

# Draft Wastewater Drainage Bylaw

Meeting: Council Briefing  
Date of meeting: 07 April 2021  
Reporting officer: Mark Schreurs, Policy Analyst

## Purpose/Ngā whāinga

To present suggested amendments to the Wastewater Drainage Policy and Wastewater Drainage Bylaw for feedback.

## Context/Horopaki

Council requires powers to protect the public wastewater systems in the District from damage and from discharges that undermine their performance.

In addition, many properties in the District rely on onsite wastewater systems (often called septic tanks). In some cases, these are in relatively high density living environments and/or sensitive receiving environments. There is a need to ensure that onsite wastewater systems are properly maintained and inadequately operating systems are identified and addressed.

The Kaipara District Wastewater Drainage Policy (the Policy) and Wastewater Drainage Bylaw 2016 (the Bylaw) were developed to address these issues.

Since 2016, the Policy (**Attachment A**) and Bylaw (**Attachment B**) have also included an inspection and maintenance regime for onsite wastewater systems in a prescribed area of the District, to support the overall scope and purpose of the Bylaw.

The Bylaw is due for its five-year review, as per the requirements of section 158 of the Local Government Act 2002. The Policy was first developed in 2016 to support the Bylaw, but this is not a statutory policy and is not subject to any review or consultation requirements.

## Discussion/Ngā kōrerorero

Policy staff have reviewed the current Policy and Bylaw, which has included working closely with relevant staff across Council who have responsibilities for our wastewater infrastructure and enforcing and implementing the Bylaw.

An important aspect in undertaking this review was to determine and confirm the range of powers Council already has under existing legislation (Local Government Acts 1974 & 2002, Health Act, Resource Management Act 1991, Building Act 2004 and Public Works Act 1981). The focus of the review was therefore on capturing what additional powers are available and appropriate to include or retain in the Bylaw. It was found that the Building Act 2004 in particular, provides Council with considerable powers to take action. Council can issue 'notices to fix', which have associated charging and fine regimes attached to them.

The review also highlighted that much of the Policy content either duplicated the Bylaw content, was of a nature that it should be included in the Bylaw provisions or is operational guidance material for implementing and administering the Bylaw. As such, a key outcome of this review is to recommend the revocation of the Policy. Due to the non-statutory nature of the Policy, this can be completed through a Council resolution at the conclusion of the anticipated consultation process.

Key elements of the Bylaw that are recommended to remain unchanged are:

- a) Taking a proactive approach to protecting Council's wastewater assets by regulating certain activities and certain discharges which pose a threat to public wastewater systems (unlike Council's powers under legislation which are largely reactive, allowing action to be taken after damage has occurred).
- b) Putting in place a proactive approach to identifying failing onsite wastewater systems in key areas by including monitoring, reporting and inspection requirements.

The key changes being suggested are:

- c) Revoking the Policy and including relevant content as part of the Bylaw or included in the explanatory notes to the Bylaw.
- d) Shortening the Bylaw by removing clauses which duplicate Council's powers under legislation.
- e) Simplifying the wording of the Bylaw, taking a "plain English" approach.

During the development of the 2016 Bylaw, it was envisaged that the 5-year review would include consideration of extending the onsite wastewater system inspection and maintenance regime to cover additional areas of the District. Staff considered this matter during the review and are suggesting no change to the current coverage area. Extending the coverage area would require additional resourcing (at least one additional full-time staff member), but would provide limited additional benefits as the most sensitive areas of the District are already included in the coverage area.

Given the extensive changes proposed, staff have developed a summary overview of the changes, which is provided in **Attachment C**. The final draft revised Bylaw is provided in **Attachment D**.

## Next steps/E whaiake nei

Staff will review the draft Bylaw in response to any feedback received at this briefing.

Depending on the feedback received at this briefing, a Statement of Proposal, including a final draft Bylaw, for adoption for community consultation, is scheduled to be presented to the May 2021 Council meeting.

## Attachments/Ngā tapiritanga

	Title
A	Kaipara District Wastewater Drainage Policy 2016
B	Kaipara District Wastewater Drainage Bylaw 2016
C	Suggested changes to the Kaipara District Wastewater Drainage Bylaw 2016
D	Suggested amended Kaipara District Wastewater Drainage Bylaw 2016