

**Water related  
infrastructure and services  
Bylaw Review  
2020**

# Decision Story



*Western Bay of Plenty  
District Council*

# Bylaw review 2020

We have been reviewing our bylaws that relate to our water infrastructure and services – drinking water supply, wastewater/sewerage and stormwater.

Council has considered the community feedback received and adopted final bylaws. We wanted to let you know what we have decided, and the reasons for the decisions made. In the following pages you will find details of the decisions on the key issues we considered throughout the review.

We have reviewed the:



Water Supply Systems Bylaw



Wastewater Drainage Bylaw



Trade Wastes Bylaw

We have developed a new bylaw:



Stormwater Bylaw

We have also reviewed:



Terms and Conditions for the Acceptance of  
Wastewater Drainage

The draft documents were released for feedback from 24 April to 24 June 2020, with submissions sought from the community and interested parties.

All these documents come into effect on 5 October 2020

## Would you like to know more?

For full copies of the bylaw, please visit our website at <https://www.westernbay.govt.nz/rules-regulations-and-licenses/bylaws> or ask at one of our libraries and service centres.

Full copies of the reports are also available on our website as part of the Policy Committee agendas at [https://westernbayofplenty.infocouncil.biz/Open/2020/08/PP\\_20200820\\_AGN\\_2392\\_AT\\_WEB.htm](https://westernbayofplenty.infocouncil.biz/Open/2020/08/PP_20200820_AGN_2392_AT_WEB.htm).



# Water Supply Systems Bylaw

This bylaw covers matters relating to Council's water supply system – the treatment plants and pipes that provide our drinking water.

Its key purpose is to preserve and protect Council's water supply network and to protect public health. It also sets out the conditions of supply and the obligations of consumers.

In reviewing the Water Supply System Bylaw, we identified some minor changes that could be made to help add to the security of our water supply network.

## **Why was it reviewed?**

We need to review it to make sure it is still fit for purpose and reflects our changing and growing district, that it will work well and can be effectively used, and to keep it up-to-date with legislative changes. The current Water Supply System Bylaw was last reviewed in 2008. This bylaw was due for review under the Local Government Act 2002.

## **Key changes**

The main areas of change in the Water Supply System Bylaw were:

- **Manage unexpected leaks:** To improve our ability to manage major leaks in the network, users now cannot knowingly allow water to run to waste and have a responsibility to detect and fix leaks.

This includes managing deficient pipes (allowing Council to issue notices to fix), and additional responsibilities for the maintenance of private water services (which service multiple users from one large connection).

- **Editorial changes:** We updated legislation references, incorporating recent bylaw changes, and incorporating recent changes with the Terms and Conditions for the supply of water.

## **What did the consultation say?**

We received seven submissions via Council's Have Your Say website, including one heard in person at Council.

### **In total:**

- Two submitters agreed with the proposals.
- None opposed the proposals.
- Five submitters suggested alternative.

Issues were raised around fire protection systems, clarifying the bylaw's application to Tauranga City Council's water supply catchments and the need for alternative water sources/conservation, including water collection methods.

Staff also suggested removing the bylaw's section on remitting for leaks (section 7.4), as that is already covered in the Water Rates Remission Policy.

## **Our decisions**

Council has approved the draft bylaw to become operative with changes to exclude fire protection systems from restrictions under Extraordinary Supply, and to clarify that water supply systems operated by Tauranga City Council within our district are also protected by this bylaw. Suggestions relating to water conservation will be considered by staff and also through the upcoming reviews of the District Plan.



# Wastewater Drainage Bylaw

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This bylaw covers matters relating to Council's wastewater system – the pipes and treatment plants that deal with our sewage.

Its key purpose is to protect Council's wastewater network and public health.

## **Why was it reviewed?**

We need to review it to make sure it is still fit for purpose and reflects our changing and growing district, that it will work well and can be effectively used, and to keep it up-to-date with legislative changes. The current Water Supply System Bylaw was last reviewed in 2008. This bylaw was due for review under the Local Government Act 2002.

## **Key changes**

Several additions and amendments were proposed to better protect our wastewater system. The key changes were:

- **Protection of our wastewater network** – a new section addressing building and works in close proximity to sewers and other activities that may damage or impede access to the wastewater network. This was previously covered in the Terms and Conditions for the Acceptance of Wastewater Drainage.
- **Breaches remedies and fees** – amended to better reflect the Standards NZ model bylaw and for consistency with our other bylaws.
- **Editorial changes** - made to improve clarity and remove unnecessary elements.

## **What did the consultation say?**

We received two submissions:

- One agreed with the proposed changes.
- One sought additional changes to provide recognition of network utility operators.

## **Our decisions**

Council has approved the draft bylaw to become operative with changes to allow network utility operators to undertake emergency work and notify Council as soon as practical, and some minor typographical corrections.



# Trade Wastes Bylaw

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This bylaw covers matters relating to how Council deals with 'trade wastes' discharged to our wastewater system - wastewater from industrial and trade premises.

Its key purpose is to protect Council's wastewater network and sets the framework to accept wastewater from industrial or trade premises and allow for the recovery of additional costs from treatment or impacts to the pipe network.

## **Why was it reviewed?**

We need to review it to make sure it is still fit for purpose and reflects our changing and growing district, that it will work well and can be effectively used, and to keep it up-to-date with legislative changes. The current Trade Wastes Bylaw was last reviewed in 2008. This bylaw was due for review under the Local Government Act 2002.

## **Key changes**

Some changes were suggested as part of the review to better reflect aspects of the model bylaw, to update the content, and to remove unnecessary elements. The key changes are:

- **Editorial changes** - to improve clarity, remove unnecessary elements and align with aspects of the New Zealand Standards model bylaw.
- **Classification of trade waste discharges** - has been expanded to clearly state what the different trade waste categories are and the implications.
- **Prohibited and permitted discharges** - the list of characteristics to determine if a discharge is permitted or prohibited has been moved to the Terms and Conditions for the Acceptance of Wastewater Drainage and amended to set limits and reflect latest guidance on pharmaceutical waste.
- **Power to require application** - a new section aligns with the content of the New Zealand Standards model bylaw, and allows Council to require someone undertaking a permitted discharge to apply for a consent.
- **Fees and Charges to be set outside of the bylaw** - this moves the fee setting process to the Fees and Charges setting process carried out annually. Consequential changes to the Fees and Charges 2020/21 have been made.
- **Removal of Appendices.**

## **What did the consultation say?**

We received one submission which supported the proposed changes and raised the need for continual monitoring and upgrades - this has been recommended for staff consideration through the development of the Long Term Plan.

Feedback from the Associate Minister of Health was also received. This sought a change for clarity, and typographical corrections.

## **Our decisions**

Council has approved the draft bylaw to become operative with changes for clarity. This included amending clause 2.1.1(e), relating to the use of garbage grinders or macerators, to make clear that this requirement is meant to apply to Trade Waste discharges only, and some minor typographical corrections.



# Stormwater Bylaw

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This bylaw covers matters relating to Council's stormwater network - the pipes, drains, drainage channels and land drainage work or treatment facilities that deal with rain water.

Its key purpose is to control the discharge of contaminants into the public stormwater network, and protect the public stormwater network from damage or alteration.

## ***Why was it developed?***

The Stormwater Bylaw has been developed to help improve the environmental quality of the water in our stormwater network, by controlling what goes into the drains, and to better protect our network.

## ***Key content***

### **Controlling the discharge of contaminants to the public stormwater network.**

The Bylaw gives Council powers to:

- Prevent the discharge of contaminants into the public stormwater network.
- Require treatment works, in order to prevent the discharge of contaminants into the public stormwater network.
- Require Pollution Prevention Plans for sites that are deemed to be high risk under Schedule 4 of the Bay of Plenty Regional Natural Resources Plan.

### **Protecting the public stormwater network from damage or alteration.**

The Bylaw gives Council powers to:

- Prevent any damage to the public stormwater network, or any modification without Council approval.
- Prevent obstructions, alterations or impediments to the natural flow of the public stormwater network.
- Prevent obstructions, alterations or impediments to overland flow paths.
- Require private stormwater networks to be maintained to their original specifications, and to not be modified or removed without Council approval.

## ***What did the consultation say?***

We received two submissions. Both were largely in support of the draft bylaw. Issues were raised regarding the operational management of the network and the need for integrated urban planning and stormwater planning to ensure environmental protection.

## ***Our decisions***

Council has approved the draft bylaw to become operative, with no changes from the draft version.

Comments on operational stormwater management and the need for integrated urban planning, have been referred for consideration through the Stormwater Activity Plan in the Long Term Plan 2021-31.



## Terms and Conditions for the Acceptance of Wastewater Drainage

The Terms and Conditions cover matters relating to Council's wastewater system. Its key purpose is to protect Council's wastewater system and to protect public health. It also sets out the conditions of supply and the obligations of customers.

### **Why was it reviewed?**

We need to review it to make sure it is still fit for purpose and reflects our changing and growing District, that it will work well and can be effectively used, and to keep it up-to-date with legislative changes. The current Terms and Conditions were last reviewed in 2008.

### **Key changes**

Some changes were suggested as part of the review to better reflect aspects of the model bylaw, to update the content, and to remove unnecessary elements. The changes are:

- **Origin of wastewater** - a new deeming clause to explicitly state that all wastewater entering the public sewer from a point of discharge is presumed to have come from that customer.
- **Council maintained pressurised package systems** - this reflects the new wastewater systems at Maketu, Te Puna West and Ongare Point that use individual pumps.
- **Blockages** - a new section to clarify responsibility for blockages, based on current operational procedure.
- **Working near buried services** - section removed and is instead addressed through the Wastewater Drainage Bylaw.
- **Schedules of Permitted and Prohibited Characteristics** - these schedules have been amended to reflect some of the limits previously included in the Trade Wastes Bylaw, to clarify the treatment of fats, to set daily mass limits and to reflect latest guidance on pharmaceutical waste.
- **Editorial changes** - made to aid in clarity, remove unnecessary elements and update the bylaw.

### **What did the consultation say?**

We received one submission supporting the proposed changes.

### **Our decisions**

Council has approved the draft Terms and Conditions to become operative with some minor typographical corrections.