

6 July 2021

Auckland Council
Water Supply and Wastewater Network Bylaw 2015
Private Bag 92300
Victoria Street West
Auckland 1142

bylawfeedback@water.co.nz

Submission to Proposed Changes to the Water Supply and Wastewater Network Bylaw 2015

Introduction

The Rosebank Business Association ('Association') - 'Rosebank – Gateway to the West' - welcomes the opportunity to make this submission.

The Rosebank Business Improvement District is a commercial and industrial hub of 650 + businesses located on the Rosebank Peninsula in West Auckland. It has direct access to the SH16 North-Western Motorway and when the Waterview tunnel was completed, it's traffic count increased to between 25 and 35,000 vehicles per day with immediate access and link to the SH20 Airport Motorway. Businesses in the area generate an estimated \$1 billion in revenue, pay significant rates and employ about 9,000 FTEs. The predictions are that this workforce will increase to 20,000 by 2035.

Background

Every day, businesses obtain drinking water and discharge their wastewater through the public water supply and wastewater networks. Sometimes, the network can be damaged, contaminated or misused by businesses and other people connecting to or disconnecting from the water supply and wastewater networks, work undertaken near the network, illegal connections or illegal discharges of waste into the network. This can result in local water shortages and health risks.

Council has recently checked how the rules are working and identified improvements to the Bylaw. These are set out in the Appendix to our Submission. The Proposals are limited to the infrastructure of water and wastewater pipes, treatment plants, pump stations, reservoirs and any other public network assets. The Bylaw does not address privately owned networks and assets, resource consented wastewater overflows, or water allocation and trade waste.

Our feedback on these improvements is set out below.

Proposal 1: Unauthorised taking of water

To further define the rules regarding unauthorised taking of water from the network, Council wants to strengthen the rules around taking water from the Water Supply Network including from access point other than hydrants. Council is proposing to clarify the Bylaw wording, including that: it is an offence to take water from any part of the network.

We appreciate that the construction of new houses and buildings in Auckland is growing, with new subdivisions built or planned. We understand that this introduces challenges for Watercare, such as how to best supply construction water when a water meter is not yet available. We agree that the topic of illegal water use could be clarified, as only illegal use from hydrants is currently captured in the existing clauses. We agree with the proposal to amend the bylaw to make the types of illegal water use more explicit by mentioning any unmetered point (including hydrants and service leads) as an illegal use.

Proposal 2: Unauthorised discharges

Council wants to clarify the definition of waste which cannot be discharged into the wastewater network with examples of prohibited waste. Council are proposing to clarify the Bylaw wording, including to add examples of "prohibited waste" such as wipes, sanitary products, fats and grease.

We understand that the range of emerging and problematic waste disposed of through the wastewater system or dumped illegally in the network has increased and is likely to keep increasing. This is due to new chemicals being manufactured, increased adoption of new consumer goods such as wipes, and policy changes such as the potential of increasing landfill levy. We agree to the bylaw being amended to include emerging and problematic waste (such as wipes, sanitary products, fats and grease).

We also agree with the proposal to clarify that people need approval to discharge to the public wastewater network and to add clarity to the existing rules regarding unauthorised connections.

Proposal 3: Clarification of Linkages to other Documentation

Council wants to provide clarification of linkages to other legislation, bylaws, and other documentation. Council are proposing to clarify the Bylaw wording, including to:

- ensure that it is easy to follow and aligned to linkages to other documentation;*
- provide clarification of the definition of 'standards' in relation to the vesting of assets, clarification of offences and statutory powers, and adding clarity to the definition of works that can occur in close proximity to the Water and Wastewater networks.*

We understand that Watercare is occasionally having difficulties accessing its assets because Watercare padlocks have been replaced, or access points covered by containers or other structures. While we agree with the proposal to amend the bylaw to reduce the obstruction of access points to water and wastewater assets and interferences with water or wastewater networks, we also ask this be accompanied by education and to be implemented in a balanced way recognising the rights of the owners of the land on which these assets are located.

We understand that Watercare holds concerns regarding digging around its assets and the need to better protect its networks from works on and around them. We agree that the bylaw should be amended to specify the types of restricted works (e.g. excavation required to construct paved surfaces), rather than to rely on expressions such as 'general excavation' and to clarify what works can occur near water supply or wastewater networks. We note the proposal to include a requirement that a person who intends to carry out restricted works, or any building work over a watermain or a rising main, must obtain the written approval of Watercare before commencing the works and ensure compliance with the approval and any conditions of the approval. We note that the definition of restricted works is very broad (ie any works that would or be likely to damage, or adversely affect the operation of the water supply network or the wastewater network). As this imposes an administrative burden on both landowners and Watercare, we ask that the proposed written approval process be implemented as simply as possible to avoid delays.

Conclusions

The Association welcomes the opportunity to make this Submission. Although we understand that there will be no opportunity to make a presentation on this Submission, should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,



Mike Gibson
CEO
Rosebank Business Association

Appendix:
Improving the Water Supply and Wastewater Network Bylaw 2015

Council recently checked how the rules are working and identified improvements. The main proposals in comparison to the existing Bylaw are:

Major amendment proposals	Reasons for proposal
include examples of “prohibited waste” such as wipes, sanitary products, fats and grease	<ul style="list-style-type: none"> to improve understanding of these types of problematic wastes that can block wastewater networks
extend the rule about unauthorised taking of water from more than just fire hydrants	<ul style="list-style-type: none"> to clarify that this rule would apply to any unauthorised taking of water (stealing without paying for)
clarify terms including new definitions of “combined system”, “combined system area”, “groundwater”, “private water supply scheme” and “stormwater inflow”	<ul style="list-style-type: none"> to improve clarity of terms used within the Bylaw
clarify that no person may physically obstruct or interfere with Watercare’s access to the network	<ul style="list-style-type: none"> to improve certainty in relation to Watercare access to its network
clarify Watercare’s acceptance and liability for water supply and wastewater assets and what is meant by the term “standards”	<ul style="list-style-type: none"> to improve the clarity of the term “standards” and provide greater certainty in relation to the acceptance, or not, of any vested assets
clarify rules about the protection of water supply from contamination by a private water scheme	<ul style="list-style-type: none"> to improve the certainty of these rules
clarify that people need approval to discharge to the public wastewater network	<ul style="list-style-type: none"> to add clarity to existing rules of unauthorised connections.
update the format and wording of the Bylaw and include Related Information tables	<ul style="list-style-type: none"> to align with current best practice drafting standards to make the rules easier to read and understand
clarify the offences under the Bylaw including unauthorised discharge to the wastewater network	<ul style="list-style-type: none"> to improve clarity of offences
clarify what works can occur near water supply or wastewater networks	<ul style="list-style-type: none"> to add clarity to what works can occur near water supply or wastewater networks
clarify statutory powers may be used to enforce Bylaw	<ul style="list-style-type: none"> to add clarity in relation to statutory powers