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Sponsor:	General Manager – Infrastructure Operations

Three Waters Connections Policy

Foreword

In 2008 Waikato-Tainui and the Crown signed a Deed of Settlement in relation to the Waikato River (“the Deed”). This directed a new era of co-management of the Waikato River. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations.

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Act) was enacted to give effect to the Deed and provide recognition of the Vision & Strategy for Waikato River (Te Ture Whaimana o te Awa o Waikato). The Vision is set out in Schedule 2 to the Act, as follows: “A future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.” The Vision and Strategy is the primary direction setting document for the Waikato River and activities within its catchment affecting the river.

Hamilton City has a consented allocation of water from the Waikato River to provide for municipal supply needs and connection requests. There are limitations on the volume of water available to supply to the community and there is uncertainty around the Waikato River’s ability to continue to provide Hamilton City’s growing water needs.

Under the Act, the provision of three waters services and their planning and management instruments, such as this Policy, must give effect to the overarching purpose of The Vision and Strategy to restore and protect the health and wellbeing of the Waikato River.

Council has a duty of care to manage water efficiently, safeguard the mauri of the Waikato River, safeguard freshwater and drinking water quality and comply with resource consents. How Council allocates its municipal supply water and encourages the efficient use of water are critical factors to ensure the continued supply of water to the community now and in the future.

Purpose and scope

The purpose of this Policy is to provide clarity about Council's approach to service connections to the city's water, wastewater and stormwater networks for private properties within and outside Hamilton City's boundary; and charges for these services.

The objective of this Policy is to provide administrative certainty in the way that Hamilton City Council ('Council'):

- i. manages requests for new service connections to the water, wastewater and stormwater networks;
- ii. manages the allocation of municipal supply water to customers;
- iii. manages requests for new and existing cross -boundary water supply connections to the water network by Waikato and Waipa District Council or their Agents; and
- iv. charges for water, wastewater and stormwater network connections and services.

Definitions

Term	Definition
Adjacent Territorial Authority	A Territorial Authority (as defined under the Local Government Act 2002) that is located adjacent to Council's territory that could be physically connected to Council's three waters infrastructure network.
Authorised Agent	Any person authorised or appointed by Council to carry out physical works required to provide a service connection to, or disconnection from, the water, wastewater or stormwater network. References to Authorised Agent include Council itself.
Council	Hamilton City Council
Discretionary Supply	A supply of water from the Municipal Water Supply that will be subject to water availability, network capacity and scrutiny of the water efficiency measures taken by the applicant.
Domestic use	Water use that is described as Domestic Purpose in the Hamilton City Council Water Supply Bylaw 2013 (or subsequent updates) and is water taken and used for the purpose of human drinking and sanitation needs and for individual household use.
Extraordinary Water Use	A category of On Demand water supply as defined in Council's Water Supply Bylaw 2013 or subsequent updates which is not deemed to be a critical use of water. Extraordinary Water Use is subject to water restrictions and emergency provisions and includes but is not limited to: <ul style="list-style-type: none"> i. Domestic - spa or swimming pool in excess of 6m³, and fixed garden irrigations systems; ii. Commercial and Business; iii. Industrial; iv. Agricultural; v. Horticultural; vi. Viticultural; vii. Lifestyle blocks (rural supplies, peri-urban or small rural residential); viii. Fire protection systems other than sprinkler systems installed to comply with NZS 4517; ix. Out of District Supply; x. Temporary supply; xi. Water carriers; xii. Auxiliary supply.
High Water User	A business or non-domestic entity that uses more than 15m ³ /day of water from Council's water supply network. This volume is deemed discretionary.
MetroSpatial Plan (endorsed)	Future Proof are developing a Hamilton-Waikato MetroSpatial Plan that will examine long term growth areas around Hamilton including consideration of spatially developed mass transit and three waters considerations. This project is anticipated to be completed in 2020 and will provide the long-term blueprint for growth in the metropolitan area around Hamilton.
Municipal Water Supply	Council's water allocation that is consented by Waikato Regional Council for municipal water supply use.
Municipal Use	Water used by Council for the operation and maintenance of infrastructure used for municipal activities to provide for the wellbeing of people. Includes but is not limited to public water and waste water facilities and networks, and public spaces.
Out of District	That area that is outside but adjacent to the Hamilton City territorial boundary.
Out of District Supplier	The Local Authority outside of Hamilton City that receives Council water and/or wastewater services to enable servicing of multiple properties under bulk supply arrangements (including trade waste) to or from a defined network outside of the Hamilton City territorial boundary.
Planned Land Use Area	A land use activity is regarded as "planned land use" if the Hamilton City Operative District Plan provides for it as a permitted activity, or the activity requires a resource consent and the use of potable water is not a matter of discretion.

Planning and Regulatory Mechanisms	This includes but is not limited to: <ul style="list-style-type: none"> i. Council Bylaws ii. Council Policies iii. Hamilton District Plan iv. Integrated Catchment Management Plans v. Spatial Plans vi. Specifications vii. Consent notices
Private Three Waters Infrastructure	Infrastructure associated with water, wastewater or stormwater that is privately owned by a property owner and includes but is not limited to wastewater pump stations, low pressure sewer systems, rain tanks, retention tanks and rain gardens.
Prohibited Allocation	Water use that Council does not consider to be an efficient or appropriate use of municipal supply water and that water allocation will not be provided for.
Supply Agreement	Agreement between Council and an Adjacent Territorial Authority or a High Water User for the supply of water or receipt of wastewater or conveyance of stormwater through Council's supply and conveyance network.
Three Waters	Relates to water, wastewater including tradewaste, and stormwater where stormwater is through a piped connection to Council stormwater network.
Wet Industry	An industry that uses large quantities of water in its processes and generates industrial wastewater. Council defines large as being greater than 15m ³ water per day.

Principles

The following principles guide decision-making under this Policy:

- i. Restoring and protecting the health and wellbeing of the Waikato River is of utmost importance.
- ii. The intrinsic value and mana of the water resource is recognised and further degradation of water quality in the Waikato River shall be avoided.
- iii. Waikato-Tainui are Kaitiaki of the Waikato River
- iv. The availability of safe water for drinking and sanitation sustains life.
- v. As a custodian of potable water, Council has an obligation to minimise water take from the Waikato River, ensure water is safe to drink, managed effectively and used efficiently and sustainably.
- vi. The use of water is integrated with land use, stormwater and wastewater management and considers the effect of the use and development of land on the Waikato river.
- vii. Availability of water for commercial and industrial purposes enables economic growth and social wellbeing.
- viii. Hamilton is part of a wider sub regional community. Council is committed to supporting sub-regional prosperity.

Efficient Water Use Policy

This policy outlines Council's commitment to ensure Municipal Water Supply is managed and used efficiently.

1. Council will invest in water demand management programmes and technology to minimise the volume of municipal water used across all user groups.
2. Council will utilise available Planning and Regulatory Mechanisms and infrastructure planning processes to ensure the efficient use of municipal water and minimise the effects of three waters activities.

Water Allocation Priority Policy

Council has a finite volume of Municipal Water Supply to supply to customers. This policy outlines Council's approach to prioritising allocation of Municipal Water Supply to customers from its own allocation of water.

3. Council will not allocate water volumes to users which may cause Council to exceed its consented water take volumes from the Waikato River now or in the future.
4. Council will prioritise allocation of existing consented Municipal Water Supply allocation from the Waikato River based on the following Priority Allocation Table for Municipal Water Supply.

Priority Allocation Table for Municipal Water Supply	
Category 1	
Critical Water Supply	Existing and planned human domestic use and animal drinking water, sanitation and public health facilities, public education accommodation facilities, cultural facilities (including Marae, Papakainga and religious centres), Municipal Use and lifeline utilities.
Reserved Allocation	Where an independent resource consent for water take has been granted for a particular land use (which may include industrial supply and Out of District Municipal Use) and that consent has been transferred to Council, the quantum of allocation will be reserved for use to the entity which obtained the consent until the time at which the consent would have expired, or where there is a Supply Agreement.
Planned Use	Extra-ordinary Water Use, that has been reasonably forecasted by Council and is, or will be located in an existing or Planned land-use area which is associated with commercial, research, private healthcare, iwi enterprises, private education facilities and private care facilities, retail, research, or dry industry activities. Water allocation is limited to <u>less than 15m³</u> per day per property.
Category 2	
First Priority	Extra-ordinary Water Use <u>greater than 15m³</u> per day in an existing or Planned land-use area which is associated with commercial, research, private healthcare, iwi enterprise, private education facilities and private care facilities, retail, or research activities except where that water use is associated with uses in Category 3 and 4.
Second Priority	Extra-ordinary Water Use <u>less than 15m³</u> per day in an area that is <u>not in a Planned land-use area</u> , but which is associated with commercial, research, private healthcare, iwi enterprise, private education facilities and private care facilities, retail, research activities, or dry industry activities except where that water use is associated with uses in Category 3 and 4.
Third Priority	Extra-ordinary Water Use <u>greater than 15m³</u> per day in an area that is <u>not in a Planned land-use area</u> , but which is associated with commercial, research, private healthcare, iwi enterprise, private education facilities and private care facilities, retail, or research activities except where that water use is associated with uses in Category 3 and 4.

Category 3	
Fourth Priority	Water use for commercial and agricultural irrigation activities. Water use for animal drinking water <u>greater than 15m³ per day.</u>
Category 4	
Prohibited Allocation	Commercial water bottling activities
	New or increased water use to individual properties located outside the city boundary

5. Council will:
 - i. Provide water allocation for Category 1 as a Permitted Supply to customers but will reserve the right to require water demand management and apply restrictions.
 - ii. Consider providing water allocation to Category 2 as a Discretionary Supply to Customers and in doing so have regard to priority.
 - iii. Consider that water allocation to Category 3 is an inefficient use of Municipal Water Supply and only consider allocation of water to that part of the business for sanitation purposes.
 - iv. Not provide water allocation to Category 4 - Prohibited Supply customers.

6. Approval processes are as follows:
 - i. Officers have delegated authority to approve or decline a Category 1 application
 - ii. Officers will make a staff recommendation to Council to approve or decline a Category 2 application. Three Water Assessment Criteria guidelines will inform the Officers recommendation.
 - iii. Category 2, 3 and 4 applications will be approved or declined by Council resolution.

High Water Users Policy

This policy outlines Councils commitment to ensuring municipal supply water is allocated to established needs.

7. Council will only supply three waters services to High Water User by a written Supply Agreement.

8. In considering if Council will supply services to new High Water User, Council will have regard to:
 - i. adherence to the principles in this policy;
 - ii. consistency with Planning and Regulatory Mechanisms;
 - iii. the availability and priority of Water Allocation in accordance with the Water Allocation Priority Policy;
 - iv. the level of investment by the applicant and the duration of agreement;
 - v. the extent to which water efficiency is planned and can be monitored;

- vi. the extent to which mitigation of network capacity effects is required.
 - vii. the extent to which the service provides for compliance with Council's resource consents¹.
9. Should Council agree to supply water, the Supply Agreement will consider (but is not limited to):
- i. locations of supply;
 - ii. daily flow, volume and quality characteristic restrictions at the point of supply;
 - iii. approach to ensure water is used efficiently;
 - iv. documented procedures;
 - v. auditing, monitoring and reporting requirements;
 - vi. responsibilities of each party to the Supply Agreement for the supply and use of water;
 - vii. any infrastructure requirements to address effects, support the service, and account for boundary changes;
 - viii. Emergency Management Protocols which may include 12 hours onsite storage;
 - ix. review clauses including the ability to reduce the volume of water.
 - x. the term of the Supply Agreement and expiry date.
10. Council will reserve the right to:
- i. decline applications for more than 15m³ water per day
 - ii. review a Supply Agreement to achieve efficiency gains and ensure that Critical Water supply needs can be met.
 - iii. if necessary, reallocate municipal supply water in accordance with the Water Allocation Priority Policy to ensure that critical supply needs can be met and to support Hamilton City planned urban growth.
11. Council will assess all written applications for water use greater than 15m³ per day from Council's network against water allocation priority and water assessment criteria².
12. Council will supply water to existing High Water Users within the terms of a Supply Agreement. Where a Supply Agreement does not exist, Council will require the water use to be formalised into a Supply Agreement. Council may require that an existing High Water Users water take is assessed against Council's assessment criteria² and require water efficiency measures.
13. Council will reserve the right to:
- iv. Review a Supply Agreement to achieve efficiency gains and ensure that Critical Water supply needs can be met.
 - v. If necessary, reallocate municipal supply water in accordance with the Water Allocation Priority Policy to ensure that critical supply needs can be met and to support Hamilton City planned urban growth.

¹Water take consent, City wide Stormwater Consent

² Council will use Three Water Assessment Criteria to guide assessments of High Water Use Applications. Criteria will be made available to the applicant.

Out of District Network Services

This policy outlines Council's commitment to ensuring municipal supply water that services Out of District areas under a Bulk Supply Arrangement is managed effectively and efficiently.

12. Supply to an Out of District area will not be considered if that allocation has potential to pose a risk to meeting the supply needs of Hamilton City unless there is an existing allocation that has been secured with an agreement.
13. Council will only supply three waters services to Out of District Suppliers by a written Supply Agreement.
14. The applicant for Council services must provide sufficient information that will enable Council to assess effects on Council's network capacity.
15. In considering if Council will supply services to an Out of District area Council will have regard to:
 - i. adherence to the principles in this policy;
 - ii. consistency with Planning and Regulatory Mechanisms;
 - iii. the availability and priority of Water Allocation in accordance with the Water Allocation Priority Policy;
 - iv. the level of investment by the applicant and the duration of an agreement;
 - v. the extent to which water efficiency is planned, implemented and can be monitored;
 - vi. the extent to which wastewater quality and volume can be managed;
 - vii. the effects of piped stormwater on downstream receiving environments, and the extent to which the stormwater quality aligns with the relevant Integrated Catchment Management Plan and Council's consents;
 - viii. the extent to which mitigation of water, wastewater or stormwater network capacity effects is required.
 - ix. the extent to which the proposal supports sub regional growth.

Water Supply Service

16. Should Council agree to supply water services, the Supply Agreement will consider (but is not limited to):
 - i. locations of supply, area served and population equivalent;
 - ii. daily flow, and volume restrictions at the point of supply;
 - iii. approach to ensure water is used efficiently;
 - iv. documented procedures;
 - v. auditing, monitoring and reporting requirements;
 - vi. responsibilities of each party to the Supply Agreement for the supply and use of water;
 - vii. any infrastructure requirements to address effects, support the service, and account for boundary changes;
 - viii. Emergency Management Protocols which may include 12 hours onsite storage;

- ix. review clauses including the ability to reduce the volume of water.
- x. the term of the Supply Agreement and expiry date.

Wastewater Service

17. Should Council agree to supply wastewater services, the Supply Agreement will consider (but is not limited to):

- i. locations of supply;
- ii. daily flow, volume and quality characteristic restrictions at the point of supply;
- iii. approach to ensure wastewater generation is minimised;
- iv. documented procedures;
- v. requirement for a trade waste agreement or consent
- vi. auditing, monitoring and reporting requirements;
- vii. responsibilities of each party to the agreement for the supply of a wastewater service;
- viii. any infrastructure requirements to address effects, support the service, and account for boundary changes;
- ix. emergency management protocols which may include onsite storage;
- x. review clauses including the ability to reduce the service.
- xi. the term of the Supply Agreement and expiry date.

Stormwater Service

18. Should Council agree to supply stormwater network services, the Supply Agreement will consider (but is not limited to):

- i. catchment served³;
- ii. flow, volume and quality characteristic at the point of entry into the Council piped network⁴;
- iii. auditing, monitoring and reporting requirements;
- iv. any requirements to address accumulative effects and account for boundary changes;
- v. notification protocols in the event of a non-routine contaminant discharge
- vi. the term of the Supply Agreement and expiry date.

Review of Services

19. Council will reserve the right to:

- i. Review a Supply Agreement to achieve efficiency gains and ensure that critical water supply needs can be met, and water, stormwater and wastewater network risk is managed;

³ Population equivalent will also be considered.

⁴ New connections to Hamilton City stormwater network is required to be technically certified by Waikato Regional Council. In accordance with the Comprehensive Stormwater discharge Consent 105279, condition 3, a new connection into an existing connection must not increase the scale of intensity of effects.

- ii. If necessary, reallocate municipal supply water in accordance with the Water Allocation Priority Policy to ensure that critical supply needs can be met and to support Hamilton City planned urban growth;
- iii. Require that the Adjacent Territorial Authority require new High Waters User applications to be assessed against Water Allocation Priority Policy and Council's assessment criteria⁵.

Out of District Private Property Policy

Under historic agreements Council supplies water and wastewater services to individual properties located outside Council's city boundary by way of direct connections. This policy provides transitional direction on the management of individual Out of District connections and water use. Council intends to transition Out of District Private Property connections to adjacent Council bulk supply arrangements as provided for under Out of District Network Services Policy, clause 19.

20. Council will not accept new requests for individual service connections to Council's water, wastewater or stormwater network from owners of private property outside the City boundary. The property owner must seek new services from the Council with jurisdictional authority.
21. Council will not allow an Out of District private property to make an additional physical connection to an existing connection. The property owner must seek any new physical connection from the Council with jurisdictional authority that the property is located in.
22. Council shall only continue services to existing individual properties outside the City boundary that have an existing connection to Council's water supply or wastewater network, provided that:
 - i. there is a written agreement to supply the property; and,
 - ii. that any change to the nature, intensity or extent of the development or land-use serviced by the connection does not:
 - a) increase the volumes or rates of water supplied by Council;
 - b) increase the volumes of wastewater generated; or
 - c) change the characteristics of wastewater to the extent that there is risk to Council wastewater infrastructure and network utility operators.
23. Council shall assess Out of District Private Property water use against the average volume of water used recorded over 12 months prior to 5 April 2013⁶ and in accordance with the Water Allocation Priority Policy. Where a connection has been approved subsequent to 5 April 2005, Council shall assess Out of District Private Property water use against the average volume of water recorded over 12 months after the date the connection was made.
24. Where no agreement currently exists, Council will reserve the right to require formalisation of supply through an agreement. In formalising existing supplies, Council will require the principles of this Policy and regulatory requirements to be applied.

⁵Three Water Assessment Criteria to guide assessments of High Water Use Applications.

⁶Date of previous policy where it was agreed that Council would supply existing Out of District properties.

25. Council will seek to transition existing Out of District private property connections to supply arrangements with the relevant Water Supplier where network infrastructure is available to service that property.

Land-use, Infrastructure and Activity Planning Policy

This policy outlines Council's commitment to planning for infrastructure capacity.

26. Council shall include provision for anticipated domestic and non-domestic water supply needs through water infrastructure and asset management planning.
27. Council will adhere to network operating philosophies that minimise water demand, operational costs and risk to Levels of Service.
28. Council shall monitor the projected City and Regional growth projections, three waters network capacity, wastewater and stormwater treatment capacity, and water availability for new industry entrants.
29. Council will participate in determining the most appropriate methods to achieve sub regional integrated resource management outcomes that are effective and efficient and will support subregional growth.
30. Council facilities will use water efficiently and embrace new technologies to minimise the effects of water use, wastewater and stormwater effects.

New Connections Network Infrastructure Policy

This policy outlines the principles applied when considering physical connections to the water supply wastewater and stormwater networks.

31. For all connections to Council's water, wastewater and stormwater networks, Council will assess applications in terms of whole-of-life costs, network capacity, protection of supply, and cultural and environmental risks.
32. Connections must be designed and constructed in accordance with Regional Infrastructure Technical Specifications.
33. Where the connection is to Council's piped stormwater and wastewater networks, Council will require demonstration that the discharge complies with relevant conditions of Council's resource consents and/or trade waste quality and volume restrictions.
34. Council may require upgrade of an existing network (or a financial contribution towards the works) to manage environmental effects and network capacity. All applications for service connection will be reviewed by Council's Development Contributions Team in the first instance.

Any development contribution required by Council's Development Contribution Policy⁷ for a service connection, must be received by Council prior to authorisation for staff to proceed with the work request.

35. In accordance with the High Water User Policy, Council will require a Supply Agreement that sets out the terms of the water services provided if a connection supplying more than 15m³ water per day is approved.
36. Council will require recognition of Council Planning and Regulatory mechanisms when assessing a connection application. This includes the recognition of:
 - i. The Hamilton-Waikato MetroSpatial Plan (endorsed);
 - ii. any relevant Integrated Catchment Management Plan;
 - iii. Council's Water, Stormwater, Trade Waste & Wastewater bylaw requirements
 - iv. requirements of any relevant resource consent held by Council;
 - v. requirements and supporting assessment of any relevant resource consent for the land or activity being serviced by the connection;
 - vi. requirements of Council's Development Contribution Policy
 - vii. Regional Technical Infrastructure Specifications; and
 - viii. consent notices.

Private Three Waters Infrastructure Policy

At times private water, wastewater and stormwater infrastructure is installed to enable a development to meet Council planning requirements. This policy provides clarity on Council's role in the management of such private infrastructure.

37. Council does not manage Private Three Waters Infrastructure unless by written agreement. The property owner will own private infrastructure and shall be responsible for its maintenance and operation.
38. Council may approve private on-lot wastewater pump stations and pressure sewer systems where there are no practical alternatives to gravity flow discharge to the city's wastewater network. Any such system approved shall comply with the requirements of the Building Act 1991, the New Zealand Building Code, and meet the requirements of the Regional Infrastructure Technical Specifications in place at the time of installation.
39. Property owners with an existing⁸ on-site wastewater system that is not connected to the municipal wastewater network, that wish to connect, shall undertake all works required to connect to the network to the satisfaction of Council. The on-site wastewater system will be disestablished by the owner to the satisfaction of the Waikato Regional Council. All costs incurred are the sole responsibility of the owner.
40. Council reserves the right to require implementation of private property on-site water and stormwater management measures to manage the effects of a connection.

⁷ Council's Development Contribution Policy can be located on Council's website.

⁸ As at date of adoption of this policy

Charging for Water Use, and New Connections Policy

This policy outlines the basis on which the cost of water usage and connections will be recovered.

41. Council will charge for the usage of water in accordance with the Rating Policy.
42. Council will charge for Out of District metered water use through Annual Fees and Charges or by the terms of a written agreement.
43. Council, or an Authorised Agent, shall charge for the physical works undertaken and any administrative costs relating to providing a service connection to, or disconnection from, the water, wastewater or stormwater network.

Monitoring and implementation

44. The General Manager- Infrastructure Operations, shall monitor the implementation of this Policy.
45. The Policy shall be reviewed every three years or at the request of Council, in response to changed legislative and statutory requirements or in response to any issues that may arise during review processes.

References

46. The following documents and any subsequent updates or amendments to them are relevant to this Policy:
 - Consent conditions and notices
 - Future Proof Growth Strategy
 - Hamilton City Council Trade Waste and Wastewater Bylaw 2016
 - Hamilton City Council Water Supply Bylaw 2013
 - Hamilton City Council Stormwater Bylaw 2015
 - Hamilton City Council Development Contributions Policy
 - Hamilton City Council Stormwater Management Plan
 - Hamilton City Council Water Conservation and Demand Management Plan
 - Hamilton City Council Annual Schedule of Fees and Charges
 - Hamilton City Council Comprehensive Stormwater Discharge Consent (CSDC)
 - Hamilton to Auckland Corridor Plan 2019
 - Hamilton City Economic Strategies
 - Hamilton-Waikato MetroSpatial Plan
 - Hamilton City Urban Growth Strategy
 - Integrated Catchment Management Plans
 - Ngaati Hauaa Iwi Management Plan
 - New Zealand Building Code
 - Regional Infrastructure Technical Specification (RITS)
 - Sub regional Three Waters Strategy 2012

- Three Waters assessment Criteria for High Water Users
- The Building Act 2004
- Trade waste Agreements and Consents
- Waikato Tainui Environmental Management Plan
- Waikato Regional Economic Development strategy – Waikato Means Business (2014)
- Waikato Plan (2017) and Implementation Strategy