
REVIEW OF WATER BYLAWS

1. Purpose of Report

To revoke the Wellington Consolidated Bylaw: Part 20 – Water Supply and Part 7 – Drainage and Plumbing and replace with a Water Charter and a new bylaw Part 2 – Water Services.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note that the Statement of Proposal includes proposals to revoke two bylaws, make a new bylaw and adopt a Water Charter*
3. *Recommend to Council that it agree*
 - a. *that the proposals proceed through the Special Consultative Procedure, as required by sections 86, 87 and 156 of the Local Government Act 2002*
 - b. *that the proposed Water Services Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990*
 - c. *that the proposed Water Services Bylaw is the most appropriate way of addressing the perceived problem of certain private fittings adversely affecting the public water supply network.*

3. Background

The Council commenced a review of the Water Supply bylaw in 2004 in accordance with requirements in the Local Government Act 2002 to review all bylaws. The officers advised that the bylaw had operated for a number of years, is largely concerned with operational matters and that there was no identifiable problem that justified retaining the bylaw. A water charter was considered a suitable alternative to a water supply bylaw.

More recently the officers reviewed this work and considered a number of water charters as possible templates for developing a Wellington Water Charter. The scope of the work was widened to include the Drainage and Plumbing Bylaw, which, like the Water Supply Bylaw, needed to be reviewed.

The Charter's purpose is to explain the rights and responsibilities of people who are connected to the public water, wastewater and stormwater system alongside the rights and responsibilities of the Council. This document will promote better understanding of the rules and the Council's management of the networks that service the three waters (drinking water, wastewater and stormwater).

A new Water Services Bylaw is proposed to address a particular problem that can not be effectively controlled by other means. The need for the proposed bylaw is explained in the Statement of Proposal (appended).

4. Discussion

Revoking, reviewing and making bylaws is a statutorily prescribed process that includes following the Special Consultative Procedure. Community views will be sought from the consultation process as shown in section five of the Statement of Proposal.

The options are examined in the Statement of Proposal. They are:

- status quo - no change. This option is not recommended because the legislation that validates the bylaws expires on 1 July 2008
- no bylaw. This option is not recommended because the review has identified a problem that should be addressed through a bylaw
- detailed prescriptive bylaws; for example renewal of the current bylaws. This option is not recommended because perpetuating the extent of the two bylaws' provisions generally would not be justified in terms of the section 155 determination that the review process requires
- revoke the two bylaws, make a new bylaw and adopt a water charter. This is recommended as it advances the goal of ensuring the Council's bylaws are effective, efficient and relevant instruments and a water charter is a more appropriate communication medium to advise consumers of the Council's expectations and their rights and responsibilities.

5. Conclusion

The existing bylaws (Water Supply, and Drainage and Plumbing) are no longer necessary and their renewal cannot be justified in terms of the process that the Council is required to observe. A new bylaw is recommended to control problems that are not effectively controlled by any other means. A Water charter is recommended as a way of advising consumers of the Council's expectations alongside consumers' rights and responsibilities.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The proposal is consistent with community outcomes and the Council's long-term outcomes. Wellington's environmental health will be protected by well-planned and well-maintained infrastructure. Services will be reliable and meet high quality standards for the wellbeing of residents and the city as a whole.

2) LTCCP/Annual Plan reference and long term financial impact

The review was conducted within operating budgets.

3) Treaty of Waitangi considerations

Maori organisations were contacted via Treaty Relationships personnel.

4) Decision-Making

The report and Statement of Proposal outlines the various options that were considered in the review.

Although the matter affects the whole community to some extent, it is not expected to generate change to any material extent in terms of the criteria in the Significance Policy.

5) Consultation

a) General Consultation

No preliminary community feedback has been sought as the proposal is subject to the Special Consultative Procedure. A consultation plan is provided in the Statement of Proposal. Council will receive submissions as part of the bylaw making process.

b) Consultation with Maori

Maori organisations have been provided with the Statement of Proposal.

6) Legal Implications

Legal advice has been obtained. Legal issues are addressed in the Statement of Proposal.

7) Consistency with existing policy

Council has an objective for its bylaws to be effective, efficient and relevant instruments. The proposals are consistent with Council's policies and do not conflict with s97 of the Local Government Act 2002.

Appendix 1