

**STATEMENT OF
PROPOSAL –
WAIROA WATERS
BYLAWS**



WAIROA
DISTRICT COUNCIL

PROPOSED WAIROA DISTRICT COUNCIL FOUR WATERS BYLAWS

The purpose of the Wairoa District Council Waters Bylaws, is to provide water services to the public, manage connections, and allow for cost recovery for the services.

Under the Local Government Act 2002, bylaws must be reviewed at least every 10 years. This statement of proposal is prepared in line with section 83, 83AA and 87 of the Local Government Act 2002 (LGA 2002). This document contains:

- A summary of information
- Background information
- Legislative requirements
- A description of the proposed bylaws
- A draft of each of the proposed bylaws

SUMMARY OF INFORMATION

The Wairoa District Council is reviewing and consulting on its four water services bylaws.

These updated bylaws are:

- Water Supply Bylaw
- Wastewater Bylaw
- Trade Waste Bylaw
- Stormwater Bylaw

The purpose of the Wairoa District Council Waters Bylaws, is to provide water services to the public, manage connections, and allow for cost recovery for the services.

Wairoa District Council is undertaking a special consultative procedure (s83, LGA 2002) to seek feedback on this set of bylaws.

Currently there are two water services bylaws, the Water Supply Bylaw, adopted 14 June 2011, and the Trade Waste and Wastewater Bylaw adopted 14 August 2012.

This review has split the trade waste and wastewater reticulation into two separate bylaws. The Stormwater Bylaw is a new bylaw.

The four water services bylaws are being updated as a group as there are many similarities and synergies between them, making one consultation process for the suite of bylaws a streamlined and appropriate method.

The proposed Waters Bylaws will assist Council in meeting the requirements to achieve compliance with the Hawke's Bay Regional Council Resource consents it holds for:

- Four resource consents to take water for supply (Wairoa township, Tuai, Blue Bay, Mahanga);
- Four resource consents to discharge wastewater (Wairoa township, Tuai, Opoutama/Blue Bay and Mahia Beach).

These bylaws are being reviewed and consulted on under the Local Government Act 2002 provisions.

Have your say: Before making any final decisions, Council would like to have your input. You can make a submission:

- Online: www.wairoadc.govt.nz search Waters Bylaws or <https://www.consultations.nz/wdc/>
- By post: Four Water Bylaws Consultation c/o Wairoa District Council Governance Team, 97 Queen Street WAIROA.
- By emailing: feedback@wairoadc.govt.nz
- Or deliver your submission in person to the Wairoa District Office, Coronation Square, WAIROA.

Timeline:

Consultation period begins: Tuesday 22nd March 2022

Closing date for submissions: Friday 22nd April 2022

Public hearing and deliberations: Tuesday 3rd and Wednesday 4th May 2022

SUMMARY OF WHAT IS PROPOSED

The full proposed bylaws are attached. A summary of the proposed bylaws are as below.

WATER SUPPLY BYLAW 2022

The purpose of this is to enable the Council, as a Water Supply Authority, to supply water. The specific objectives of the bylaw are to

- provide and manage public water supply services
- protect the public water supply network from damage and misuse and interference
- protect the environment and the health and safety of the people using the public water supply
- ensure the efficient use of water and improve water resilience during periods of water shortage/restrictions
- support sustainable water demand management.

The water for the Wairoa township and Frasertown is drawn from the Waiiau River above Frasertown. Council recognises catchment control is important for water supply security, but for extensive catchments, like the Waiiau River, the ability of the Council to close or restrict people from the catchment is extremely limited, so this section has been rationalised. Advising Council of any dumping or toxic spills within water supply catchments is very important.

A new clause has been added to allow any person to have their own rainwater storage tank, even if a potable Council water supply is available to them.

All water supply customers will have their own water meters and Smart meters with all related clauses updated.

New sections on reducing water wastage, and the more efficient use of water have been added and include guidelines for safe drinking water outside reticulated areas, and for safe storage of water in rainwater tanks.

WASTEWATER BYLAW 2022

The purpose of this bylaw is to enable the Council, as a Wastewater Authority, to regulate the discharge of wastewater from domestic premises into Council's wastewater systems, or into private on-site systems.

The objectives are to promote and protect the health of communities and the environment, and to protect the wastewater system from damage and misuse.

Wairoa District Council currently has four public wastewater collection and treatment systems which are located in the Wairoa township, Tuai, Opoutama/Blue Bay and Mahia Beach.

A new provision has been made for tankers collecting domestic wastewater from a septic tank, and its discharge to a Council wastewater treatment plant.

Another provision relates to some houses in the Wairoa township which discharge wastewater to a drain shared with neighbours. These are not Council owned and maintained drains, and property owners need to be aware of these shared private drains.

TRADE WASTE BYLAW 2022

The purpose of this to enable the Council, as a Wastewater Authority, to regulate the discharge of trade waste from business and industrial premises into the Council's wastewater systems.

Both the Wastewater Bylaw and the Trade Waste Bylaw cover all aspects of regulating this discharge, and both bylaws should be referred to together for all trade waste discharges. The Wastewater Bylaw focusses on the reticulation and customer connection for domestic wastewater, while the Trade Waste Bylaw focusses on the formal permit process, and the contaminants and volumes discharged from businesses, trade premises and industry.

The bylaw is concerned with the contaminants that could be discharged into the wastewater network, the concentrations and limits on these substances, and a description of prohibited materials. Council can refuse to take a trade waste, so the parameters need to be clear, including any pre-treatment that is necessary to clean up the trade waste on site before discharge to a Council wastewater line.

The trade waste application form has been updated to assist in getting the trade waste discharges approved. It is anticipated that all trade, business, and industrial premises require a trade waste assessment. Where it can be demonstrated that there is only a domestic discharge from a premises then a waiver may be granted.

A new provision is around waste minimisation and cleaner production in a bid to reduce waste at source rather than discharge it to the Council reticulation system. This involves removing contaminants in the wastewater stream through pre-treatment or different business processes which results in less treatment required by Council.

A further new provision is that mortuary waste will be prohibited in the wastewater system after April 2023.

The objectives for this bylaw are to:

- protect communities and the environment from the potentially adverse effects of harmful substances discharged to the public wastewater system
- protect the public wastewater system from damage and provide for its efficient operation
- assist treatment plants serving the public wastewater system to process wastewater and produce biosolids of a guaranteed quality
- encourage waste minimisation, cleaner production, efficient recycling, and reuse of waste streams at business and industrial premises.

STORMWATER BYLAW 2022

The purpose of the Stormwater bylaw is to protect the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse, or loss, and manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for connections to the public stormwater network, ensure that discharges into the public stormwater network are appropriately managed at source, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and any water quality targets for receiving environments.

The objectives for this bylaw are to:

- avoid, or minimise and control the discharge of contaminants into the public stormwater drainage network in order to avoid or minimise the effect of any such discharge on the quality of the network discharges to the receiving environment and to protect human health

- manage the structures and infrastructure associated with the Council's stormwater drainage network
- enable the Council to meet relevant objectives, policies, standards, and resource consent conditions for discharges from the public stormwater drainage network to the receiving environment.
- Define the obligations of the Council, installers, occupiers, and the public in matters related to the discharge of stormwater and management of the public stormwater drainage network.

The stormwater network consists of open drains, piped drains and mainly kerb and channel discharges along roadways. These are primarily gravity discharges and rely on clean stormwater from each premises or property.

This bylaw is closely linked to the stormwater discharge resource consent that Council requires from Hawke's Bay Regional Council.

There is a strong link between trade waste customers and the potential for contaminated stormwater from their sites. Therefore, all trade, business and industrial premises will be required to apply for a stormwater permit, and where it can be shown that the discharge is uncontaminated, a waiver may be granted.

High-risk facilities are identified separately and are required to provide pre-treatment and stormwater management plans.

LEGISLATIVE FRAMEWORK

The following describes our legislative requirements under this proposal.

Local Government Act 2002

Under the Local Government Act 2002, if a plan or policy or similar document is proposed to be adopted, it must follow a special consultative process as per sections 83, 83AA and 87 of the Local Government Act 2002. The Council must be able to show that this policy is the most appropriate and proportionate way of dealing with the perceived problem, and that the bylaw is not inconsistent with the New Zealand Bill of Rights 1990.