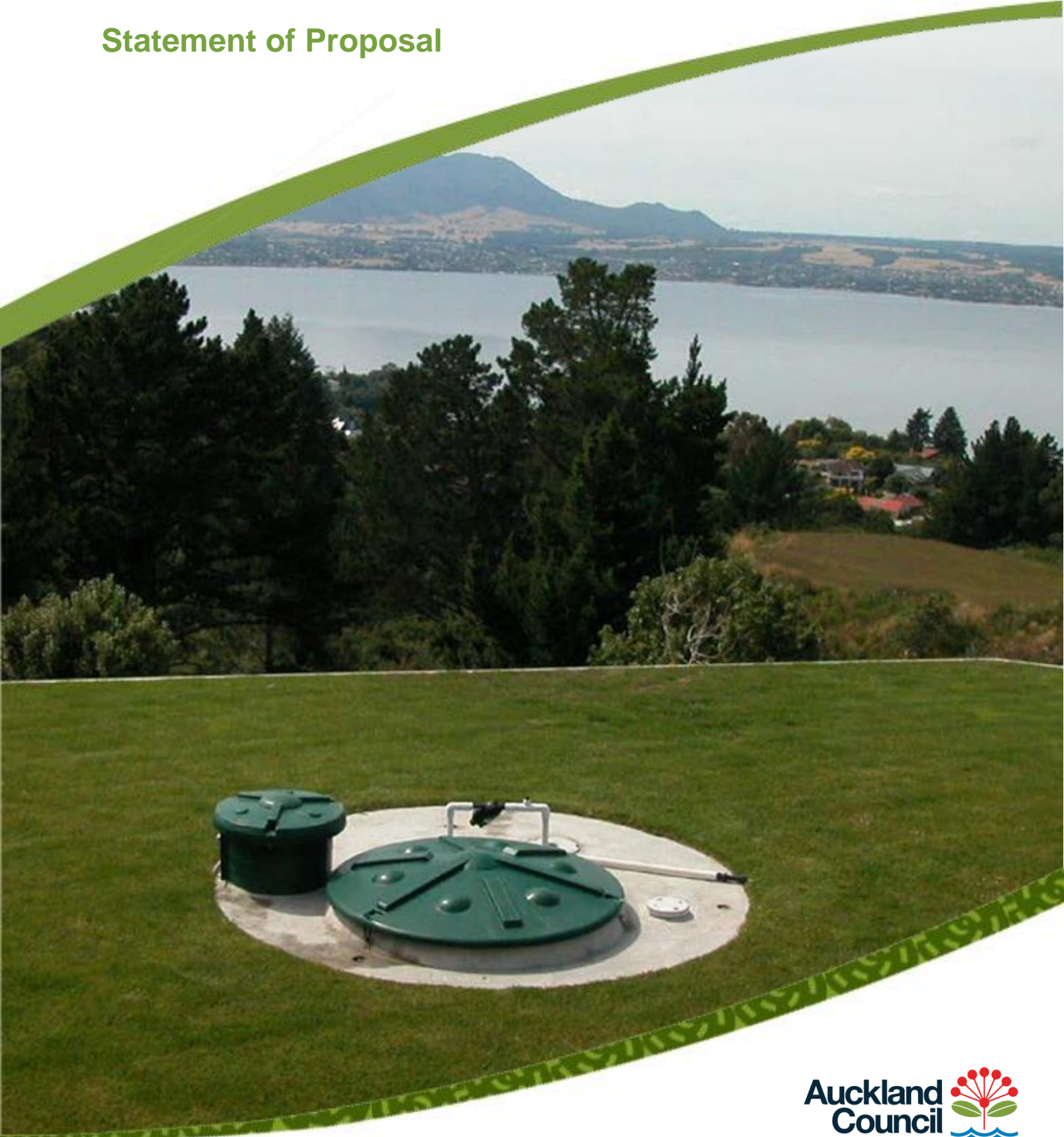


# Revoking redundant legacy bylaws:

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## On-site wastewater legacy bylaws

### Statement of Proposal



# 1

## Have your say

### **What do the legacy on-site wastewater bylaws do?**

The legacy on-site wastewater bylaws were developed by former district councils to ensure that septic tanks and domestic wastewater treatments systems are properly installed and maintained to prevent system failure and pollution.

The bylaws cover the former council areas of:

- North Shore City
- Waiheke
- Rodney District Council
- Papakura District Council

### **Why are these bylaws redundant?**

Now that the Auckland Unitary Plan has become operative, it regulates on-site wastewater systems for the whole Auckland region.

The legacy on-site wastewater bylaws provide no additional regulation and are no longer required. Existing legislation also provides stronger enforcement powers than the legacy bylaws.

### **Are on-site wastewater systems a pollution problem?**

Council has identified that on-site wastewater system failure contributes to the pollution of the region's waterways. The resulting contamination poses significant public health risks and negatively impacts on the ecological health of waterbodies and aquatic life in affected areas.

Council will use the full range of tools available to it to proactively manage this issue. To find out more about what council is doing to address this, check online at

[www.aucklandcouncil.govt.nz/on-site-wastewater-management-bylaw-2015](http://www.aucklandcouncil.govt.nz/on-site-wastewater-management-bylaw-2015)

### **What is Auckland Council's proposal?**

Auckland Council is proposing to revoke the legacy on-site wastewater bylaws. These bylaws have been made redundant by the now operative Auckland Unitary Plan and are no longer required.

### **We want to know what you think**

We want to know what you think about our proposal to revoke the legacy on-site wastewater bylaws. Visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) to find more information, give your feedback and find out where you can drop into a 'have your say' event.

# 2

## How we got here

### **Decisions leading to the proposed changes**

The Local Government Act 2002 requires council to periodically review its bylaws to determine whether they are still needed, effective and efficient.

The council reviewed the legacy on-site wastewater bylaws and reported its findings in May 2018. Key findings from the review included:

- the Auckland Unitary Plan and existing legislation already regulate on-site wastewater systems, and the legacy bylaws provide no additional regulation
- existing legislation has stronger enforcement powers than the legacy bylaws
- on-site wastewater systems are still polluting waterways, but the legacy bylaws are not required to address this issue.

In May 2018 Auckland Council made a decision that the legacy on-site wastewater bylaws are no longer needed.

This statement of proposal was approved for public consultation by the Governing Body in July 2018 to commence the process to revoke the legacy on-site wastewater bylaws.

Go to [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for a copy of the above decision.

# 3

## What would replace the bylaws?

The Auckland Unitary Plan and existing legislation already provide for the rules and regulations stated in the legacy on-site wastewater bylaws.

As a general standard, the Auckland Unitary Plan requires all on-site wastewater systems in the region to have no significant adverse effects on public health, environmental health, water quality or sites significant to mana whenua.

See the table below for an overview of how the Auckland Unitary Plan and existing legislation match the requirements in the bylaws. For a complete breakdown and description visit [www.aucklandcouncil.govt.nz/on-site-wastewater-management-bylaw-2015](http://www.aucklandcouncil.govt.nz/on-site-wastewater-management-bylaw-2015)

<b>Legacy on-site wastewater bylaw rules</b>	<b>Auckland Unitary Plan and existing legislation rules</b>
<b>Design/Installation</b> <ul style="list-style-type: none"><li>All wastewater generated on a site without access to the public sewer system must be disposed on that site</li><li>Owners must get building consent to install an on-site wastewater system</li><li>Only certified drainlayers can install, alter or repair on-site wastewater systems</li></ul>	<b>Design/Installation</b> <ul style="list-style-type: none"><li>All dwellings must have suitable means for the disposal of wastewater. If no sewer access is available, there must be an adequate on-site system for the storage, treatment, and disposal of wastewater</li><li>Owners must get building consent to install an on-site wastewater system</li><li>Drainlaying is a restricted building work and must be carried out by licensed practitioners</li></ul>
<b>Maintenance</b> <ul style="list-style-type: none"><li>Access to the tank and disposal field must be readily available for cleaning and maintaining</li><li>Pump out of the septic tanks must occur at least once every three years</li></ul>	<b>Maintenance</b> <ul style="list-style-type: none"><li>The tank and disposal field must be constructed to provide access for maintenance and clearing blockages</li><li>Pump out is required when sludge and scum levels occupy 50 per cent or more of the tank volume</li></ul>

Legacy on-site wastewater bylaw rules	Auckland Unitary Plan and existing legislation rules
<p><b>Maintenance continued</b></p> <ul style="list-style-type: none"> <li>The system must be maintained and operated in accordance to Technical Publication 58 On-site Wastewater Systems</li> </ul>	<p><b>Maintenance continued</b></p> <ul style="list-style-type: none"> <li>Site investigation procedures, design, installation and operation of the on-site wastewater system must be undertaken in accordance with Technical Publication 58 On-site Wastewater Systems</li> <li>If the system was permitted before the Auckland Unitary Plan became operative, the system must be maintained in accordance to Technical Publication 58 On-site Wastewater Systems, the manufacturer's recommendations or a suitably qualified on-site wastewater service provider's recommendations</li> </ul>
<p><b>Inspection</b></p> <ul style="list-style-type: none"> <li>Records of each pump out must be supplied to council</li> <li>After pump out, enforcement officers may inspect the condition of the system to determine the removal of solids has occurred in a satisfactory manner</li> </ul>	<p><b>Inspection</b></p> <ul style="list-style-type: none"> <li>Records of each maintenance action must be retained and made available on the site for inspection by council</li> <li>Primary treatment (septic tank) and disposal field systems must be inspected at least every three years</li> <li>Secondary/tertiary treatment and disposal field systems must be serviced every six months</li> <li>An enforcement officer may inspect a property to determine rules in the Auckland Unitary Plan are being met</li> </ul>
<p><b>Malfunctioning systems</b></p> <ul style="list-style-type: none"> <li>If an on-site wastewater system is found to be malfunctioning, the owner may be required to clean and repair the system at cost to the owner</li> </ul>	<p><b>Malfunctioning systems</b></p> <ul style="list-style-type: none"> <li>If an on-site wastewater system is found to be malfunctioning, the owner may be required to cease activity and repair and fix any resulting compliance issues at cost to the owner</li> </ul>

# 4

## We want your input

You now have an opportunity to tell us your views.

We want to know what you think about the proposal to revoke the legacy on-site wastewater bylaws.

We are really interested to know whether:

- you agree with the proposal to revoke
- or why you think we should keep the bylaws

### Give us your feedback

Starting on 1 August 2018 through to 31 August 2018 we will be seeking feedback on the proposal to revoke the legacy on-site wastewater bylaws.

You can give your feedback:

- in person at one of our 'have your say' events – visit our website for details
- online at our website [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)

*Online services are available at our libraries.*

*Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.*

Find out more: **phone 09 301 0101**  
or visit **[aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/)**