

## FAQ - Draft Combined Waters Bylaw 2017

### Why does the Whakatāne District Council need a Combined Waters bylaw?

Bylaws are rules and regulations made by the Council under national legislation that affect how people live, work and play in the District. The draft Combined Waters Bylaw will maintain the health and safety of people living and working in the Whakatāne District and protect our environment.

Water is supplied to all households and businesses and all wastewater and stormwater is removed through a system of pipes, ponds, reservoirs and pumping stations. The Draft Combined Waters Bylaw contains regulations that will enable Council to better protect this system from damage.

Waste from businesses (trade waste) often has more pollutant, fats, oils, greases and chemicals than domestic wastewater, making it more difficult and expensive to treat. If we didn't have water bylaws, people and businesses would be able to pollute our wastewater, water supply and stormwater systems without paying for the cost of cleaning up that pollution. The draft Combined Waters bylaw gives Council the ability to collect fees to cover the cost of treating the trade waste from the businesses who discharge it. This enables Council to protect the environment we live in from

We all want to protect our environment and the Combined Waters Bylaw gives Council the power to make sure it is not harmed by wastewater or stormwater.

### Why is the Council seeking public feedback on the Draft Combined Waters Bylaw?

Bylaws affect every person and business owner in the District so Council is required by law to consult widely on any new or amended bylaws they are proposing.

Your feedback is important to us. The formal consultation process will give everyone who might be affected by the proposed bylaw, the opportunity to have their say.

### What is in the draft Combined Waters bylaw?

The Draft Combined Waters Bylaw brings together three existing bylaw parts from the Consolidated Bylaw which enable Council to manage and protect the District's wastewater, stormwater and water supply systems. A new section focusing on how we manage the disposal of stormwater has been added. The four parts are:

- Trade Waste
- Wastewater Drainage
- Water Supply
- Stormwater

## Which existing bylaw parts of the Consolidated Bylaw are in the Draft Combined Waters Bylaw?

The three existing bylaw parts are:

- Part 2: Trade Waste
- Part 7: Wastewater Drainage
- Part 8: Water Supply

## What changes have been made to the existing Wastewater, Water Supply and Tradewaste bylaws?

The Draft Combined Waters Bylaw has been completely rewritten in simple, easy to understand English.

The proposed changes are minor technical changes that will strengthen Council's ability to fulfil its responsibilities under the Local Government Act 2002 and the Health Act 1956. The proposed changes will enable Council to meet the progressively higher standards of discharge required by the Bay of Plenty Regional Council in order to get a resource consent for stormwater treatment and discharge.

The specific changes to each of these bylaws are listed in the Tables below. Other amendments relate to minor editorial changes including deleting or replacing words and rephrasing sentences or paragraphs in order to make the bylaw easier to read. In addition to these changes in the bylaw, some technical changes have been made to the attached schedules of the bylaw to align these with the content of the bylaw.

The specific changes to each existing bylaw are shown in Tables 1-3 below.

### ***Water Supply***

*Table 1 Specific change proposed for the Water Supply Bylaw*

<b>Section</b>	<b>Reason for proposed change</b>	<b>Proposed change</b>	<b>Outcome if change approved</b>	<b>Section in Draft Combined Waters Bylaw</b>
S8.1.2 Fire Hydrants	No current requirement to protect fire hydrants	Add new clause requiring protection device	Fire Hydrants will be protected from damage.	S18 Fire Hydrants

## Wastewater

Table 2 Specific changes proposed for the Wastewater Drainage bylaw

Section	Reason for proposed change	Proposed change	Outcome if change approved	Section in Draft Combined Waters Bylaw
S7.4.3 Waste Minimisation	Council does not enforce waste minimisation recommendations.	Delete this entire section	All clauses that the Council does not enforce are removed.	
s7.4.5 Prevention of Inflow and Infiltration	Current bylaw: Customer is required to prevent stormwater or wastewater entering the wastewater system. No permit required. This limit's Council's ability to manage stormwater or tradewaste entering the wastewater system.	Requires customers to get a tradewaste consent before letting stormwater or groundwater enter the wastewater.	Revision will: <ul style="list-style-type: none"> <li>Enhances Council's ability to prevent tradewaste entering wastewater drainage system</li> <li>Enables Council to prosecute if it happens without consent.</li> </ul>	S27 (3) Control of Discharges
S7.5 Disconnection	Current bylaw: Customer has to give 7 days' notice of intention to disconnect. Currently Council has no ability to manage disconnections because it has control over when they take place.	Requires customer to apply for and receive written Council approval before disconnecting from the wastewater network.	Council's ability to manage wastewater drainage system will be enhanced.	S26 Approval to Connect and Disconnect
S7.6.4 Excavation near public sewers	Current bylaw specifies 5m distance from centre line of any rising main or sewers. Sewers have been damaged.	Requires Council permission before an operator excavates, drills or carries out piling closer than 25m of centre line of any rising main or sewer	Greater distance from sewers will better protect the physical infrastructure.	S25 (f) Protection of Drainage Works

## Tradewaste

Table 3 Specific changes proposed for the Tradewaste Bylaw.

Section in existing Bylaw Part	Reason for proposed change	Proposed change	Outcome if change approved	Section in Draft Combined Waters Bylaw
s 2.12 Conditions of Trade Waste Consent	Currently Council cannot determine pre-treatment or how often grease-traps are cleaned.	Add a new condition that needs to be met enabling Council to determine pre-treatment and how often grease-traps are cleaned.	Council will have a greater ability to manage	S38 (7) Pre-Treatment Requirements
S 2.26 Invoicing	Currently the invoice is issued to the property owner who needs is responsible for payment and getting reimbursement from the	Add an explanation regarding why the property owner, not the permit holder is invoiced.	This will clarify the invoicing process for property owners and business owners	S45 (3) Fees and Charges

	permit holder as outlined the LGA 2002.			
--	---	--	--	--

## Why has Council added a new Stormwater section to the Draft Combined Waters Bylaw?

The stormwater that falls in our District has to be disposed of in a way that doesn't harm our people, property or the environment.

These new requirements enable Council to meet its responsibilities as outlined in the National Policy Statement for Fresh Water Management and to meet the higher consent conditions required by the Regional Council for our stormwater consent to be approved.

The new section of the Draft bylaw focusing on stormwater will enable Council to better manage the stormwater system and reduce the impact of stormwater on the environment. Without this section, Council might not be able to meet the higher level consent conditions expected in its application to the Regional Council for a stormwater consent.

## What is in the Stormwater section of the draft Combined Waters Bylaw?

The Stormwater section of the Draft Combined Waters Bylaw gives Council the ability to manage pollution at source so that it doesn't pollute any environment that receives stormwater.

Table 4 below provides an overview of the proposed sections for the stormwater section of the Combined Waters bylaw.

*Table 4 Proposed clauses for the Stormwater section of the Combined Waters Bylaw.*

Section in Combined Waters bylaw	New Clause	Reason
S52	Objectives	Outlines the objectives of this section of the bylaw
S53	Minimum quality standards	This section: <ul style="list-style-type: none"> <li>Prohibits the discharge of contaminants, directly or indirectly, into any part of the stormwater network</li> <li>Describe exemptions</li> </ul>
S54	Treatment of Works to be Undertaken	This section gives Council the authority to require owner/occupier to implement management options or treat discharges.
S55	Monitoring Discharges	This section gives Council the authority to inspect private or public stormwater networks to ensure compliance
S56	Pollution and Prevention Plans	Where a site is deemed high risk, Council is able to require that the owner/occupier prepares and submits a Pollution Prevention Plan to Council for approval.
S57	Restricted Activities	This section outlines activities that are prohibited in relation to the public stormwater system. Prohibitions are necessary to protect the physical infrastructure and ensure the ability of the stormwater system to function effectively or efficiently is not compromised.

S58	Maintenance Responsibilities	This section ensures privately owned stormwater systems are properly designed, constructed and maintained.
S59	Disconnection from public stormwater system	This section enables Council to manage all disconnections from the public stormwater system.
S60	Protection of Stormwater System	This section prevents any work including (building over, loading, drilling or excavation) being done closer than 5 metres to the stormwater infrastructure.
S61	Point of Discharge – Boundary of Responsibility	This section defines point of discharge on the public stormwater system, which marks the boundary of responsibility between land owner and Council.
S62	Offences and Breaches	This section defines an offence
S63	Fees	Enables Council to prescribe fees and/or charges for any certificate, licence, approval, permit, consent or Council inspection.
S64	Notices	This section enables Council to give notice for remedial actions required.
S65	Penalties	This section outlines legislation under which penalties can be invoked.
S66	Dispensing Powers	This section enables Council to waive full compliance with this bylaw and the conditions under which a waiving of compliance could occur.

### How can I have my say on the Draft Combined Waters Bylaw?

A formal consultation process is being held from 29 May to 30 June 2017 with a Public Hearing scheduled for 27 July 2017.

Any person or organisation is welcome to make a submission on the Draft Combined Waters Bylaw. The Council will take into account all submissions when it decides on the final content of the bylaw.

A submission form is available on the Whakatāne District Council website [www.whakatane.govt.nz](http://www.whakatane.govt.nz) or can be obtained from:

- Whakatāne District Council                      14 Commerce Street, Whakatāne
- Whakatāne Library                                49 Kakahoroa Drive, Whakatāne
- Edgecumbe Library                                38 College Road, Edgecumbe
- Ōhope Library                                        4 Harbour Road, Ōhope
- Murupara Library/Service Centre              Civic Square, 48 Pine Drive, Murupara

Formal submissions may be made:

Online:                      [www.whakatane.govt.nz](http://www.whakatane.govt.nz)

Posted to:                Bylaw Review, Private Bag 1002, Whakatāne 3158.

Delivered to:            Bylaw Review, Whakatāne District Council, 14 Commerce Street, Whakatāne.

Emailed to:             [submissions@whakatane.govt.nz](mailto:submissions@whakatane.govt.nz) Attention Bylaw Review

Informal submissions can be made by commenting on our Facebook page at [www.facebook.com/WhakataneDistrictCouncil](http://www.facebook.com/WhakataneDistrictCouncil)

We encourage you to make a submission online through our website at [www.whakatane.govt.nz](http://www.whakatane.govt.nz) as this minimises administration costs and gives you the option to add attachments if you wish.

Submitters should note that their submission will be copied and made available to the public after the submission period closes.

**Submissions close at 5pm on 30 June 2017.**

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission on 27 July 2017. The Council will contact all submitters who wish to be heard in writing to advise the confirmed time, date and venue of the hearing.