

Attachment B – Legislative review assessment

To complete a statutory bylaw review, council must “determine that a bylaw is the most appropriate way of addressing the perceived problem” (section 155 Local Government Act 2002).

If a bylaw has been deemed the most appropriate way of addressing the perceived problem, the local authority “must determine whether the bylaw is the most appropriate form of the bylaw and if it gives rise to any implications under the New Zealand Bill of Rights Act 1990” (section 155 Local Government Act 2002).

To verify if the legacy on-site wastewater bylaws comply with these standards, options of retaining or revoking the bylaws were assessed against the legislative review requirements.

Table 1 - Retain or revoke options against legislative review requirements

OPTIONS	
Option 1: Status quo (retain bylaws)	Option 2: (RECOMMENDED) Revoke bylaws and rely on existing legislation
Are the bylaws the appropriate means? × No, the bylaws were to be replaced by the Auckland Unitary Plan when operative.	Are the bylaws the appropriate means? • Not applicable (no bylaws) • Council to use powers under the Auckland Unitary Plan, Resource Management Act 1991, Local Government Act 2002, Building Act 2004 and Health Act 1956 to address on-site wastewater management.
Effectiveness/Efficiency: × The legacy bylaws do not provide additional regulation to existing plans and legislation × Better enforcement options are available in the Auckland Unitary Plan and legislation than the bylaws.	Effectiveness/Efficiency: ✓ Legislation provides greater enforcement than bylaws ✓ Simplifies council’s regulations.
Bill of Rights implications: ✓ Does not give rise to any unjustified implications under the New Zealand Bill of Rights Act 1990.	Bill of Rights implications: • Not applicable.
Fit for future: × Bylaw regulations are already currently redundant compared to Auckland Unitary Plan and legislation.	Fit for future: ✓ The Auckland Unitary Plan will be council’s guiding document to regulate on-site wastewater systems.
Māori impact: ✓ No specific implications for Māori.	Māori impact: ✓ No specific implications for Māori.