

Attachment C: Suggested changes to the Kaipara District Wastewater Drainage Bylaw 2016

Clause	Suggestion	Reasons
1 Introduction	Rewrite this as an explanatory note.	Clauses state rules, this introduction is just supporting information.
2 Purpose of Bylaw	Remove reference to the Kaipara Wastewater Drainage Policy 2016 (the Policy). Otherwise only minor changes.	It is suggested that the Policy be revoked and the relevant parts included as explanatory notes within the Bylaw. It is suggested that the purpose of this Bylaw remains just as relevant today as it was when the Bylaw was made in 2016.
3 Definitions	Numerous changes are suggested.	The suggested changes to other clauses of the bylaw invariably results in some definitions needing to be added, some needing to be removed and some needing to be amended.
4.1 Wastewater	Remove this subclause.	This subclause effectively grants an additional right to land owners in the district that Council will accept the wastewater from their premise provided they comply with certain criteria. It is not evident why Council would want to grant its constituents this right.
4.2 Trade Waste	Amend to remove reference to trade waste but ultimately retain the effect of this clause unchanged. Add provision for discharge permits to be issued.	The key requirement of this clause is that no person may discharge wastewater to a public wastewater system unless it is within the limits specified in Schedule A. It is suggested this be retained while the wording is streamlined and reference to trade wastes is removed. This reflects that this clause is not limited to trade premises. This clause currently states that premises wanting to discharge wastewater which does not comply with Schedule A, must make a separate agreement with Council.

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		It is suggested to add provision for permits to this effect to be issued under this bylaw.
5 Approval to connect	Remove this clause.	<p>It is unlawful under the Building Act 2004 and under section 467 of the Local Government Act 1974 to connect a private drain to a public drain without the prior approval of Council. Where a connection has been made without the appropriate consent, Council can take action under these acts.</p> <p>A clause in the Bylaw is therefore unnecessary.</p>
6 Continuity of Discharge	Remove this clause.	There is no need to state this as a clause in the Bylaw.
7 Premises	Remove this clause.	This clause duplicates the requirements under other clauses; namely subclause 4.2 and Schedule A.
8 Disconnection	Remove this clause.	This is largely covered by provisions under the Building Act 2004.
9 Protection of public wastewater systems	Retain with amendments.	<p>It is suggested to reword this clause, removing aspects that duplicate legislation (particularly the Building Act 2004 and Building Code) but ultimately making this clause broad enough to apply to a multitude of situations. Given Council already has powers to act under legislation where damage has occurred, the focus is suggested to be on regulating those activities which pose a high level of risk to public wastewater systems. This approach is intended to allow Council to take action to prevent damage occurring in the first place.</p>

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10 Storage of hazardous materials	Remove this clause.	This clause partly duplicates the requirements of the Hazardous Substances and New Organisms Act 1996.
11.1 Waste generated on an allotment not to be disposed of outside that allotment.	Remove this clause.	Discharges of wastewater from onsite wastewater systems are already regulated under the Proposed Regional Plan for Northland.
11.2 Buildings to be connected to wastewater systems	Remove this clause.	This clause duplicates requirements under the Building Act 2004.
11.3 Information on new systems to be provided to Council	Remove this clause.	The installation of an onsite wastewater system requires building consent and the building consent process includes requirements for the applicant to supply then necessary information to Council. This subclause therefore duplicates the requirements of obtaining a building consent.
11.4 Information to be included in Maintenance and Operation Plans		
11.5 Shall not connect waste disposal units to onsite wastewater system	Remove this clause.	Rather than addressing this under a bylaw, Council can better take action under the Building Act 2004 or under s459(1) of LGA74 .
11.6 Maintenance and Operation Plan to be implemented	Remove this clause.	Maintenance and operation plans vary in terms of the level of detail they contain and are, on the whole, not considered appropriate to enforce in this way. Where council becomes aware of an onsite wastewater system that has not been

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		properly maintained, it can issue a notice to fix under the Building Act 2004.
11.7 Property owner responsible for maintenance	Remove this clause.	This clause duplicates legislation.
12 Maintenance requirements	Retain with some modifications.	This approach of requiring onsite wastewater system owners within the coverage area to regularly maintain their systems and provide a report to Council is working well. Suggested amendments pertain to improving the wording and streamlining the process rather than changing the intent of these clauses.
13 Supply and keeping of records		
14 Requirement to connect or fix	Mostly remove this clause.	<p>The aspects of this clause which allow Council to require repair or maintenance of an onsite wastewater system duplicate Council's ability under the Building Act 2004 to issue a notice to fix. Those aspects which pertain to requiring a property to connect to a public wastewater system are already addressed by s459 of LGA74.</p> <p>Despite this, it is suggested to retain a clause, requiring onsite wastewater systems to not cause a nuisance. This would allow a warranted enforcement officer of Council to access a property under section 172 of the LGA02 to undertake an inspection if the officer has reason to suspect the system may be causing a nuisance.</p>

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15.1 Access to onsite wastewater systems	Retain with some modifications.	Suggested amendments pertain to improving the wording rather than changing the intent of this clause.
15.2 No person to deny access to a Council Officer		
15.3 Council may undertake works	Remove this clause.	Staff consider it preferential to take action under the Building Act 2004 and other statutes, rather than establishing this ability under a bylaw.
16 Offences	Retain with some modifications.	Penalties for breaches of bylaws are prescribed under legislation. Suggested modifications therefore relate only to how the clause is worded rather than what penalties apply.
17 Penalties for breaches of Bylaw		
Additions		
Decommissioning or removal of onsite wastewater systems	Add a clause requiring reporting to Council.	There is currently no requirement for Council to be made aware that an onsite wastewater system has been decommissioned or removed. It would therefore be useful to use the Bylaw to fill this gap, both to allow Council to ensure such works are completed correctly and to make this information available on property files.