

STATEMENT OF PROPOSAL

Waipa District Wastewater and Trade Waste Bylaw 2021

March 2021

This Statement of Proposal is made for the purposes of Sections 83, 145, 148, and 156 of the Local Government Act 2002.

It includes:

- Background to the proposal
- Reasons for the proposal
- Legislative requirements that Council must consider
- Perceived issues, and options considered by Council
- Summary of proposed changes
- How to provide your feedback
- New draft Wastewater and Trade Waste Bylaw 2021.

STATEMENT OF PROPOSAL

Background to the proposal

Waipa District Council is reviewing its current Trade Waste Bylaw 2011 and Wastewater Drainage Bylaw 2011 under section 159 of the Local Government Act 2002 (LGA). It is proposing to revoke these bylaws and replace them with the Waipa District Wastewater and Trade Waste Bylaw 2021. We are seeking your views on this proposal.

Purpose of the bylaw

The purpose of the new bylaw is to:

- protect the health and safety of people and the environment from potential adverse effects of harmful substances being discharged into the wastewater system;
- protect the wastewater system from damage, misuse and interference;
- produce wastewater and biosolids of a consistent quality;
- encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams by businesses; and
- ensure that businesses maintain trade waste discharges within agreed levels.

Reasons for the proposal:

The reasons for the proposal are to:

- Comply with the LGA requirement that the bylaws be reviewed within 10 years;
- Effectively deal with issues associated with the management of trade waste and wastewater that have arisen since 2011; and
- Consolidate the bylaws given their overlapping coverage, which is aligned with the approach of other local authorities, including Hamilton City Council with whom Waipa District Council manages a trade waste service.

Council has been working through a review process in line with the requirements of the LGA. We are now seeking your views on a new draft Wastewater and Trade Waste Bylaw 2021 to replace the existing bylaws.

The draft Wastewater and Trade Waste Bylaw 2021 is attached to this Statement of Proposal.

LEGISLATIVE REQUIREMENTS THAT COUNCIL MUST CONSIDER

Under section 155 of the Local Government Act 2002, Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived issues. If it is, Council must determine whether the draft bylaw is

the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

1. Is a bylaw the appropriate means to deal with the problem?

Section 145 of the LGA states that a territorial authority may make bylaws for its district for one or more of the following purposes:

- (a) To protect the public from nuisance;
- (b) To protect, promote, and maintain public health and safety; and
- (c) To minimise the potential for offensive behaviour in public places.

Benchmarking against other councils showed that issues related to wastewater and trade waste were addressed through bylaws. A bylaw is also considered by staff to be the most appropriate mechanism to effectively deal with those issues. The proposed bylaw aligns with the LGA purposes above.

Council's Strategic Planning and Policy Committee at its 1 May 2018 meeting, reviewed the issues related to the current Trade Waste and Wastewater bylaws and determined that bylaw remain the most appropriate way to address the issues identified, this is still considered the case.

2. Is the new bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of Waipa District. This review provides an opportunity to update the bylaw provisions to meet current Council and community needs in a clear and comprehensible way. The draft bylaw is consistent with Council document standards and is written in plain English. It is therefore considered to be the most appropriate form of bylaw.

3. Is the bylaw consistent with the New Zealand Bill of Rights?

The New Zealand Bill of Rights Act 1990 details a number of rights and freedoms in relation to the life and security of people. The purpose of the bylaw is to enable Council to manage trade waste and wastewater in accordance with the Local Government Act 2002. The regulatory controls provided under this bylaw are important to ensure the health and safety of people, Council's wastewater infrastructure, and the environment. It is therefore considered that the draft bylaw imposes no obvious infringements or implications with the New Zealand Bill of Rights Act 1990.

SUMMARY OF PROPOSED CHANGES

The main areas of change between the current bylaw and the draft bylaw include::

- The Trade Waste Bylaw 2011 and the Wastewater Drainage Bylaw 2011 are combined, as has been the approach for other Councils, including Hamilton City Council.
- The substantive regulatory requirements in the old bylaws have largely been replicated but have been reflected with different wording. The changes include the

removal of redundant provisions such as duplication of provisions in the Local Government Act 2002 or specification of internal Council processes. Schedules and clauses are renumbered

- Schedule 1A (now Schedule 2) Permitted Characteristics: reduction in acceptable levels of some waste characteristics to better align with current treatment capabilities at our wastewater treatment plants
- Schedule 1A (now Schedule 2) Permitted Characteristics: removal of all stated specific mass limits. Clauses within the bylaw will still allow for these to be applied, but assessments will be made on an individual basis as required and part of consenting processes
- Trade Waste Discharge and Consents: the current Controlled Trade Waste Consent, Conditional Trade Waste Consent and permitted trade waste notice categories are removed and replaced with “Trade Waste Consent” which may be with or without conditions . This enables simplification of the consenting structure without compromising controls. Existing controlled or conditional consents within the Waipa District will be deemed a Trade Waste Consent under the new Bylaw.

HAVE YOUR SAY

WE NEED YOUR FEEDBACK

Please tell us what you think of what we are proposing by making a submission.

Submission forms and copies of the Statement of Proposal and draft Bylaw are available:

- Online at the Council's website: www.waipadc.govt.nz
- At the Council Offices and Libraries
- By phoning (07) 872 0030 and requesting a copy.

You can make a submission by:

- Entering it online at: www.waipadc.govt.nz
- Posting it to: FREEPOST 167662 (no stamp necessary)
Waipa District Council
Attn: Strategy
Private Bag 2402
TE AWAMUTU 3840
- Emailing it to: submissions@waipadc.govt.nz. Put *Wastewater and Trade Waste Bylaw Review – Submission* in the subject line.
- Faxing it to: (07) 872 0033
- Delivering it to: one of the Council Offices in 101 Bank Street Te Awamutu or 23 Wilson Street, Cambridge.

Submissions must be received by 5pm on 5 July 2021

Key Dates:

Submissions open	Monday 3 May 2021
Submissions close	Monday 5 July 2021
Submissions hearing	3 August 2021 (to be confirmed)
Council adopts Bylaw	31 August 2021 (to be confirmed)

Council will acknowledge in writing each submission received. All submissions will be considered and deliberated on. However you are also invited to present your submission in person to Council's Strategic Planning and Policy Committee at a formal hearing in Te Awamutu on 3 August 2021 (or as early thereafter as possible).

If you have any further queries or would like further copies of the draft Wastewater and Trade Waste Bylaw, please contact Graham Pollard on 0800 924 723.

Submission Form



Wastewater and Trade Waste Bylaw 2021 Submission Form

To: Waipā District Council, Private Bag 2402, Te Awamutu 3840
Phone: 0800 924 723 | Fax: 07 872 0033 | Web: www.waipadc.govt.nz
Email: submissions@waipadc.govt.nz

SUBMISSIONS CLOSE: 5pm – 4 June 2021

Full name:

Organisation: (if applicable)

Address for correspondence:

Email:

Phone:

For office use only:

Submission No.

Submissions made under the Local Government Act 2002 are public documents. They are made available in a report to the elected members of Council and to the public via Council's website and on request. Personal information supplied will be used for administration purposes and as part of the consultation process. You have the right to correct any errors in personal details contained in your submission.

Are you happy for your name to be released to the public in association with this submission?

Yes ☐

No ☐

I wish to present my submission verbally to a public Council hearing:

Yes ☐

No ☐

I/we support ☐ / oppose ☐ the proposed Wastewater and Trade Waste Bylaw 2021

The reasons for my/our support or opposition of the proposed Wastewater and Trade Waste Bylaw 2021:

Are there any of the bylaw clauses you would like to see changed/added?

I would like to see the following changes to the proposed Wastewater and Trade Waste Bylaw 2021:

I have attached additional information: Yes ☐ No ☐

I would like to present my submission to Councillors in person ☐

.....
Signature of person making submission or person authorised to sign on behalf of person making submission

.....
Date
