

## Hearings Panel report on the Proposal to Revoke Legacy On-site Wastewater Bylaws

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### Te take mō te pūrongo / Purpose of the report

1. To determine whether to revoke the legacy on-site wastewater bylaws, as recommended by the Hearings Panel.

### Whakarāpopototanga matua / Executive summary

2. Auckland Council currently has four legacy on-site wastewater bylaws:
  - North Shore City Bylaw 2000
  - Rodney District Council 1998
  - Waiheke Wastewater 2008
  - Papakura District Council Wastewater Bylaw 2008
3. Council completed a statutory review of the bylaws in June 2018 finding that:
  - failing on-site wastewater systems contribute to water pollution and require management
  - the Auckland Unitary Plan and existing legislation already regulate on-site wastewater systems, and the legacy bylaws provide no additional regulation
  - the legacy bylaws are no longer needed to address wastewater pollution problems.
4. On 26 July 2018 the Governing Body adopted a statement of proposal to revoke the bylaws and seek public consultation.
5. The council appointed a Hearings Panel to attend Have Your Say events, deliberate on submissions and make recommendations to the Governing Body on the proposal.
6. Aucklanders were able to make a submission on the proposal from 1 August to 31 August and submissions could be made either online, by post or in person at Have Your Say events.
7. On 24 September 2018 the Hearings Panel deliberated in public and agreed on the proposal to revoke the legacy on-site wastewater bylaws.
8. The Hearings Panel recommends the Governing Body revoke the legacy bylaws as:
  - they are redundant to the unitary plan rules
  - the proposal introduces no new rules and retains status quo
  - there are no cost implications associated with revoking the bylaws.

### Ngā tūtohunga / Recommendations

That the Governing Body:

- a) revoke the following legacy on-site wastewater bylaws with effect 1 November 2018:
  - i) all clauses of the Auckland City Council Bylaws: Bylaw No. 29 (Waiheke Wastewater Bylaw 2008) (i.e. the whole legacy bylaw)
  - ii) residual clauses of the North Shore City Bylaw 2000: Part 20 Wastewater
  - iii) residual clauses of the Rodney District Council General Bylaw 1998: Chapter 20 Wastewater Drainage
  - iv) residual clauses of the Papakura District Council Wastewater Bylaw 2008.

- b) note the collaborative support provided by Healthy Waters, Plans & Places, Engineering & Technical Services and Licensing & Regulatory Compliance
- c) direct staff to utilise opportunities created by the notification of this decision and to raise public awareness of the Auckland Unitary Plan's rules for on-site wastewater systems through the Healthy Waters on-site wastewater management project.

## Horopaki / Context

### The legacy bylaws were intended to be replaced by the Auckland Unitary Plan

9. In October 2015 the Governing Body<sup>1</sup> confirmed the following legacy bylaws to preserve their requirements until the relevant provisions of the then Proposed Auckland Unitary Plan became operative:
  - North Shore City Bylaw 2000
  - Rodney District Council 1998
  - Waiheke Wastewater 2008
  - Papakura District Council Wastewater Bylaw 2008
10. The legacy bylaw provisions were developed by former councils to ensure that septic tanks and domestic wastewater treatment systems are properly installed and maintained to prevent system failure and pollution.

### Statement of Proposal

11. As part of the Local Government Act 2002 requirements, staff completed a statutory review<sup>2</sup> of the legacy bylaws in June 2018 with the conclusion that:
  - failing on-site wastewater systems contribute to water pollution and require management
  - the Auckland Unitary Plan and existing legislation already regulate on-site wastewater systems, and the legacy bylaws provide no additional regulation
  - the legacy bylaws are no longer needed to address wastewater pollution problems.
12. Following the review, the Regulatory Committee instructed staff to prepare a statement of proposal to revoke the bylaws which was then adopted for public consultation by the Governing Body<sup>3</sup> on 26 July 2018. The proposal is provided in **Attachment A**.

### Hearings Panel and public notifications

13. On 12 July 2018, the Hearings Panel was appointed to attend Have Your Say events, deliberate and make recommendations to the Governing Body on the proposal.
14. The proposal was publicly notified in late July 2018 and the public submission period ran for one month from 1 August to 31 August 2018. The council placed public notices in the Barrier Bulletin, Franklin County News, Gulf News, Papakura Courier, Rodney Times, Western Leader, OurAuckland and in various service centres, local board offices and libraries across the region.
15. Council staff directly notified:
  - over 12,000 properties identified as having on-site wastewater systems across the region
  - over 60 external stakeholders including wastewater management contractors, consultants and service providers
  - 20 Auckland iwi and hapū, including three Infrastructure and Environmental Services hui
  - all 21 local boards.

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<sup>1</sup> Resolution number GB/2015/112

<sup>2</sup> "Review of On-site Wastewater Bylaws: Findings Report April 2018"

<sup>3</sup> Resolution number GB/2018/121

16. The submission form asked respondents if they had an on-site wastewater system; if they were aware of the unitary plan rules; if they thought the bylaws should be revoked, and to explain why.
17. Aucklanders were able to make submissions either online, by post, or in person at four Have Your Say events across the region.
18. The council received 141 submissions as well as feedback from 76 attendees at Have Your Say events, 14 iwi and four local boards.
19. On 24 September 2018 the Hearings Panel deliberated in public and agreed on the proposal to revoke the legacy on-site wastewater bylaws. A full summary of submissions is included in the background report to the Hearings Panel in **Attachment B**.

## Tātaritanga me ngā tohutohu / Analysis and advice

### Feedback and deliberations

20. The Hearings Panel considered four topics at public deliberations which are listed in Table 1.

Table 1 – Deliberation topics

| Deliberation topics |                               |
|---------------------|-------------------------------|
| Topic A             | Auckland Unitary Plan         |
| Topic B             | Cost implications of decision |
| Topic C             | Retaining status quo          |
| Topic D             | Education and awareness       |

The following section provides submission insights and panel comments on the topics.

### Topic A – Auckland Unitary Plan

#### Submission insights

21. 41 submissions specifically mentioned the on-site wastewater rules in the unitary plan.
22. 21 submissions reflected a desire to keep the legacy bylaws instead of using the unitary plan rules. Although consultation communications explained that the unitary plan rules are already legislated, there are persistent misperceptions the proposal introduces the unitary plan as new rules.
23. The key concerns submitters had with the unitary plan rules were that:
  - the rules are too stringent, impractical and arbitrary, especially:
    - inspections three yearly for primary systems and six monthly for advanced
    - requiring pump out when the tank is 50 per cent full.
  - “suitably qualified person” for maintenance inspections needs defining
  - the rules are a big stick with no incentives
  - there was no consultation on the on-site wastewater unitary plan rules
  - the “new” rules are not needed as people are responsible.
24. 12 submission agreed with revoking the bylaws and relying on the unitary plan regulations. The reasons were:
  - a need for one standard for systems regionwide
  - a desire to consolidate and simplify regulations
  - the unitary plan covers all regulations in the bylaws.

### ***Panel comments***

25. The proposal introduces no new rules or regulations. Three yearly inspections for primary systems, six monthly inspections for advanced systems and 50 per cent pump out requirements for tanks are all unitary plan regulations and were legislated in 2016.
26. Whether or not the bylaws are revoked, the unitary plan regulations apply to the whole region and can be enforced. Retaining the current bylaws does not absolve residents of their requirements to comply with the unitary plan rules.

## **Topic B – Cost implications of decision**

### ***Submission insights***

27. 17 submissions commented on the cost burdens of revoking the bylaws. Respondents remarked on the “new” maintenance requirements in the unitary plan as too costly and another “money-grabbing scheme” from council.
28. There were also concerns that council’s initiative to create a regionwide database of systems would be too expensive, and that the current consultation was a “fait accompli” and a waste of money as nothing is changing.

### ***Panel comments***

29. As the proposal is not introducing any new regulation, there are no cost implications of revoking the bylaws. Creating a regionwide database is an initiative of the on-site wastewater compliance programme currently being rolled out by Healthy Waters and is funded by the water quality targeted rate.
30. Although the unitary plan rules are already in place and removing the bylaws does not change the regulatory framework, the Local Government Act 2002 s156 requires a special consultative procedure when proposing to revoke bylaws of significant interest to the public.

## **Topic C – Retaining status quo**

### ***Submission insights***

31. 22 submissions wanted to retain the bylaws since the current regulatory framework works well. 12 comments specifically mentioned that council “shouldn’t fix what’s not broken”.
32. There was also support for retaining the legacy bylaws as there is a perception that revoking the bylaws would remove all regulation for on-site wastewater systems and cause “chaos”.
33. Comments also reflected eagerness to keep the Waitākere pump-out scheme and a dedicated on-site wastewater compliance officer on Waiheke. There are concerns that revoking the bylaws will remove both.

### ***Panel comments***

34. The unitary plan provisions have been in place since 2016 and revoking the bylaws does not change the regulatory framework. As the unitary plan rules are not being changed through this process, regulations will retain status quo.
35. The Waitākere pump-out, funded by a targeted rate, currently operates in an area without legacy bylaws and will not be affected if the bylaws are revoked.
36. The legacy Waiheke bylaw does not mention or give power to a dedicated compliance officer. Whether or not the bylaw is revoked will not affect council’s ability to have an officer on Waiheke. It is council’s intent to maintain a compliance officer on Waiheke to help facilitate Healthy Waters’ on-site wastewater compliance programme.

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## Topic D – Education and awareness

### **Submission insights**

37. 14 submissions mentioned a need for more education and increased awareness of maintaining on-site wastewater systems.
38. A proactive reporting mechanism was seen as important for creating and maintaining a central database and reminding users of their obligations. Comments mentioned how council needs to take a role in regularly requesting records as users will not maintain records on their own.

### **Panel comments**

39. The unitary plan requires that all maintenance action must be retained and made available on the site for inspection. This unitary plan rule is currently being used to request records from on-site system users in Piha where there is no legacy on-site wastewater bylaw.
40. The consultation produced opportunity to profile and clarify current on-site wastewater rules and regulations. There is further opportunity to increase public awareness and understanding of regulations through public notification of this decision and in collaboration with messaging from Healthy Waters' on-site wastewater management project.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

41. On 7 December 2017, staff presented to the Local Board Chairs Forum. All interested boards were offered a workshop as part of the bylaw review. Workshops were subsequently conducted with Rodney, Great Barrier, Waitākere Ranges, Franklin and Upper Harbour local boards in February and March 2018.
42. Through consultation on the proposal, local boards were invited to provide written feedback, attend Have Your Say events and participate in a local board workshop with council officers and the Hearings Panel on 28 August 2018. Representatives of Papakura, Māngere-Ōtāhuhu, Albert-Eden, and Hibiscus and Bays local boards attended the workshop.
43. Waiheke and Papakura local boards also provided written feedback on the proposal. Local board feedback from the workshops and submissions were considered during deliberations.

## Tauākī whakaaweawe Māori / Māori impact statement

44. The Schedule of Issues of Significance to Māori in Tāmaki Makaurau highlights the principle of kaitiakitanga, the exercise of guardianship in relation to nature and environmental assets in Auckland.
45. As part of consultation on the proposal, staff sent direct letters to representatives of 20 Auckland iwi and hapū and met with mana whenua at three Infrastructure and Environmental Services hui. Feedback from the hui included:
  - the legacy on-site wastewater bylaws should be revoked
  - the Waiheke compliance scheme should be continued and rolled out regionally
  - point-of-sale disclosures should include on-site wastewater system awareness
  - better oversight is needed to monitor on-site wastewater systems regionally.

## Ngā ritenga ā-pūtea / Financial implications

46. There are no costs associated with revoking the bylaws.
47. The consultation did highlight possible cost implications with increasing awareness and compliance with the unitary plan, but these are unaffected by the decision to revoke the bylaws.

## Ngā raru tūpono / Risks

48. Lack of public awareness on the on-site wastewater unitary plans was identified as a risk before consultation. The misperception still exists that council is proposing to introduce “new” rules through the unitary plan.
49. The notification of this decision and communications from Healthy Waters’ on-site wastewater management project will increase awareness of user obligations under the unitary plan.

## Ngā koringa ā-muri / Next steps

50. If the bylaws are revoked, this will take effect on 1 November 2018.
51. Staff will notify the decision to Aucklanders and develop communications in collaboration with Healthy Waters’ for increasing awareness of the Auckland Unitary Plan rules for on-site wastewater.

## Ngā tāpirihanga / Attachments

| No. | Title  | Page                          |
|-----|--|-------------------------------|
| A   | Legacy On-site Wastewater Bylaws Statement of Proposal   | Infocouncil inserts in agenda |
| B   | Background Report for the Hearing Deliberations on the Proposal to Revoke Legacy On-site Wastewater Bylaws | Infocouncil inserts in agenda |

## Ngā kaihaina / Signatories

|             |                                |
|-------------|--------------------------------|
| Authors     | Councillour Dr Cathy Casey     |
| Authorisers | Stephen Town – Chief Executive |

# **ATTACHMENT A**

## **LEGACY ON-SITE WASTEWATER BYLAWS STATEMENT OF PROPOSAL**

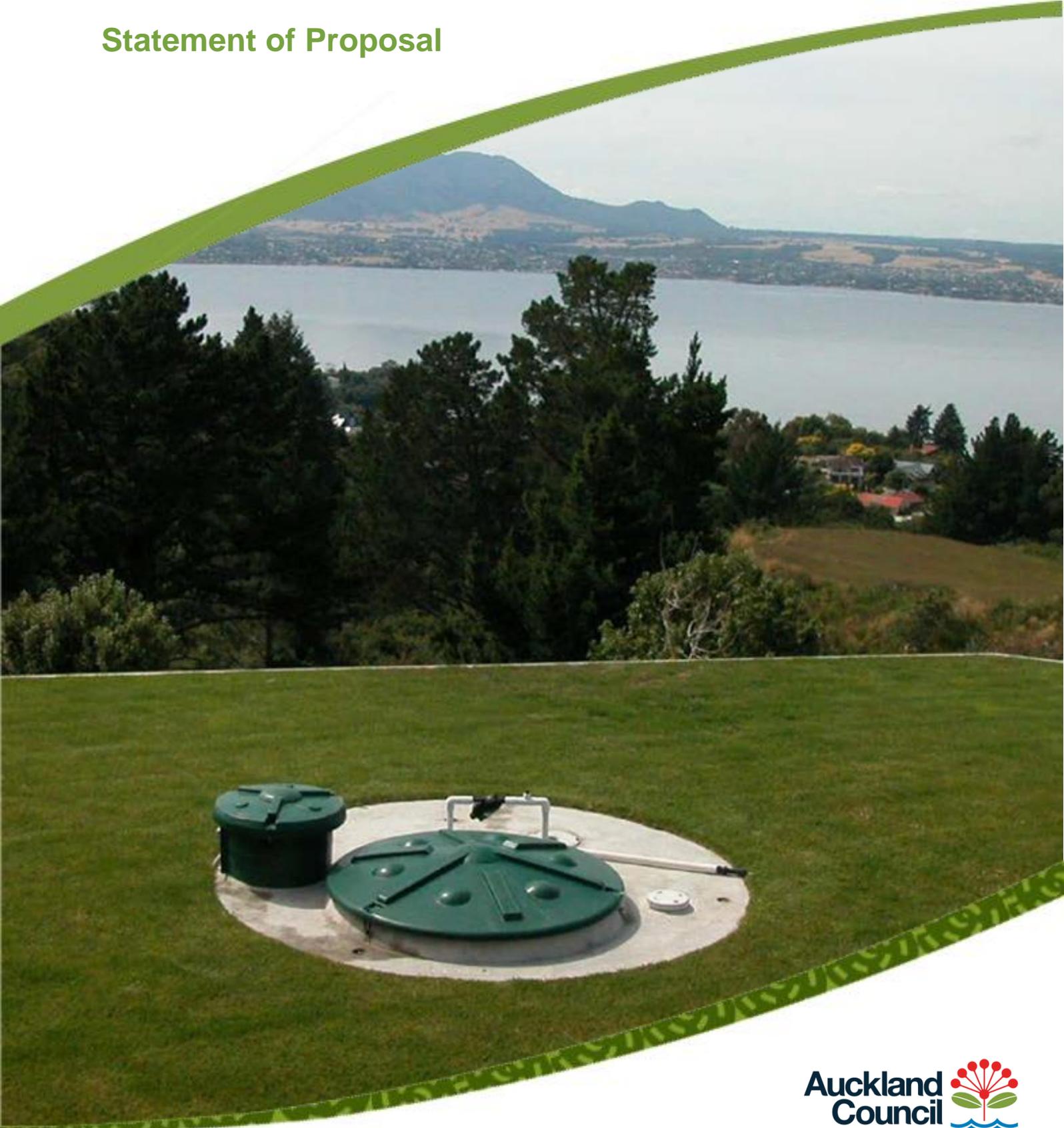


# Revoking redundant legacy bylaws:

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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 by searching 'on-site wastewater bylaws' at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

### 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/haveyoursay](http://www.aucklandcouncil.govt.nz/haveyoursay) 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/haveyoursay](http://www.aucklandcouncil.govt.nz/haveyoursay) 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 see the “Findings Report: Review of On-site Wastewater Bylaws” on

[www.aucklandcouncil.govt.nz/haveyoursay](http://www.aucklandcouncil.govt.nz/haveyoursay)

| <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/haveyoursay](http://www.aucklandcouncil.govt.nz/haveyoursay)

*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**  
**Email [onsitewastewater@aucklandcouncil.govt.nz](mailto:onsitewastewater@aucklandcouncil.govt.nz)**  
or visit **[aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/)**



## **ATTACHMENT B**

### **BACKGROUND REPORT FOR THE HEARING DELIBERATIONS ON THE PROPOSAL TO REVOKE LEGACY ON-SITE WASTEWATER BYLAWS**



## Background Report for the Hearing Deliberations on the Proposal to Revoke Legacy On-site Wastewater Bylaws

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### Te take mō te pūrongo / Purpose of the report

1. To assist the Hearings Panel on deliberations by providing background information and a summary of the submissions and feedback received during public consultation on the proposal to revoke legacy on-site wastewater bylaws.

### Whakarāpopototanga matua / Executive summary

2. On 26 July 2018, the Governing Body adopted the “Legacy On-site Wastewater Bylaws Statement of Proposal” (the proposal) for public consultation.
3. On 12 July 2018, the Regulatory Committee appointed a Hearings Panel (the panel) to attend Have Your Say events, deliberate and make recommendations to the Governing Body on the proposal.
4. The proposal recommends revoking the legacy on-site wastewater bylaws as they have been made redundant by the on-site wastewater provisions in the Auckland Unitary Plan and other legislation.
5. The proposal is not introducing any new measures or regulations.
6. The proposal was publicly notified at the end of July 2018 and the submission period ran from 1 August to 31 August 2018.
7. At the close of the submission period, council had received 141 written submissions and verbal feedback from 76 Have Your Say event attendees. In addition, four local boards and 14 iwi also provided written and oral feedback.
8. One late submission was received on 1 September 2018.
9. Submissions focussed on the Auckland Unitary Plan, keeping current regulations, cost concerns, education, awareness, focussing regulation at a local level and enforcement.
10. Matters raised in submissions have been categorised into seven themes. For each of these themes this report summarises the matters raised by submitters and provides, where appropriate, brief staff comments for the Hearings Panel to consider. Staff comments are not intended to represent any position of the Hearings Panel.

### Ngā tūtohunga / Recommendations

That the Hearings Panel:

- a) receive the background report for the hearing deliberations on the proposal to revoke legacy on-site wastewater bylaws
- b) consider the 141 written submissions on the proposal to revoke legacy on-site wastewater bylaws
- c) consider verbal and written feedback from four Have Your Say events, three Infrastructure and Environmental Services hui, and a local board workshop on the proposal to revoke legacy on-site wastewater bylaws
- d) accept one late submission received on 1 September 2018
- e) make recommendations to the Governing Body on the proposal to revoke the legacy on-site wastewater bylaws.

## Horopaki / Context

### Statement of proposal to revoke legacy on-site wastewater bylaws

11. On 26 July 2018, Governing Body adopted the “Legacy On-site Wastewater Bylaws Statement of Proposal” (the proposal) for public consultation to confirm the revocation of the legacy on-site wastewater bylaws<sup>1</sup>.
12. The legacy bylaw provisions were developed by former councils to ensure that septic tanks and domestic wastewater treatment systems are properly installed and maintained to prevent system failure and pollution. The legacy bylaws are:
  - North Shore City Bylaw 2000
  - Rodney District Council 1998
  - Waiheke Wastewater 2008
  - Papakura District Council Wastewater Bylaw 2008
13. The statement of proposal addresses the findings of the bylaw review<sup>2</sup> that:
  - failing on-site wastewater systems contribute to water pollution and require management
  - the Auckland Unitary Plan and existing legislation already regulate on-site wastewater systems, and the legacy bylaws provide no additional regulation
  - the legacy bylaws are no longer needed to address wastewater pollution problems.

### Role of Hearings Panel

14. On 12 July 2018, the Hearings Panel was appointed<sup>3</sup> to attend Have Your Say events, deliberate and make recommendations to the Governing Body on the proposal to revoke the legacy on-site wastewater bylaws.
15. Sections 82 and 83 of the Local Government Act 2002 provide the following:
  - affected and interested persons should be given an opportunity to present their views to the council, and to receive relevant information
  - the council must receive the views from submitters with an open mind and give them due consideration
  - the council can consider or request comment or advice from staff or any other person to assist them in making a decision
  - submitters should receive information on the decisions made and reasons
  - meetings to hear and deliberate on submissions are to be public except as provided by Part VII of Local Government Official Information and Meetings Act 1987.
16. In addition to the specific criteria noted above, the Hearings Panel must ensure that it complies with the general principles of decision making pursuant to section 76 of the Local Government Act 2002 and the decision-making requirements set out in the rest of that subpart of the Local Government Act 2002. These requirements cover:
  - identifying and assessing options
  - considering the views and preferences of affected or interested people
  - identifying and explaining any decisions inconsistent with any council policy or plan
  - providing Māori with the opportunity to contribute
  - ensuring compliance with the principles of consultation
  - the nature and significance of the decision.

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<sup>1</sup> GB/2018/121

<sup>2</sup> “Review of On-site Wastewater Bylaws: Findings Report April 2018”

<sup>3</sup> REG/2018/52

### **Special consultative procedure**

17. The proposal was identified as having significant interest to the public and following statutory requirements,<sup>4</sup> the special consultative procedure was implemented.
18. The public was notified of the proposal with a submission period of one month from 1 August to 31 August 2018.
19. Public notification of the proposal included:
  - emails to over 12,000 properties identified as having on-site wastewater systems across the region
  - emails to 60 external stakeholders including wastewater management contractors, consultants and service providers across Auckland
  - a public notice in the Barrier Bulletin, Franklin County News, Gulf News, Papakura Courier, Rodney Times and Western Leader
  - a memo to all local boards
  - letters to 60 Auckland iwi
  - a notice in OurAuckland's online and printed publication
  - a presentation at the Community of Practice -On-site Wastewater Management event at Auckland Town Hall on 17 August 2018
  - posters and flyers advertising the consultation in various service centres, local board offices and libraries across the region.

### **Have Your Say events**

20. Aucklanders were able to make a submission either online, by post, or in-person at Have Your Say events.
21. Have Your Say events were drop-in opportunities for the public to learn more about the proposal, ask questions of council officers, provide feedback to the panel, and make in-person submissions. Events were held at:
  - Waiheke Surfdale Hall, Saturday 11 August
  - Warkworth Masonic Hall, Saturday 18 August
  - Pukekohe Town Hall, Thursday 23 August
  - Piha Barnett Hall, Saturday 25 August
22. See **Appendix 2** for a breakdown of feedback received from Have Your Say events.

### **Māori engagement**

23. Māori were notified of the proposal with direct letters to 60 Auckland iwi as well as engagement with the Infrastructure and Environmental Services Forum which represents 14 iwi across Auckland.
24. Engagement at the Infrastructure and Environmental Service huis included:
  - Presentation and introduction to the proposal (Friday, 13 July)
  - Full consultation and feedback session (Friday, 10 August)
  - Focus group feedback session (Wednesday, 22 August)
  - Follow-up one-on-one meetings with those unable to attend the huis.

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<sup>4</sup> Local Government Act 2002 s86 and s156

25. See **Appendix 3** for a breakdown of feedback received from the Infrastructure and Environmental Services Forum.

### Local Board engagement

26. All local boards were consulted in February and March 2018 as part of completing the “Review of On-site Wastewater Bylaws: Findings Report April 2018” which contributed to the proposal.
27. In addition to being invited to the Have Your Say events, all local boards were invited to further consultation at a local board workshop with council officers and the panel at Auckland Town Hall on 28 August.
28. See **Appendix 4** for a breakdown of feedback received from local boards.

## Tātaritanga me ngā tohutohu / Analysis and advice

### Consultation reach

29. The consultation aimed to hear from a mixture of areas with and without legacy on-site wastewater bylaws, as well as from areas with a high prevalence of on-site wastewater systems (Rodney, Waitākere Ranges, Waiheke, Franklin, Great Barrier).
30. Council received 141 written submissions during the consultation period. 134 were submitted via council’s online portal, three were posted, and four were emailed directly to the onsitewastewater inbox.
31. The Have Your Say events provided verbal feedback from 76 attendees. 23 attendees came to events in areas without legacy on-site wastewater bylaws (Pukekohe and Piha) while 53 came to events in areas with legacy bylaws (Warkworth and Waiheke).
32. Of the combined written submissions and verbal feedback from Have Your Say events, the majority came from areas currently with legacy on-site wastewater bylaws as well as areas with higher prevalence of on-site wastewater systems, achieving the reach objective. Figures 1 and 2 show these results.

Figure 1 – Reach based on areas with bylaws

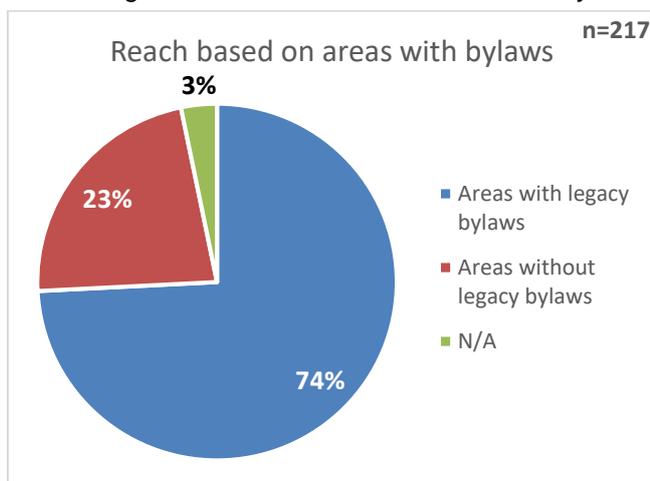
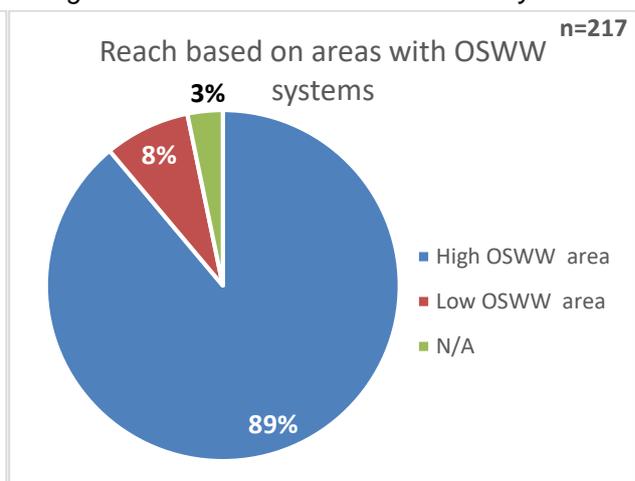


Figure 2 – Reach based on areas with systems



Note: Results not exact as the legacy bylaws govern former council areas not aligned with current local board areas.

**Written submission demographics**

33. Figures 3, 4 and 5 show the age, gender, ethnicity and local board area of those who marked their demographics in the 141 written submissions received.

Figure 3 – Age and gender of respondents

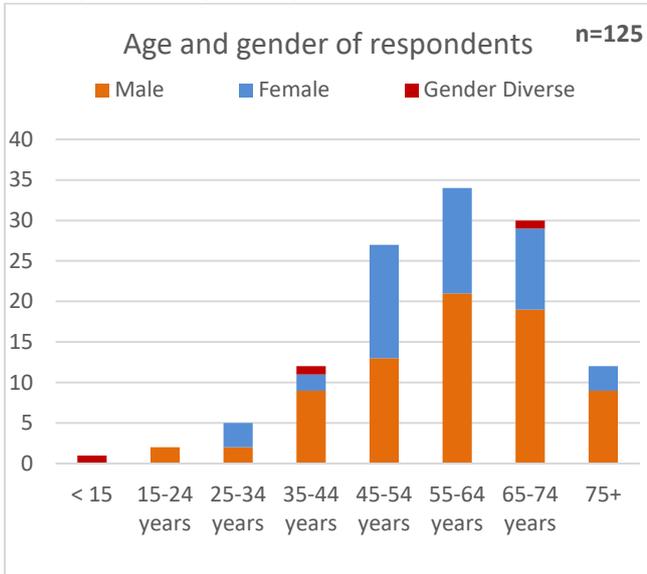


Figure 4 – Ethnicity of respondents

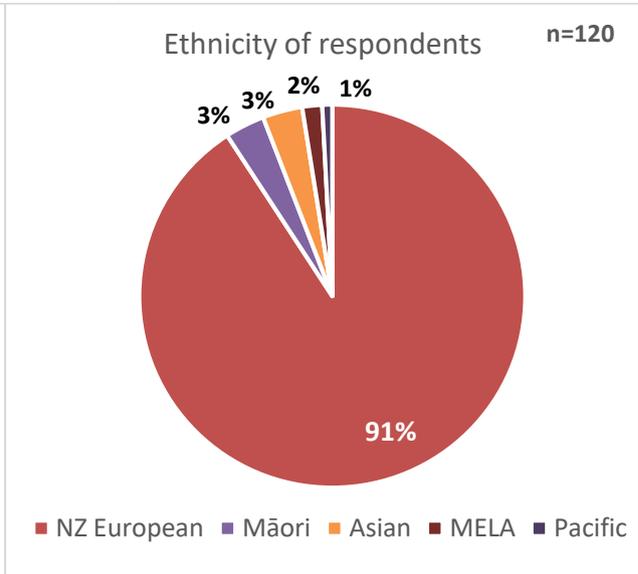
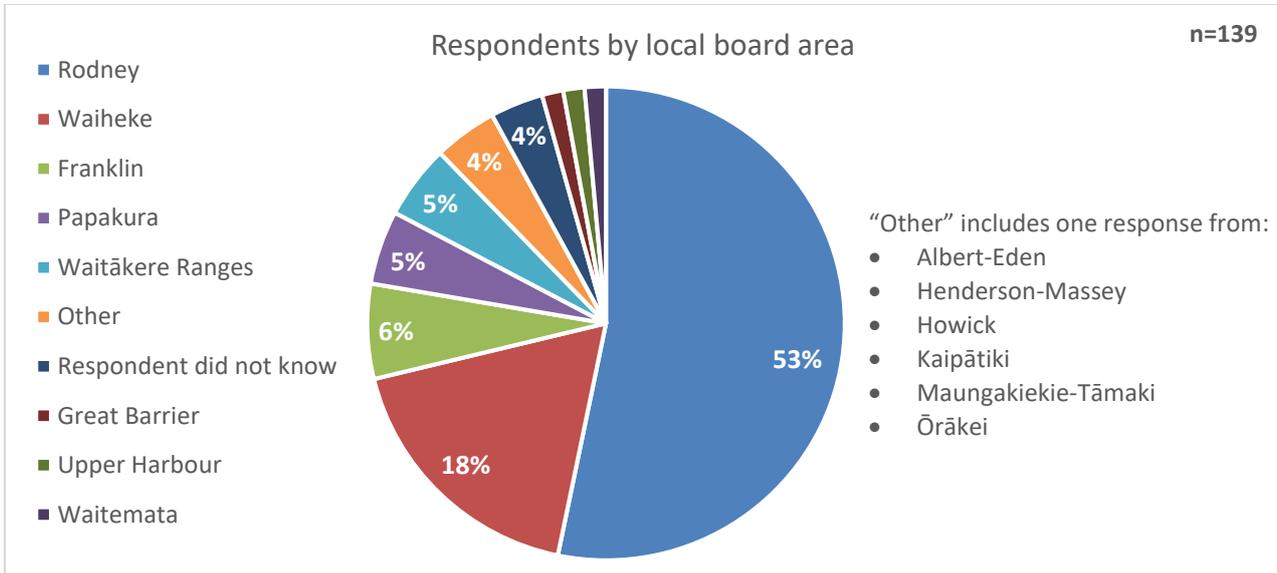


Figure 5 – Respondents by local board area



Note: Local boards listed in order of frequency of responses

### Unitary plan awareness

34. Respondents were asked if they used an on-site wastewater system as well as if they were aware of the unitary plan rules. Results are shown in Figures 6 and 7 below.

Figure 6 – Respondents who use on-site wastewater

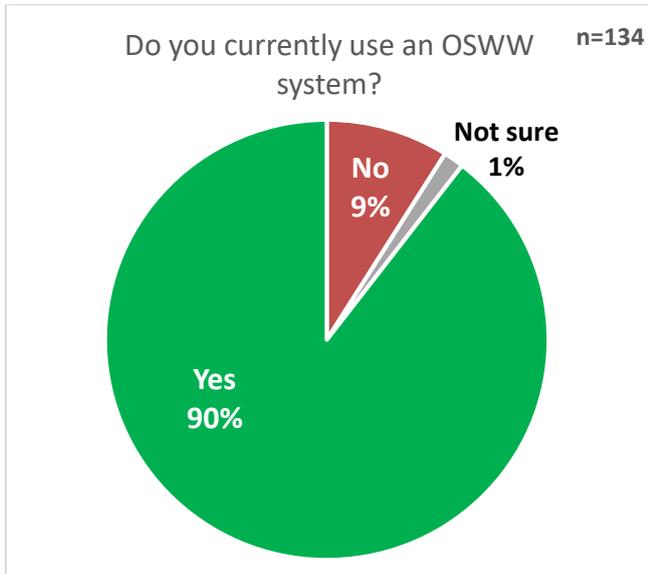
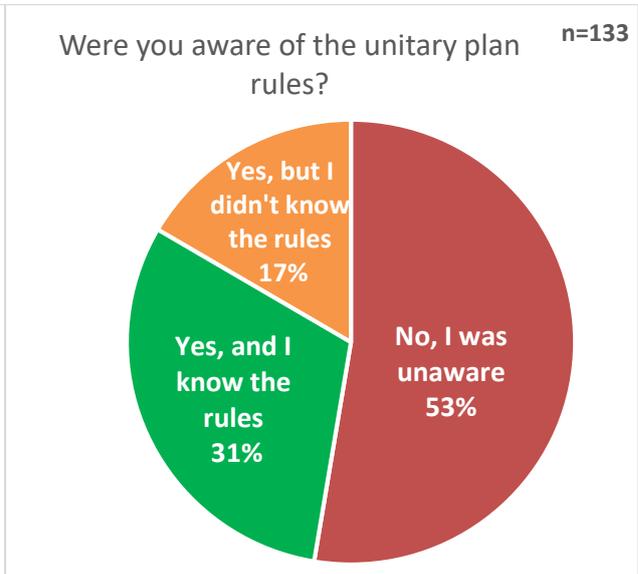


Figure 7 – Respondents aware of the unitary plan

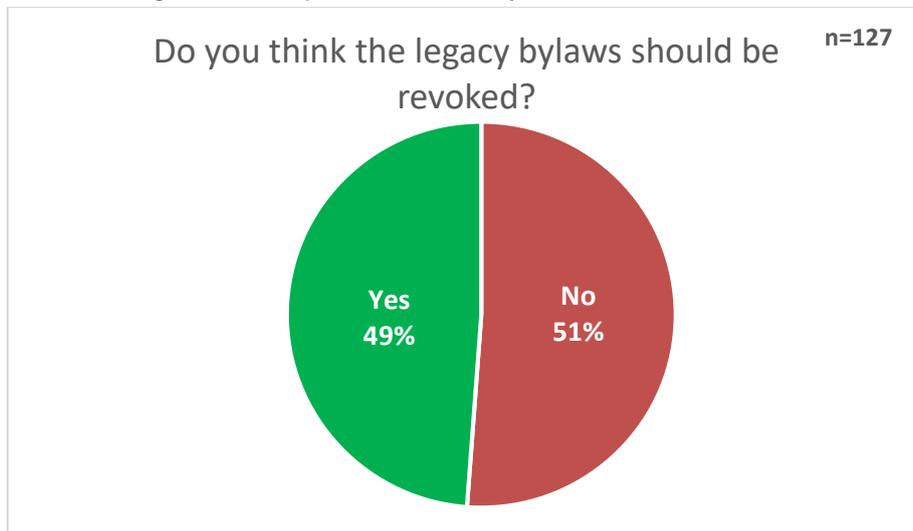


35. The results showed that 90 per cent of the respondents use an on-site wastewater system, but only 31 per cent of the respondents were aware of the current on-site wastewater unitary plan regulations legislated in 2016.

### To revoke or not

36. Respondents were asked if they thought the legacy bylaws should be revoked and the results were nearly even split. 65 responded to keep the bylaws and 62 responded to revoke them as demonstrated in Figure 8.

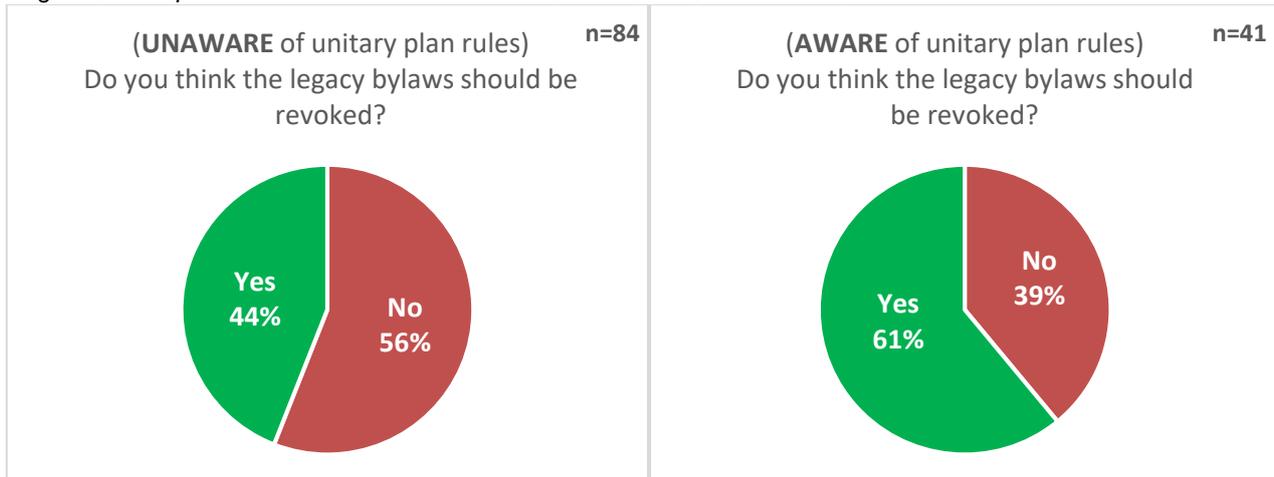
Figure 8 – Responses to if the bylaws should be revoked



37. There was no significant difference in the response to revoke the bylaws based either on which local board area respondents reside or whether they are in areas with legacy bylaws.

38. However, there was a significant difference in responses to revoke the bylaws based on whether the respondents are aware of the unitary plan rules or not. Of those who are unaware of the unitary plan rules, the majority responded to keep the bylaws while those who are aware of the unitary plan rules responded in the majority to revoke the bylaws. Figures 9 and 10 show this difference.

Figure 9 – Responses from those unaware of the UP rules      Figure 10 – Responses from those aware of the UP rules



39. Council also received submissions from several organisations. Although this data has been included in earlier graphs, the below shows their individual responses.

**Revoke**

- A Rated Waste Water Services Ltd
- Enviro Water (wastewater services)
- Point Wells Community & Ratepayers Assoc.
- Sandspit Residents & Ratepayers Assoc.

**Do NOT revoke**

- CBC Wastewater (Waiheke consulting firm)
- Greenacres Waiheke (wastewater services)
- Waiheke Resources Trust

**Themes of written submission comments**

40. Submitters were given the opportunity to elaborate in an open comment form on why they responded to revoke the bylaws or not. Not all submissions had comments.
41. **Appendix 1** shows a breakdown of the themes and frequency of response.

**Theme One: Auckland Unitary Plan**

42. The majority of submissions, 41 total, had comments regarding the Auckland Unitary Plan.

**Comments opposed to the unitary plan rules**

43. 21 submissions reflected a desire to keep the legacy bylaws instead of using the unitary plan rules. Although consultation communications explained the unitary plan rules are already legislated, the misperception persists that the proposal is introducing the unitary plan as new rules.
44. The key concerns submitters had with the unitary plan rules were that:
- the rules are too stringent, impractical and arbitrary, especially:
    - inspections three yearly for primary systems and six monthly for advanced
    - requiring pump out when tank 50 per cent full.
  - “suitably qualified person” for maintenance inspections needs defining
  - the rules are a big stick with no incentives
  - there was no consultation on the on-site wastewater unitary plan rules
  - the “new” rules are not needed as people are responsible.

45. Some submitters suggested that the unitary plan rules should only apply to new systems, and the bylaws should be retained until the unitary plan is updated.
46. There were also concerns on how the unitary plan will be enforced. Perception exists that there will be rampant on-site inspections by council as well as requiring everyone using on-site systems to connect to public wastewater lines.

### **Comments favouring the unitary plan rules**

47. 12 submission comments agreed with revoking the bylaws and relying on the unitary plan regulations. The reasons were:
  - a need for one standard for systems regionwide
  - a desire to consolidate and simplify regulations
  - the pump out requirement when tank 50 per cent full is better than three yearly
  - the unitary plan covers all regulations in the bylaws.
48. Some in favour of the unitary plan rules over the bylaws wanted to make sure that the prosecution powers of the bylaws were retained in the unitary plan and that on-site inspections be made mandatory.

### **Staff Comments**

49. The proposal is introducing no new rules or regulations. Three yearly inspections for primary systems, six monthly inspections for advanced systems and 50 per cent pump out requirements for tanks are all unitary plan regulations and were legislated in 2016.
50. Whether or not the bylaws are revoked, the unitary plan regulations apply to the whole region and can be enforced. As the legacy bylaws and unitary plan on-site wastewater provisions are not contradictory, both can currently be enforced. For example, Waiheke residents are currently obligated to have their tanks pumped out three yearly under the bylaw as well as when 50 per cent full under the unitary plan.
51. It is also important to note the unitary plan provides provisions for how to design, install, and maintain on-site wastewater systems. It does not prohibit on-site wastewater systems.

### **Theme Two: System works well now, don't change**

52. 22 submissions commented to not revoke the bylaws since the current regulatory framework works well. 12 comments specifically mentioned council shouldn't fix what's not broken.
53. There were also comments to retain the legacy bylaws as there is perception that revoking the bylaws would remove all regulation for on-site wastewater systems and cause chaos. There was also a suggestion to keep the bylaws until everyone is on reticulation.
54. Comments also reflected eagerness to keep the Waitākere pump-out scheme and a dedicated on-site wastewater compliance officer on Waiheke. There are concerns that revoking the bylaws will remove both.
55. And there was also concern that if the bylaws are revoked, older systems would no longer be permitted, and users would be required to upgrade their systems.

### **Staff Comments**

56. The Waitākere pump-out, funded by a targeted rate, currently operates in an area without legacy bylaws and will not be affected if the bylaws are revoked.
57. The legacy Waiheke bylaw does not mention or give power to a dedicated compliance officer. Whether or not the bylaw is revoked will not affect council's ability to have an officer on Waiheke. It is council's intent to maintain a compliance officer on Waiheke to help facilitate the on-site wastewater compliance programme funded by the water quality targeted rate being rolled out by Healthy Waters.

### Theme Three: Cost concerns

58. 17 submissions commented on the cost burdens of revoking the bylaws. Respondents remarked on the “new” maintenance requirements in the unitary plan being too costly to comply and another “money grabbing scheme” from council.
59. There were also concerns that creating a central database of systems would be too expensive, and that the current consultation was a “fait accompli” and a waste of money as nothing is changing.

#### Staff comments

60. As the proposal is not introducing any new regulation, there are no cost effects of revoking the bylaws. Creating a central database is an initiative of the on-site wastewater compliance programme being rolled out by Healthy Waters and funded by the water quality targeted rate.
61. Although the unitary plan rules are already in place and removing the bylaws does not change the regulatory framework, the Local Government Act 2002 s156 requires a special consultative procedure when proposing to revoke bylaws of significant interest to the public.

### Theme Four: Education and awareness

62. 14 submissions had comments mentioning a need for more education and increased awareness of on-site wastewater systems.
63. Having a proactive reporting mechanism was seen as important to creating and maintaining a central database and reminding users of their obligations. Comments mentioned how council needs to take a role in regularly requesting records as users will not maintain records on their own.
64. Comments also suggested that on-site systems should be required on property files (LIM reports) and notified during point of sale to increase awareness.

#### Staff comments

65. Although the Papakura and Waiheke bylaws require pump out records to be sent to council proactively, the unitary plan requires that *all* maintenance action must be retained and made available on the site for inspection, not just pump-out records.
66. The proactive reporting scheme and creation of a central database are being executed under the powers of the unitary plan. This compliance programme is currently being trialled in Piha where there is no existing on-site wastewater bylaw.
67. The statutory requirements for a land information memorandum (LIM) are currently detailed in s44A of the Local Government Official Information and Meetings Act 1987. The section includes requirements that “private sewerage drains”, whether the land is supplied with drinking water, and any building consents attached to the property be reported. All on-site wastewater systems are required to have a building consent.

### Theme Five: Keep regulation focus local

68. There were five comments that “one size does not fit all” and the bylaws need to be retained as the unitary rules are not representative of all uses, i.e. baches, rural homes. There were a further three comments that the Rodney Local Board area should not be part of the supercity and the unitary plan rules shouldn’t apply to that area.

#### Staff comments

69. The unitary rule provisions have applied to the entire region since 2016. Whether or not the bylaws are revoked, the unitary plan provisions will still apply to the whole region.

### Theme Six: Council should fix other problems first

70. 7 comments reflected how council should be focussing on fixing other problems first such as Watercare’s wastewater network and public roads.

### Theme Seven: Enforcement

71. There were 4 comments mentioning that council should focus on enforcing the rules already in place.

#### Other

72. There was one comment suggesting that the Waitākere pump-out scheme should be reviewed for effectiveness and one comment recommending that electric on-site wastewater systems are banned. These are both out of scope for recommendations on the proposal.

### Ngā koringa ā-muri / Next steps

73. Staff will prepare a report from the Hearings Panel to the Governing Body to recommend whether the Governing Body should revoke the legacy on-site wastewater bylaws.

### Ngā kaihaina / Signatories

|             |  |
|-------------|--|
| Authors     | Maclean Grindell – Policy Analyst, Social Policy & Bylaws  |
| Authorisers | Mike Sinclair – Policy Manager, Social Policy & Bylaws<br>Debbie Edwards – Senior Policy Manager, Affordable Housing |

## Appendix 1 – Themes from written submissions

| Themes from submissions the bylaws   | Frequency |
|--|-----------|
| <p style="text-align: center;"><b><u>Auckland Unitary Plan</u></b></p> <ul style="list-style-type: none"> <li>➤ One standard needed for systems (5)</li> <li>➤ 3 yearly and 6 monthly inspections impractical/arbitrary/too stringent (5) <ul style="list-style-type: none"> <li>➤ “Suitably qualified person” in unitary plan needs defining (4)</li> <li>➤ Don’t come in with big stick (unitary plan)/ incentives needed (3)</li> <li>➤ Unaware of unitary plan rules/ not consulted on unitary plan (3)</li> <li>➤ Requirements for pump out when 50% does not work/ arbitrary (3)</li> </ul> </li> <li>➤ Don’t need additional rules (unitary plan), people are responsible (2) <ul style="list-style-type: none"> <li>➤ New rules (unitary plan) too stringent (2)</li> <li>➤ Too many regulations currently (2)</li> </ul> </li> <li>➤ New rules (unitary plan) should only apply to new systems (2) <ul style="list-style-type: none"> <li>➤ As long as retains same prosecution powers as bylaws (2) <ul style="list-style-type: none"> <li>➤ Don’t want on-site inspections (2)</li> <li>➤ Don’t revoke bylaws until unitary plan updated (1)</li> </ul> </li> </ul> </li> <li>➤ 50% full pump out requirement better than 3 yearly pump out (1)</li> <li>➤ Unitary plan will force people to connect to sewer lines (1) <ul style="list-style-type: none"> <li>➤ Not clear how unitary plan will be enforced (1) <ul style="list-style-type: none"> <li>➤ Inspections should be mandatory (1)</li> </ul> </li> <li>➤ Unitary plan covers all bylaw regulations (1)</li> </ul> </li> </ul> | <b>41</b> |
| <p style="text-align: center;"><b><u>System works well now</u></b></p> <ul style="list-style-type: none"> <li>➤ Don’t fix what’s not broken (12)</li> <li>➤ Don’t force to upgrade to advanced systems (3) <ul style="list-style-type: none"> <li>➤ Need Waiheke compliance officer (2)</li> </ul> </li> <li>➤ Keep regulation or no one will maintain their tanks (2) <ul style="list-style-type: none"> <li>➤ Don’t get rid of Waitākere pump out (2)</li> <li>➤ Keep bylaws until everyone on reticulation (1)</li> </ul> </li> </ul>   | <b>22</b> |
| <p style="text-align: center;"><b><u>Cost concerns</u></b></p> <ul style="list-style-type: none"> <li>➤ Maintenance requirements too costly (8)</li> <li>➤ Money grabbing scheme from council (7) <ul style="list-style-type: none"> <li>➤ Central database too costly (1)</li> </ul> </li> <li>➤ Doesn’t change anything/ waste of money (1)</li> </ul>   | <b>17</b> |
| <p style="text-align: center;"><b><u>Education and awareness</u></b></p> <ul style="list-style-type: none"> <li>➤ Proactive maintenance reporting required (5)</li> <li>➤ System should be required on property file/ LIM/ point of sale (3) <ul style="list-style-type: none"> <li>➤ As long as council notifies people of obligations (2) <ul style="list-style-type: none"> <li>➤ Education needed (2)</li> </ul> </li> </ul> </li> <li>Central database needed (2)</li> </ul>  | <b>14</b> |

|  |                 |
|--|-----------------|
| <p style="text-align: center;"><b><u>Keep regulation focus local</u></b></p> <ul style="list-style-type: none"> <li>➤ One size does not fit all (5)</li> <li>➤ No supercity/ Rodney should be independent (3)</li> </ul>           | <p><b>8</b></p> |
| <p style="text-align: center;"><b><u>Council should fix other problems first</u></b></p> <ul style="list-style-type: none"> <li>➤ Fix council/ Watercare system first (4)</li> <li>➤ Bigger problems to fix (roads) (3)</li> </ul> | <p><b>7</b></p> |
| <p style="text-align: center;"><b><u>Enforcement</u></b></p> <ul style="list-style-type: none"> <li>➤ Enforcement needed (4)</li> </ul>  | <p><b>4</b></p> |
| <p style="text-align: center;"><b><u>Other</u></b></p> <ul style="list-style-type: none"> <li>➤ Review Waitākere pump out effectiveness (1)</li> <li>➤ Ban electric systems (1)</li> </ul>   | <p><b>2</b></p> |

## Appendix 2 – Have Your Say Event feedback

### Have Your Say events summary

- Feedback received at the Have Your Say events mostly echoed what was highlighted in the written submissions. The majority of attendees came to the events to vocalise their concerns that either:
  - council is outlawing on-site wastewater systems
  - compliance with the “new rules” in the unitary plan is too difficult.
- Many attendees were unaware that the unitary plan rules were already in place and expressed disappointment that they had not been consulted on the rules.
- Some Waiheke residents remarked on wanting to ensure that the proactive reporting scheme continues with a designated compliance officer for Waiheke.

| Have Your Say Event feedback   |   |   |
|--|---|---|
| <b>Waiheke, Surfdale Hall, Saturday, August 11 (Attendance - 28)</b>   |   |   |
| <ul style="list-style-type: none"> <li>• The unitary plan regulations are not as strong as the legacy bylaw in regard to septic tanks. Provides little protection to the environment.</li> </ul>           | <ul style="list-style-type: none"> <li>• Concern over cost of inspections and that inspectors will come onto property unannounced.</li> </ul>                     | <ul style="list-style-type: none"> <li>• In legacy bylaw it states that we have to have council officers who can enforce the rules. There is a concern there is no such delegated authority in the unitary plan rules.</li> </ul> |
| <ul style="list-style-type: none"> <li>• With 50% pump out levels, septic tanks will be damaged and unusable. 50% is too high, should be 30% or 40%.</li> </ul>  | <ul style="list-style-type: none"> <li>• The bylaw should bind the council to enforce the maintenance and compliance of systems.</li> </ul>                       | <ul style="list-style-type: none"> <li>• Prefer timeframe pump outs rather than sludge level triggers. The current legacy 3-year cycle works. If it isn't broke don't fix it</li> </ul>   |
| <ul style="list-style-type: none"> <li>• We shouldn't be forcing people into aeration systems from septic tanks if they don't have to - concerned the new standards will mean this happens.</li> </ul>     | <ul style="list-style-type: none"> <li>• Wording in the unitary plan is problematic - what does a suitably qualified person mean? Needs to be clearer.</li> </ul> | <ul style="list-style-type: none"> <li>• There is a concern that council is outlawing septic tanks.</li> </ul>  |
| <b>Warkworth, Masonic Hall, Saturday, August 18 (Attendance - 25)</b>  |   |   |
| <ul style="list-style-type: none"> <li>• People don't think about this issue and need to be aware of their responsibilities - we need inspection, monitoring and a strong compliance programme.</li> </ul> | <ul style="list-style-type: none"> <li>• What costs can contractors charge for installation and maintenance work - will there be a cap on these costs?</li> </ul> | <ul style="list-style-type: none"> <li>• Will contractors have to go through training/licencing by council to meet minimum standards - some sort of certification?</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Concerned with additional costs to people with new rules</li> </ul>   | <ul style="list-style-type: none"> <li>• Six months is too expensive and too onerous</li> </ul>   | <ul style="list-style-type: none"> <li>• With city of growth septic tanks are no longer viable - need decent infrastructure development.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Too many rates</li> </ul>   | <ul style="list-style-type: none"> <li>• This is all just fait accompli - you've already put everything in the UP so why are you here?</li> </ul>                 | <ul style="list-style-type: none"> <li>• Wastewater should be council's job</li> </ul>  |

| <b>Pukekohe, War Memorial Hall, Thursday, August 23 (Attendance – 10)</b>  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>Worried about the new laws and inspections being brought in and cost of complying with the unitary plan.</li> </ul> | <ul style="list-style-type: none"> <li>There are predicted 60,000 properties with septic tanks but there is no database - how is this going to be fixed</li> </ul> | <ul style="list-style-type: none"> <li>If it is voluntary to register/enter details/ send in records about your system, then people won't do it.</li> </ul> |
| <b>Piha, Barnett Hall, Saturday, August 25 (Attendance - 13)</b>   |  |   |
| <ul style="list-style-type: none"> <li>Concerns over how the proposal effects the Waitākere pump out scheme. Don't want the scheme to end.</li> </ul>      | <ul style="list-style-type: none"> <li>Support what you are doing - it will fix the problem</li> </ul>   | <ul style="list-style-type: none"> <li>What is council doing to protect against climate change in regard to OSWW systems?</li> </ul>                        |
| <ul style="list-style-type: none"> <li>This is a money grabbing scheme</li> </ul>  | <ul style="list-style-type: none"> <li>Bulk contract will be cheaper - prefer targeted rate.</li> </ul>  | <ul style="list-style-type: none"> <li>Concern council is going to start charging people for inspections</li> </ul>   |

## Appendix 3 – Infrastructure and Environmental Services Forum feedback

### Infrastructure and Environmental Services consultation summary

- The Infrastructure and Environmental Services Mana Whenua hui agree the legacy on-site wastewater bylaws should be revoked.
- Feedback from the forum included similar themes from submissions:
  - the Waiheke compliance scheme should be continued and rolled out regionally
  - point-of-sale disclosures should include on-site wastewater system awareness
  - better oversight is needed to monitor on-site wastewater systems regionally.

| Infrastructure and Environmental Services Mana Whenua Hui  |  |   |
|--|--|---|
| <b>Dates of hui:</b>   |  |   |
| • Fri, 13 Jul (Introduction)   | • Fri, 10 Aug (Full consultation)  | • Wed, 22 Aug (Focus group)   |
| <b>Hui attendees represented:</b>  |  |   |
| • Ngāti Tamaoho  | • Ngaati Whanaunga   | • Te Ākitai Waiohua   |
| • Ngāti Maru   | • Te Uri o Hau   | • Ngāti te Ata Waiohua  |
| • Ngāti Manuhiri   | • Te Patukirikiri  | • Te Kawerau a Maki   |
|  |  | • Ngāti Whātua o Kaipara  |
|  |  | • Ngāi Tai ki Tāmaki  |
|  |  | • Ngā Maunga Whakahii o Kaipara   |
| <b>Forum agreed to REVOKE the bylaws. Further feedback:</b>  |  |   |
| • Concerns over what covered areas without bylaws before the unitary plan.                               | • Concern that council is not regularly maintaining their own facilities with septic systems.  | • Waiheke Island has a good compliance programme where contractor maintenance records are submitted to Auckland Council. It is important to ensure this is made a regional practice under the compliance programme. |
| • Does this effect those on Watercare’s network?   | • Point-of-sale disclosures should be required when a property changes hands to ensure new owners are aware of their responsibilities.   | • Where contractors are recommended by Council, those contractors should be assessed based on social procurement criteria (including living wage and apprentice schemes).   |
| • Need better oversight of on-site systems across Auckland and water pollution issues across the region. | • Waiheke Island has an exemption process whereby low risk systems are exempt from prescriptive maintenance programmes stipulated in TP58. Need to ensure this is rolled-out regionally under the compliance monitoring programme. | • Why are we having consultation? It appears that the clauses in the operative Auckland Unitary Plan have the ability to manage on-site wastewater well.  |

| Additional Māori engagement               |                    |  |
|---|--------------------|--|
| Martin te Moni (Ngaati Whanaunga)         | One-on-one meeting | <b>(Revoke)</b> Supportive of strong enforcement and enforcing accountability. Eager to help “get it done”.  |
| Tame te Rangi (Te Runanga o Ngāti Whātua) | One-on-one meeting | <b>(Revoke)</b> Central government needs more holistic approach to cleaning fresh water, needs alignment. Think of ways for council to incentivise upgrading on-site systems. Need awareness and education. No qualms over introducing new regulations to improve water quality. |
| Manaaki Nepia (Te Whakakitenga o Waikato) | Email              | <b>(Revoke)</b> Acknowledges the redundancy of the bylaw and the need to revoke and change.  |
| Ngā Maunga Whakahii o Kaipara             | Submission         | <b>(Revoke)</b> Rollout Waiheke compliance programme regionwide. Point-of-sale OSWW disclosures should be required. Council recommended contractors should be assessed based on social procurement criteria.   |

## Appendix 4 – Local board feedback

### Local board feedback

- All local boards were invited to attend the Have Your Say events as well as a local board dedicated workshop to give their feedback.
- The workshop was attended by five local board members from Albert-Eden, Papakura and Mangere-Otahuhu.
- Concerns raised at the workshop were similar to the previous themes in that:
  - there is concern over unitary plan rules awareness and how these will be communicated to users
  - the compliance monitoring on Waiheke needs to continue
  - there is interest over what council will do given financial difficulties of maintaining systems.
- Waiheke and Papakura Local Board also gave written feedback following the workshop:

#### Waiheke (Do NOT revoke)

- Concerned the reporting scheme on Waiheke will be stopped if the bylaws are revoked
- Concern over how users will comply with the 50% full pump out rule in the unitary plan

#### Papakura (Revoke)

- Notes legacy bylaws are redundant to the unitary plan and other legislation
- Clear communication campaign needed to provide education on rules and requirements

| <b>Local board feedback</b>   |  |
|---|--|
| <b>Local Board workshop, Auckland Town Hall, Tuesday August 28 (Attendance – 5)</b> |  |
| Graeme Easte -<br>Albert Eden Local<br>Board Member                                 | Raised concerns over rules being “introduced” through the Auckland Unitary Plan and that regulations contained in the unitary plan were not being notified to the public or at least the public were not engaged on these.   |
| Brent Catchpole -<br>Papakura Local<br>Board Chair                                  | Wanted clarification on how compliance and monitoring will work without the bylaws. Curious to see if the Piha investigations will actually improve water quality.<br><br>Concerns over if council will do anything to provide for how financially difficult it can be for users to upgrade their systems.<br><br>Expressed concern for those nervous that rules are changing and what can be done to ease people’s fear and increase awareness on the unitary plan. |
| Carrol Elliott -<br>Mangere-Otahuhu<br>Local Board<br>Member                        | Wanted to make sure there has been engagement with mana whenua and environmental groups.<br><br>There are concerns about human waste contamination in the Manukau Harbour and believe this is traceable back to contamination from on-site wastewater systems in the Waitākere ranges area. Wanted assurances that revoking the bylaws would not increase the risk of pollution.   |
| General   | There were also a range of out-of-scope questions and comments about the state of the wastewater network, increased demands on the network from intensification of development and impact on water quality from new subdivision developments.  |

| Local board emailed feedback   |   |
|--|---|
| <p>Brent Catchpole<br/>on behalf of<br/>Papakura Local<br/>Board</p> | <p><b>(Revoke)</b><br/>           “Papakura District Council was one of the councils that had a bylaw for this matter. The legacy bylaws relating to onsite wastewater management are redundant now that the Auckland Unitary Plan is operative. The Unitary Plan coupled with the relevant legislation provide more robust rules those of the legacy bylaw controls.”</p> <p>There was additional feedback to make sure there is a clear communication campaign to quell fears of the impact of revoking the bylaws and provide education on owners’ requirements and assistance available for maintain on-site systems.</p>   |
| <p>Mark Inglis on<br/>behalf of Waiheke<br/>Local Board</p>          | <p><b>(Do not revoke)</b><br/>           Concern over how owners will be able to check if their tanks are 50% full as stipulated in the unitary plan. Some tanks are below ground and require technical expertise to check. As well, advice from local contractors says 50% is too high and should be set at 30%.</p> <p>Notes the unitary plan provisions are weaker than the bylaws because the home-owner is required to undertake the inspection and keep the record of inspections. Clarification is required on the future process for ensuring compliance with the new rules.</p> <p>Wants to make sure the current practice of reminder letters and reporting ensures that regular pump-outs occur. Concern this will cease if the bylaws are revoked.</p> <p>Prefers to keep the Waiheke bylaw until the unitary plan on-site wastewater provisions are reviewed and strengthened.</p> |