

Summary of Information

Manawatu District Council Bylaw Review 2015 – Stage 2

*This is a summary of the Statement of Proposal
Manawatu District Council Bylaw Review 2015 – Stage 2*

What is a Bylaw?

Bylaws are rules made by Council under the Local Government Act 2002 for the purposes of protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places.

Why is Council reviewing the Bylaws?

The Act requires that a bylaw is reviewed within 5 years of it being made and is automatically revoked 2 years after the last date on which the bylaw should have been reviewed.

Stage 1 of the bylaw review was completed in 2014.

Council is required to consult the community about any proposed changes to Bylaws. A Statement of Proposal (SOP) has been prepared outlining the changes. Council wants to hear the views of ratepayers and stakeholders in relation to this proposal.

The proposal includes six proposed new bylaws:

- Drainage Bylaw 2015
- Public Places Bylaw 2015
- Solid Waste Bylaw 2015
- Trade Wastes Bylaw 2015
- Traffic safety Bylaw 2015
- Water Supply Bylaw 2015

Location of Statement of Proposal

This Statement of Proposal the Summary of Information will be available from:

- Manawatu District Council Administration Office 135 Manchester Street, Feilding, Feilding Public Library, corner Stafford & Bowen Streets
- Makino Aquatic Centre, Council Place, 135 Manchester Street, Feilding during opening hours
- On the Council's website www.mdc.govt.nz

The submission period runs from 1 September 2015 until 30 October 2015 at 4.00pm.

Copies of the documents may be obtained by contacting the Council on (06) 323 0000.

How can I make a submission?

A submission form is available from Council however, any written form of submission will be received and considered. Submissions can be via letter or email and should be posted to the following address:

Manawatu District Council
Private Bag 10 001
Feilding 4743

Or emailed to submissions@mdc.govt.nz subject heading 'Bylaw Review 2015'.

Please state in your submission whether or not you wish to be heard. Submitters should note that their submission will be copied and made available to the public after the submission period closes.

Submissions may be made on the Statement of Proposal and these should be received by the Council no later than **4.00pm on 30 October 2015**.

Hearing of Submissions

A hearing will be scheduled after the submission period to hear any submissions made. Please state in your submission whether or not you wish to be heard.

The Council will contact all submitters in writing to advise the confirmed time, date and venue of the meeting to hear submissions. Hearings on the Bylaw Review will be open to the public.

An analysis of all submissions will be presented to the Strategic Planning & Policy (SP & P) Committee for their consideration. A final report, including the recommendations of the SP & P Committee, will then be presented to the Council for consideration and adoption.

Note: Please be aware that when providing personal information on submissions that they are part of the public consultation process. This means that they will be reproduced as an attachment to the Council's agenda and minutes, made publicly available and will remain on council's minute records. If you wish to have your details withheld, please note this on your submission form.

Statement of Proposal

Manawatu District Council Bylaw Review 2015 – Stage 2

1 Introduction

This statement of proposal proposes new bylaws as part of the Manawatu District Council 2008 Bylaw review.

The proposed bylaws under stage 2 are:

- Drainage Bylaw 2015
- Public Places Bylaw 2015
- Solid Waste Bylaw 2015
- Trade Wastes Bylaw 2015
- Traffic safety Bylaw 2015
- Water Supply Bylaw 2015

2 Reasons for the proposal

The Local Government Act 2002 (The Act) enables Councils to adopt bylaws for the following reasons:

- protect the public from nuisance;
- protect, promote, and maintain public health and safety; and
- minimise the potential for offensive behaviour in public places.

The Act requires that a bylaw is reviewed within 5 years of it being made and is automatically revoked 2 years after the last date on which the bylaw should have been reviewed.

Stage 1 of the bylaw review was completed in 2014.

3 Proposal

The table below provides a summary of the purpose of the new bylaws.

Bylaw Name	Perceived problems	Bylaw purpose and provisions
Drainage Bylaw 2015	<ol style="list-style-type: none">1. High flows to sewage treatment plants during rainfall events due to rainwater being diverted to the sewage system on private property.2. High base flow in sewers due to groundwater infiltration through broken pipes on private property.	<p>The purpose of this Bylaw is to manage, regulate and protect from misuse or damage the Public Wastewater and Stormwater Systems defined as the Public Drainage Network High Sewer Flows</p> <p>There is bylaw provision to:</p> <ul style="list-style-type: none">• control connections to the

	<p>3. Sewer blockages due to rags or other foreign materials being flushed down drainage</p> <p>4. Sewer blockages due to congealed fat from oils discharged into the sewer system.</p> <p>5. Corrosion of sewers or manholes due to seawater, septic tank waste or trade waste discharges</p> <p>6. Wastewater containing volatile or toxic substances that affect the health of sewer and treatment plant operators or upset the biological balance of the wastewater treatment process (for example from the disposal of petrol or turpentine used for cleaning).</p> <p>7. Structures built on top of reticulated services or on access tracks and easements that limit access to services to effect repairs.</p> <p>8. Damage to reticulated services from contractors excavating or drilling in close proximity to services.</p> <p>9. Tree roots in drainage contributing to blockages</p> <p>10. Wastewater discharged or overflowing to stormwater systems, including trade waste such as paints (that upset the ecology of the stormwater system and mean that contaminated water is discharged to streams and rivers).</p> <p>11. Runoff from building sites and other earthworked areas, containing high levels of silt, discharged to stormwater systems.</p> <p>12. Runoff from stockyards or other animal pens discharged to stormwater systems contributing to high nutrient and faecal levels in rivers and streams.</p>	<p>drainage system.</p> <ul style="list-style-type: none"> • Prevent and remove blockages to the drainage system • Control corrosive, volatile or toxic chemical disposal • Prevent and manage damage to Services • Ensure no new structures are built over public sewers • secure and monitor all wastewater and pumping facilities to prevent unauthorised access. • Control contaminated discharges or overflows to Stormwater system
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	<p>13. Runoff from vehicle wash-down areas discharged to stormwater systems (silts, detergents and oils washed into drains and ending up in streams and rivers.</p>	
<p>Public Places Bylaw 2015</p>	<p>1. Abandoned vehicles in public places affecting visual amenity 2. Flytipping in public places affecting visual amenity and causing a health nuisance. 3. Overgrown vegetation within or overhanging public places causing a nuisance or fire risk 4. Vandalism and obstruction within public places 5. Offensive behaviour from the consumption of alcohol in public places 6. Risk to personal health and safety of beach users on public beaches from long line fishing, animals (uncontrolled behaviour and animal faeces) and number and speed of vehicles 7. Risk to public from inappropriate use of skating devices and cycles within public places 8. Inappropriate behaviour or the adverse effects of crowds from uncontrolled events held in public places 9. Risk to public from electrified wire or barbed wire fences adjoining public places 10. Risk to public safety at night by inappropriate lighting in the town centre 11. Requirement to provide consenting process for unmanned aerial vehicles under the Civil Aviation authority Rules effective from 1 August 2015.</p>	<p>The purpose of this Bylaw is:</p> <ul style="list-style-type: none"> • to ensure that Public Places are used in a manner that will not cause any obstruction, Nuisance or damage, or endanger the public. • to ensure the consumption of alcohol occurs in a safe and responsible manner, and • to reduce the harm caused by excessive or inappropriate consumption of alcohol <p>There is bylaw provision to:</p> <ul style="list-style-type: none"> • Control vandalism in public places • Reduce offensive behaviour from the consumption of alcohol in public places • Control the inappropriate use of skating devices and cycles in public places • Control effects of crowds at events in public places • Reduce risk of harm and crime in public places <p>It was determined that the perceived problems not covered in the proposed bylaw can be addressed by other legislation or education programmes.</p>
<p>Solid Waste Bylaw 2015</p>	<p>1. Limited compliance with Council signage in rural rubbish collection sites 2. Risk of physical harm</p>	<p>The purpose of this Bylaw is to:</p> <ul style="list-style-type: none"> • promote and deliver effective and efficient Waste management and

	<p>to Waste Collectors and the Public from unsafe and prohibited waste.</p> <p>3. Non-compliance with Council list of permitted recyclables and advertised guidelines</p> <p>4. Flytipping at Donated Goods Container locations</p> <p>5. No sharing of waste volumes from non-Council funded waste collectors leading to incomplete analysis of the total district waste volumes</p> <p>6. No agreed minimum standards for kerbside collection by non-Council funded Waste Collectors</p> <p>7. Limited opportunities and promotion for event organisers to recycle</p>	<p>minimisation in the District;</p> <ul style="list-style-type: none"> • assist in implementing the Council's Waste Management and Minimisation Plan; • promote the purpose of the Act and the goals of the New Zealand Waste Strategy; • regulate the collection, storage, management and Disposal of Waste (including Recyclable Material) from Public Places or by persons licensed by the Council; • protect the health and safety of Waste Collectors, Waste Operators and the public; and • manage Nuisance and Litter in Public Places <p>There is bylaw provision to:</p> <ul style="list-style-type: none"> • Control and ensure compliance with the refuse and recyclable collection process and Donated Goods Containers • minimise harm when collecting waste • promote recycling at public events
Trade Wastes Bylaw 2015	<p>1. Sewer blockages due to rags or other foreign materials being flushed down drainage</p> <p>2. Sewer blockages due to congealed fat from oils discharged into the sewer system.</p> <p>3. Corrosion of sewers or manholes due to trade waste discharges</p> <p>4. Wastewater containing volatile or toxic substances that affect the health of sewer and treatment plant operators or upset the biological balance of the wastewater treatment process (for example from the disposal</p>	<p>The purpose of this Bylaw is to:</p> <ul style="list-style-type: none"> • protect the health and safety of all people from potential adverse effects of harmful substances discharged to the Public Wastewater System; • protect the environment (including water quality) from adverse effects of harmful substances discharged to the Public Wastewater System; • protect the Public Wastewater System from damage and provide for its efficient operation; • ensure compliance with resource

	<p>of petrol or turpentine used for cleaning).</p>	<p>Permit (discharge) conditions;</p> <ul style="list-style-type: none"> • provide an equitable basis for charging Trade Waste users of the Public Wastewater System; and • encourage waste minimisation, Cleaner Production, efficient recycling and reuse of waste streams at Trade Premises. <p>There is bylaw provision to:</p> <ul style="list-style-type: none"> • Prevent blockages by controlling and monitoring grease traps • Control corrosive, volatile or toxic chemical disposal • Limit or control disposal of trade wastes to sewer system
<p>Traffic safety Bylaw 2015</p>	<p>1. Environmental nuisance with effluent on road at stock crossings. 2. Traffic safety concerns and lack of clarity with stock droving and consent requirements. 3. Heavy vehicle parking in urban streets, and general parking in the town centre outside businesses and shops. This imposes traffic safety problems and potential damage to road infrastructure. Ineffective enforcement of parking restrictions. Lack of enforcement of parking restrictions has led to car park capacity problems within Feilding town Centre.</p>	<p>The purpose of this Bylaw is to:</p> <ul style="list-style-type: none"> • Regulate parking and control of vehicle traffic on any road managed or controlled by the Council; • Provide for the orderly droving and control of stock on roads in the District, with regard to the safety of road users and to minimise damage to, and avoid nuisance, on the roads <p>There is bylaw provision to:</p> <ul style="list-style-type: none"> • Manage and control stock crossings and stock droving. • Regulate parking within the district
<p>Water Supply Bylaw 2015</p>	<p>1. Contamination of drinking water supplies (e.g. from poorly constructed connections to mains, backflow of contaminants into mains from private networks, damage to mains and connections) potentially resulting in sickness or deaths within the communities</p>	<p>The purpose of this Bylaw is to:</p> <ul style="list-style-type: none"> • ensure a safe and efficient public water supply; • to manage and regulate the Council's water supply; and • to protect public water supply

	<p>served.</p> <p>2. Loss of water or service pressures to other customers (damage to mains and connections by other service suppliers, uncontrolled removal of bulk water from hydrants, removal of restrictors where fitted on unmetered supplies).</p> <p>3. Uncontrolled high water usage such that Council exceeds permitted water take resulting in fines for consent breaches from Regional Council or damage to aquifers.</p> <p>4. Consumers on limited or restricted supplies running out of water.</p> <p>5. Damage to reticulated services from contractors excavating or drilling in close proximity to services.</p>	<p>infrastructure</p> <p>There is bylaw provision to:</p> <ul style="list-style-type: none"> • control and protect water supplies from contamination. • monitor all water supply and storage facilities to prevent unauthorised access. • Control and maintain adequate supply pressures to prevent backflow and require backflow protection on all new connections. • Control and monitor water supply usage for limited supplies and enforce against unauthorised usage
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4 Local Government act 2002, section 155 determination

Under section 155 of the Act the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem.

On 20 August 2015 Council received a report that detailed the perceived problems for the proposed bylaws. The report evaluated whether the proposed bylaws were the most appropriate way of addressing the perceived problems and whether the bylaws would be likely to give rise to concerns under the Bill of Rights act 1990.

As a result of that report the Council made the following determinations:

“That the Council pursuant to s155(1) of the Local Government Act 2002 that the proposed bylaws: Drainage Bylaw 2015, Public Places Bylaw 2015, Solid Waste Bylaw 2015, Trade Wastes Bylaw 2015, Traffic Safety Bylaw 2015, Water Supply Bylaw 2015 are the most appropriate way of addressing the perceived problems.

That the Council determine pursuant to s155(2) of the Local Government Act 2002 that the bylaws are the most appropriate form of bylaws.

That the Council determine pursuant to s155(2) that the proposed Bylaws are unlikely to give rise to any implications under the New Zealand Bill of Rights Act 1990”

5 Consultation process

Anyone can make a submission about the proposals described in this document. We encourage anyone with an interest in the issues raised in this proposal to make a submission.

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