



STATEMENT OF PROPOSAL FOR THE DRAFT SELWYN DISTRICT COUNCIL WASTEWATER DRAINAGE BYLAW 2009

**(This statement is made for the purposes of sections 83 and 86
of the Local Government Act 2002)**

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (The Council) to implement a new bylaw to be known as the “Selwyn District Council Wastewater Drainage Bylaw 2009”.

Reasons for this Proposal:

Sections 145 and 146 of the Local Government Act 2002 (LGA 2002) gives the Council bylaw making powers.

Council believes there is a need to ensure that wastewater drainage is managed in a way that is appropriate for both the community and the wider environment and to provide regulatory powers to the Council.

It is considered that the proposed draft **Selwyn District Council Wastewater Drainage Bylaw 2009** (“the proposed new bylaw”) is the most appropriate form of bylaw, and the bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The statutory requirements for introducing a bylaw:

The Selwyn District Council owns and operates the sewer reticulation systems in the Selwyn District, which collects, treats and disposes of sewerage within the district.

- **Appropriateness**

Currently no bylaw relating to wastewater drainage exists within the Selwyn District.

A bylaw has been determined to be the most appropriate mechanism to control the discharge of all wastewater within the Selwyn District.

The proposed new bylaw will:

- ensure that the wastewater drainage is managed in a way that is appropriate for both the community and the wider environment;
- clarify issues such as responsibilities of owners of houses using common drains and
- set clear guidelines and provide information to the public.

- **Options Available to Council**

1. **Do Nothing** – The Council has responsibilities to protect the drainage systems provided by the Council from damage and to prevent nuisance from poorly maintained drainage systems. This option is not supported by the Council.

2. **Rely on other methods (public education)** – this option is not seen as being practical as it would mean the Council will have no statutory authority to protect the public asset and would be relying on the co-operation of several different parties. As there are potential environmental problems and because clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required, the option to rely on other methods is not supported.
3. **Proceed with the review** – The implementation of a new bylaw will ensure that all parties are aware of their responsibilities in terms of current management and operating best practices. A bylaw is considered necessary because of the potential damage to Council infrastructure and the health and safety of Council staff and the general public.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new bylaw.

Benefits/Costs:

- That the proposed new bylaw will operate under current legislation and management practices.
- To ensure the protection of the Council's staff and contractors and the general public.
- Address all aspects of wastewater drainage including issues arising from Acts and legislation.
- To protect the infrastructure from damage and misuse.
- To bring clarity to the proposed new bylaw by means of simplification where possible to make it easier to understand by the general public, and to assist Council staff in achieving compliance in a fair and straight forward manner
- To bring into line with the new Local Government Act legislation, the new penalties of up to \$20,000.
- The cost of non compliance, i.e. a breach of the proposed new bylaw, will be met by those who damage or misuse the asset.
- A proposed new bylaw has been determined to be the most appropriate mechanism to regulate wastewater drainage in the District. It is considered that the proposed Wastewater Drainage Bylaw 2008 is the most appropriate form of bylaw, and that the draft bylaw is consistent with the New Zealand Bill of Rights Act 1990.

Consultation:

The following groups and organisations (both internal and external stakeholders) will also be consulted on the proposed new bylaw:

Council Elected Members and Committees
Te Taumutu Rununga
Ministry of Health
Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
Environment Canterbury

Council officers have provided feedback on the direction of the bylaw and the matters considered. The views of the public will be sought through the special consultative procedure.

Provide Maori the opportunity to contribute:

The Council considers that the public notification and opportunity for submission process in August 2008 will provide adequate opportunity for public response, including Maori.

NZ Bill of Rights:

Section 155(2) ((b) of the Local Government Act 2002 requires that any new bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council have obtained legal advice to ensure that the proposed new bylaw is consistent with the NZ Bill of Rights Act 1990.

The proposed bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

The proposed timeline for the introduction of the bylaw is:

The consultation for the proposed Selwyn District Council Wastewater Drainage Bylaw 2009 is being carried out in conjunction with the proposed Selwyn District Council Trade Waste Bylaw 2009.

Timeline	• Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009
10 December 2008 (Council meeting)	• Adoption of the draft Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009
10 January 2009 Bylaw advertised	• Advertise for public submissions to the draft Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009
10 March 2009 Submissions close	• Written submissions close at 4:00pm at SDC service centres
6/7 April 2009 (to be confirmed) Submissions hearing	• Hearings of submissions on the draft Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 (to be confirmed) (Council Meeting)	• Adoption of the Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009 at its ordinary Council Meeting
13 June 2009 (to be confirmed)	• Public notification on the adoption of the Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	• Adoption of the Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009 by Council at its ordinary Council Meeting
1 July 2009	• Commencement date of new Selwyn District Council Trade Waste Bylaw 2009 and Wastewater Drainage Bylaw 2009

** It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft bylaw can be incorporated for the consideration of Council to adopt the bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final bylaw will be sent for adoption at the Council meeting of 24 June 2009.*

Submissions:

Submissions are invited on the proposal to implement a new bylaw to be called the "Selwyn District Council Wastewater Drainage Bylaw 2009".

The proposed bylaw is to be known as the **Selwyn District Council Wastewater Drainage Bylaw 2009** ("the proposed bylaw").

At its meeting on 10 December 2008 the Council passed a resolution approving the proposed new bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Service Centre, South Terrace), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800 or 318 8338.

Submissions on this proposal may be made until **4:00pm, 10 March 2009**.

Submissions on this proposal can be made either via the online submission form on the Council website www.selwyn.govt.nz, or in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**The Bylaw Analyst
Proposed Wastewater Drainage Bylaw 2009
Selwyn District Council
P O Box 90
ROLLESTON 7643**

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 6 and 7 April 2009 at 9 am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Selwyn District Council Wastewater Drainage Bylaw 2009
Summary of Information
Report to Council