



## **Statement of Proposal**

# **NEW WASTEWATER BYLAW NO. 229 (2021) Including Trade Waste and Domestic Wastewater**

## 1. The Proposal

Nelson City Council (**Council**) is proposing to make a new bylaw to govern wastewater and trade wastes, to replace its existing bylaw. In particular, Council proposes to:

- make the new Wastewater Bylaw (229) 2021, a draft of which is set out in the Appendix to this statement of proposal; and
- revoke the existing Wastewater Bylaw (224) 2014.

The existing Wastewater Bylaw (224) 2014 can be found on the Council's website: <http://www.nelson.govt.nz/assets/Our-council/Downloads/bylaws/Wastewater-Bylaw-224-2014.pdf>

## 2. Reasons for the Proposal

The Council's existing Wastewater Bylaw (224) 2014 was made in late 2014. Under section 158 of the Local Government Act 2002, the Council is obliged to carry out a review of the bylaw within 5 years.

Council officers have reviewed the existing bylaw. They determined that much of the substance of the bylaw remains fit for purpose, but that two relatively minor changes are warranted, being:

- the application of the bylaw's requirements to discharges from swimming pools should be clarified; and
- the bylaw's requirements for grease, silt, and oil traps should be aligned with those in the Building Act 2004 and the Building Code.

In addition, officers determined that some aspects of the drafting could be improved to ensure the bylaw is more easily understood. In particular, officers considered it would be helpful to try to better align the bylaw with the Tasman District Council's bylaw as much as practicable. The proposed new bylaw largely follows the format used in the Tasman District Council's bylaw. It also adopts a few clauses from Tasman District Council's bylaw (being clause 11 in Part A, and clauses 2 and 8 to 11 in Part B).

As a result of the review, Council considers that the most appropriate course of action is to replace the existing bylaw with a new bylaw.

## 3. Key Features of New Bylaw.

The proposed new bylaw, Wastewater Bylaw (229) 2021, is set out in full in the Appendix. The key features of the bylaw are:

- Regulates the discharge of domestic wastewater and trade waste discharges into the Council's wastewater system (Part B Clause 1).
- Protects the health and safety of the public from possible adverse effects of harmful substances discharged into the Council's wastewater system.
- Manages and protects from damage, infrastructure associated with Council's wastewater system.

- Provides for prevention of infiltration and inflow of stormwater into the wastewater system (Part B Clause 3).
- Classifies wastewater discharges as permitted, conditional, or prohibited (Part B Clause 7).
- Sets up a trade waste application and permit system to control conditional discharges including the ability to set appropriate conditions (Part C).
- Contains comprehensive criteria (Schedule A) to assess whether or not a trade waste discharge is permitted or conditional.
- Enables Council to require business owners to install flow monitoring and sampling points (Part C Clause 10).
- Aligns grease trap requirements with building code specifications (Part C Clause 9.4).
- Defines conditions for discharges from swimming pools into Council's wastewater system (Part B Clause 5).
- Requires persons handling or storing hazardous substances to take all reasonable steps to prevent hazardous substances entering Council's wastewater system (Part B Clause 6).
- Sets out requirements for pressure wastewater reticulation, private pump stations, connections and continuity of service (Part B Clause 8-11).
- Contains administrative provisions in relation to transitional provisions, offences, powers of entry, and review of decisions.

#### **4. Determinations under section 155**

Before making a bylaw, Council is required under section 155 of the Local Government Act 2002 to determine that:

- a bylaw is the most appropriate way of addressing the perceived problem;
- the proposed bylaw is the most appropriate form of bylaw, and
- the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

In this case, Council is satisfied that a bylaw is the most appropriate way to regulate, manage, and protect Council's wastewater system. It is necessary to have controls in place for connections to, and discharges of wastewater and trade wastes into, the wastewater system so as to ensure that Council's infrastructure is protected, sewage treatment processes are not compromised, and public health is protected. It is essential that the network remains effective, safe, and available.

Other than through a bylaw, one possible way to control connections and discharges would be through contractual terms between the Council and customers. The Council considers a bylaw to be the superior option because it better ensures greater consistency across customers, carries greater authority, and has more meaningful enforcement. In addition, bylaws for sewage and trade waste discharges are expressly provided for in sections 195 and 196 of the Local Government Act 2002, and so bylaws, rather than contractual terms, sit better with that statutory regime. Most councils in New Zealand control connections and discharges to their wastewater systems through bylaws.

Council is also satisfied that the proposed bylaw (set out in the Appendix) is the most appropriate form of bylaw. Council considers the bylaw to be made under lawful authority, reasonable, sufficiently clear and certain, and not repugnant to any other laws.

Finally, Council is satisfied that that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990, as it does not infringe or restrict any of the rights and freedoms in that Act.

## **5. Scope of Council decisions following consultation.**

Once Council has considered all submissions made in response to the proposal, it will make a decision. The options available to the Council will include:

- adopting the proposal in its entirety;
- adopting the proposal, but with modifications to the new bylaw;
- not adopting the proposal (in which case, the current bylaw would remain in place for now).

## **6. Submissions**

Anyone may make a submission about any aspect of Council's proposal and any alternatives to it. Council, in making its decision, will take account of all submissions made.

A submission form is included at the end of this document.

All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details be kept private and explain why it is necessary to protect your privacy. Council will not accept any anonymous submissions.

Submissions can be made:

- online at [nelson.govt.nz](http://nelson.govt.nz) or [Shape.Nelson.govt.nz](http://Shape.Nelson.govt.nz)
- by post to Wastewater Bylaw, Nelson City Council, PO Box 645, Nelson 7040
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Submissions must be received no later than 27 April 2021

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on Tuesday 1 June 2021.




*Please attach additional sheets if needed.*

Submissions can be made:

online at **nelson.govt.nz**

by post to **Wastewater Bylaw (229)2021, PO Box 645, Nelson 7040**

by dropping your submission off to **Civic House, 110 Trafalgar Street, Nelson.**