal costs, then these may be ring fenced to limit the level of cross subsidy from existing ratepayers.
- Where a newly acquired integrated scheme requires significant investment to ensure it complies with NZDWS.

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## 7 LEGAL REQUIREMENTS

3-waters schemes must demonstrate no outstanding prosecutions or dispute claims in accordance with all statutory obligations, regulatory requirements, criminal or public laws, occupational health and safety requirements, applicable resource consents, or commercial claims.

All commercial agreements for supply and sub-contractors, service agreements, construction contracts, guarantees, easements, right-of-ways, etc. must all be transferred as assets. However, Council retains the right to modify or discontinue any agreements.

### 7.1 LAND OWNERSHIP/EASEMENTS

#### 7.1.1 HEADWORKS

3-waters infrastructure headworks are preferred to be located in Council owned Local Purpose Reserve with utility designation, and/or within vested roads reserve in consultation with Councils Community Services and Property & Infrastructure departments. Where this cannot be achieved, easements are required with service easements and access rights of way easements (where necessary) in gross in favour of Council.

Developers (of new subdivisions) are required to allow for this land to be vested in accordance with Councils Vesting of Roads and Reserves Policy that are free and clear of covenants or interests on the title (that could prevent Council from being able to undertake its regulatory function).

Easements in gross in favour of Council are not preferred. They may be considered in retrofit or brownfield situations (generally not acceptable in new subdivision developments) and will only be considered acceptable where compliance with the vesting of roads and reserves policy is not possible and to be accepted requires approval of the Chief Engineer.

Private Licenses to Occupy (LTO) are least preferred, never acceptable in new subdivision developments, and rarely acceptable unless approved by the Chief Engineer in brownfield or retrofit scenarios. They may be appropriate where vested land, or easements are not suitable or possibly where the infrastructure is temporary only, requires approval from the Chief Engineer.

Council requires from all schemes that designations are provided for infrastructure headworks and that non-object covenants are encumbered over the titles adjacent to the proposed infrastructure for the construction, operation and maintenance of facilities.

#### 7.1.2 RETICULATION

In accordance with Councils Land Development and Subdivision Code of Practice, easements or vesting in road reserve are required for conveyance and reticulation networks.

Requests for a Standard Easement Terms form may be made to Council.

#### 7.1.3 PRIVATE/PUBLIC BOUNDARY

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All vested assets need to identify the demarcation point to show the adopted point of supply. The demarcation point shall be in accordance with Councils Land Development and Subdivision Code of Practice and Integrated 3-waters Bylaw in terms of separating public infrastructure from private infrastructure at the property boundary once vested (to be valve or flow meter for water supply, boundary crossing or connecting joint (if on private-side) for storm water or sewer, or boundary kit for pressure sewer, etc.).

Ownership and maintenance responsibilities to be in accordance with the Integrated 3-waters Bylaw.

## 7.1.4 COLOCATION OF ROADING INFRASTRUCTURE AND SERVICES

Infrastructure assets are often collocated for efficiencies with access for maintenance and operations. Under a Council owner roading and 3-waters network, 3-waters assets can be maintained with ready purpose-built maintenance and service access in the road reserve, while legal rights for pipe alignments and favourable conditions for trenching are established in roads. Likewise, services are often following 3-waters alignment for similar efficiencies.

Complications arise when vesting 3-waters infrastructure without vesting of roads. The preference is to do them all together, but this is sometimes not possible.

### 7.1.4.1 COLOCATION OF ROADING INFRASTRUCTURE

It is preferred that if 3-waters assets are collocated with roads that the roads and 3-waters assets are vested together. This requires roads that are free and clear of covenants and interests over the title in accordance with the Vesting of Roads and Reserves Policy. This requires that the roads are constructed and vested in accordance with Councils Land Development and Subdivision Code of Practice (out of scope of this document).

Where the scheme owner wants to maintain private roads (for example if roads cannot be vested or are not compliant with Councils Land Development and Subdivision Code of Practice), Council may consider easements in lieu of roads at the owner's cost. The easements must be satisfactory to Council and in accordance with standard easement terms; and vesting of 3-waters infrastructure without roads is only on the Condition of Acceptance (refer 7.1.4.2; Maintenance of Infrastructure Beneath Private Roads).

Easements should also contain provision that allow QLDC to extinguish their easement at their sole discretion should the roads ever vest in QLDC in the future.

### 7.1.4.2 MAINTENANCE OF INFRASTRUCTURE BENEATH PRIVATE ROADS

Maintenance of infrastructure beneath private roads and re-instatement will be in accordance with Councils standard Rooding Operations and Maintenance level of service.

Councils standard Rooding Operations and Maintenance level of service may be requested from Council for review and acceptance under a developer agreement of assets to vest or be acquired.

This may in some cases result in reinstatements or specification of material that do not match non-compliant or bespoke/aesthetic road construction.

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# Acquisition and Vesting of Private 3-waters Schemes Policy

Where premiums above the standard level of service are requested by the scheme owner, those services, and additional specifications for maintenance and reinstatements beyond what is in Councils standard roading Operations and Maintenance level of service shall be funded by the benefitting parties via a localised, targeted rate.

## 7.1.4.3 COLOCATION OF UTILITIES INFRASTRUCTURE

Collocated utilities must be in accordance with Councils Land Development and Subdivision Code of Practice.

## 8 3-WATERS INFRASTRUCTURE PLANNING

It is desirable that 3-waters assets adequately service the demand areas and are placed in inconspicuous locations where they will minimise perceived or actual negative impacts on the environment, nearby residents, business operators, or visual amenity and Outstanding Natural Landscapes (ONL).

In addition, wherever new infrastructure is proposed, or an existing infrastructure asset is to be moved, consultation with the owner/operator, drinking water assessor (and Taumata Arowai) and any immediately affected parties must be undertaken to demonstrate acceptable and feasible relocation.

Security and safety of supply, treatment, storage, and reticulation with suitable elevation for maintaining level of service pressure for supply and firefighting across network with ability to scale within scheme boundaries are important considerations for planning 3-waters infrastructure.

The considerations in determining a water infrastructure scheme location will include:

- Performance requirements
- Legal requirements
- Land ownership/easements
- Collocation of roading infrastructure and services
- Catchment areas/scheme boundary, Developer Contributions and Rating Policies
- Demand and sizing
- Environmental impact including visual, noise and emissions
- Consultation

### 8.1 DEMAND AND SIZING

Demand (existing or planned) and density are significant in determining whether the proposed 3-waters infrastructure is sufficiently sized such that Council can use the infrastructure that are proposed for vesting/acquisition to provide the Councils required level of service.

- Growth, volume
- Level of service (increased pressure zones or improved treatment quality, increased firefighting capacity).
- Resilience/Redundancy
- Renewals

Where schemes are deficient, they may be repurposed or require upgrade.

Refer to Councils Land Development and Subdivision Code of Practice minimum requirements.

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# Acquisition and Vesting of Private 3-waters Schemes Policy

## 8.2 ENVIRONMENTAL IMPACTS

3-waters infrastructure can negatively impact adjoining landowners or occupiers in the instances of water or land contamination, extended noise and excessive fumes or dangerous goods routes. Where possible, 3-waters infrastructure should be located away from residential or other sensitive locations i.e. where ongoing noise and disturbances are undesirable.

Appropriate consultation and consolation and mitigations with affected residents and commercial operators must be undertaken and documented.

## 8.3 INFRASTRUCTURE CONSIDERATIONS

When new locations for bus stops are being determined, future infrastructure requirements in and around the location should be considered as well as access/impact to current infrastructure. Accessibility to 3-waters services and waste collection should be considered in the design. Fire hydrants should be accessible in the event of an emergency at all times when buses are using the bus stop as well as when they are not.

## 9 PUBLIC CONSULTATION

Council engages with the community in many ways. For significant decisions such as acquiring or vesting 3-Waters schemes, Council may be required to undertake a special consultative procedure. A special consultative procedure enables the community to have a say on significant decisions. Council's Significance and Engagement Policy Feb 2021 assists officers and Councillors in determining the level of significance of a decision and if it triggers the need for a special consultative procedure.

### 9.1 ACQUISITION OF 3W ASSETS BY COUNCIL

Schemes acquired by Council will require a special consultative procedure under the following conditions:

- The scheme supplies more than 100 people and / or has a gross replacement value of \$1.0m or more
- Or, is deemed significant by the Chief Engineer as specified Council's Significance and Engagement Policy Feb 2021

Acquisitions below these thresholds will still require public consultation before formal approval through the annual planning or long-term planning consultative process.

### 9.2 VESTING OF 3W ASSETS BY COUNCIL

Schemes to be vested in Council will typically not require a special consultative procedure unless deemed significant by the Chief Engineer as specified by Council's Significance and Engagement Policy Feb 2021

Before formal approval of the vesting of 3W assets, consultation through the annual planning or long term planning process will be necessary if:

- The scheme supplies more than 100 people and / or has a gross replacement value of \$1.0m or more
- Or, is deemed significant by the Chief Engineer as specified Council's Significance and Engagement Policy Feb 2021

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# Acquisition and Vesting of Private 3-waters Schemes Policy

## 10 ASSOCIATED DOCUMENTS

Several other documents must be considered in parallel with this Policy, including:

- Local Government Act 2002
- Resource Management Act 1991
- Health Act 1956
- Drinking Water Standards NZ 2007
- Annual Drinking Water Assessment
- Building Act 2004
- Regional Plan: Water for Otago
- Annual Report on Drinking-water Quality - Ministry of Health
- QLDC 3-waters Master Plan
- QLDC LTP 2021/2031
- QLDC Development Contribution Policy
- QLDC As-built specifications
- QLDC Integrated 3-waters Bylaw
- Queenstown Lakes District Council – Land Development and Subdivision Code of Practice and appendices including but not limited to Appendix G1 Sewer Pump station Standards
- QLDC Pressure Sewer Policy and Specification
- QLDC Bulk Main Infrastructure Specification [ TBD ]
- QLDC Vesting of Roads and Reserve Policy
- Work safe – Health and Safety
- NZ Infrastructure Asset Valuation and Depreciation Guidelines 2006
- Water Supply and Wastewater Scheme Boundary Adjustment Policy
- Three waters facility asset identification specification (2017)

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# Acquisition and Vesting of Private 3-waters Schemes Policy

## 11 APPENDIX

Supply Risk Assessment Tool																																																						
Supply name:		The purpose of this Risk Assessment Tool is to determine the risk of any size of supply after it has been assessed.																																																				
Supply code:		If you weren't able to ascertain all information during the assessment of the supply (i.e. you don't know the answer to a particular question) the																																																				
Date:		highest score for each question should be given, if there are too many gaps, the supply is likely to fall into the <b>HIGH RISK</b> category.																																																				
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<p><b>How to calculate the risk rating score</b></p> <p>1. For each of the questions below, all yellow boxes contain an existing score</p> <p>2. Delete any of the numbers that do not apply to this supply.</p> <p>3. For some questions, more than one number may apply e.g. no.2 may add up to more than 1</p> <p>4. Refer to red text beside yellow boxes for further guidance. Where there is no red text, only one number is to be selected for that question.</p> <p>5. Total score will be displayed in 'Risk Rating Score' Box.</p>																																																						
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This tool can be provided by Public Health South upon request from [PublicHealth@southernhb.govt.nz](mailto:PublicHealth@southernhb.govt.nz) or downloaded from QLDC's website. <https://www.qldc.govt.nz/your-council/council-documents/policies>.

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