

DRAFT Integrated Three Waters Bylaw 2020

Statement of Proposal

Queenstown Lakes District Council



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**



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STATEMENT OF PROPOSAL

NEW INTEGRATED THREE WATERS BYLAW 2020

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) is seeking public feedback on its proposal to make a new bylaw to provide a regulatory framework to effectively manage water supply, wastewater (including trade waste) and stormwater in the Queenstown Lakes District (**District**).
- 2 There is an identified need for Council to continue to regulate trade waste and water supply in the District. The need for improved outcomes for the management of stormwater and wastewater has become evident with the increase in population, large scale business operations and the need to protect the natural receiving environment and Council's infrastructure from harm. The Council therefore proposes to adopt a new Integrated Three Waters Bylaw 2020 to address these issues (**Integrated Three Waters Bylaw**).
- 3 The proposed Integrated Three Waters Bylaw will replace the existing Trade Waste Bylaw 2014 and Water Supply Bylaw 2015 and will incorporate new provisions relating to the management of wastewater and stormwater.
- 4 Incorporating the wastewater and stormwater controls together with the water supply and trade waste bylaw (given that trade waste is discharged into the wastewater system) into one comprehensive document will enable the Council to take an integrated and consistent approach to the management of its three waters services and the associated networks.
- 5 Council officers have consulted with stakeholders to identify matters within the current trade waste and water supply bylaws that require updating, and to address specific concerns they have with these existing bylaws which will be incorporated into the Integrated Three Waters Bylaw.

LEGISLATIVE FRAMEWORK

- 6 Section 146 of the Local Government Act (**LGA**) specifically enables the Council to make bylaws for the purposes of managing and protecting the three waters networks, and the natural environment from which water is abstracted and into which wastewater and stormwater are discharged. In addition, section 145 of the LGA empowers the Council to make bylaws for the District, including to protect the public from nuisance and to protect, promote and maintain public health and safety.
- 7 Section 148 of the LGA lists special requirements for bylaws relating to trade waste, and provides that the Council must seek comments from the Minister of Health, and consult with the public for at least two months.
- 8 The Council will run the special consultative procedure under the LGA at the same time as seeking comments from the Minister of Health. After deciding to adopt any amendments to the bylaw, the local authority must give public notice of when the bylaw or amendments come into operation.

PROPOSAL

- 9 The Council proposes that:
 - a. a new bylaw that regulates wastewater, stormwater, trade waste and water supply (Integrated Bylaw) should be made;
 - b. the Water Supply Bylaw 2015 and Trade Waste Bylaw 2014 be revoked once the Integrated Three Waters Bylaw comes into force; and
 - c. an Administration Manual will accompany the Integrated Bylaw to provide material complementary to each of the matters covered by the bylaw by bringing together those aspects which are of a more administrative nature and which may need regular review and updating.
- 10 The proposal to make a new Integrated Three Waters Bylaw must follow the special consultative procedure in the LGA. This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:
 - a. Consideration of whether a bylaw is the most appropriate way of addressing the perceived problems relating to wastewater, stormwater, trade waste and water supply;
 - b. Consideration of whether the proposed Three Waters Integrated Bylaw is the most appropriate form of bylaw;
 - c. Consideration of the bylaw's consistency with the New Zealand Bill of Rights Act 1990 (**NZBOR**);
 - d. A draft of the proposed Integrated Three Waters Bylaw 2020 (**Appendix 1**); and
 - e. Reports of relevant determinations by the Council under s 155 of the LGA (**Appendices 5-8**).
- 11 A copy of the Administration Manual is included at **Appendix 2**. The Administration Manual is not required to go through the special consultative procedure. Any submissions made on the Administration Manual will be considered by Councillors, however do not need to be considered in accordance with the special consultative procedure.

IS A BYLAW THE MOST APPROPRIATE WAY OF ADDRESSING THE PERCEIVED PROBLEMS RELATING TO TRADE WASTE, WATER SUPPLY, STORMWATER AND WASTEWATER?

- 12 Three waters services are core infrastructure managed by the Council, and comprise of:
 - a. The Water Supply Network: provides the supply of water on demand to the communities and businesses within the reticulation network.
 - b. The Stormwater Network: provides for the collection, treatment (in some cases), and discharge of stormwater to the receiving environment.

- c. The Wastewater Network: provides for the collection, treatment, and discharge of wastewater. Wastewater includes domestic sewage and wastewater from trade premises.
- 13 The Council has identified opportunities to improve the management of its three waters services. The cover report which examines these issues is included as **Appendix 3**.
- 14 The Council has undertaken a review of the Trade Waste Bylaw 2014 (**Appendix 4**) and the Water Supply Bylaw 2015 (**Appendix 5**) as required by section 158 of the LGA. The Council has prepared:
 - a. A findings report from the review of the Queenstown Lakes District Council Trade Waste Bylaw 2014 (**Appendix 6**); and
 - b. A findings report from the review of the Queenstown Lakes District Council Water Supply Bylaw 2015 (**Appendix 7**).
- 15 The above reports find that the most appropriate way of addressing the perceived problems in respect of trade waste and water supply is through an updated bylaw.
- 16 The Council has also identified problems in relation to the management of stormwater and wastewater. In respect of these problems, the Council has prepared:
 - a. A determination report investigating the appropriateness of a stormwater bylaw (**Appendix 8**); and
 - b. A determination report investigating the appropriateness of a wastewater bylaw (**Appendix 9**);
- 17 Both determination reports conclude that the most appropriate way of addressing the problems in respect of stormwater and wastewater in the Queenstown Lakes District is through a bylaw.
- 18 The findings and determination reports have highlighted the interdependency of trade waste, water supply, storm water and wastewater, and has shown that all four elements should be managed with a holistic approach to infrastructure services.
- 19 The proposal is to incorporate a new wastewater bylaw, and a new stormwater bylaw, together with updated water supply and trade waste bylaw (given that trade waste is discharged into the wastewater system) into one comprehensive document. The integration of the three waters bylaws ensures a consistent and holistic approach to the promotion of sustainable behaviours and activities in the district, including water management, waste minimisation, cleaner production, on-site pre-treatment of trade waste, control of backflow contamination risks to our water supply, and expands the toolkit available for Council to protect the natural environment, as well as numerous other benefits.
- 20 The proposed Integrated Three Waters Bylaw will provide a proactive and responsive regulatory framework to manage the risks associated with the operation of the three waters network, including the quality of discharges to the natural environment.

IS THE PROPOSED INTEGRATED THREE WATERS BYLAW THE MOST APPROPRIATE AND PROPORTIONATE WAY OF ADDRESSING THE PROBLEM?

- 21 In addressing the risks associated with the operation of the three waters networks the Council has identified the need to:
- a. Provide clear regulatory direction for council's role in decision making on what is discharged into the environment, regardless of the network/system.
 - b. Foster understanding of the integration between the three waters and their interaction with the natural water cycle and the receiving environment.
 - c. Provide a common framework that enables the council to control discharges which ultimately protects the receiving environment, the water supply, public health and those people working on the networks.
 - d. Take an overall holistic approach to any three waters issues that must be addressed in the district.
 - e. Ensure any regulatory mechanism is as streamlined and efficient as possible to promote public understanding of sustainable behaviours and activities including, water conservation, waste minimisation, cleaner production and on-site pre-treatment.
 - f. Achieve, where possible, Council organisational efficiency.
- 22 The Council has considered the most appropriate way of addressing the problems identified in respect of trade waste, water supply, stormwater and wastewater, the options available, and determined that the proposed Integrated Three Waters Bylaw is the most appropriate means for addressing the issues.
- 23 In considering whether a bylaw is the most appropriate and proportionate way of addressing the problem, the Council has considered the following options:
- a. Option 1 – Allow the existing bylaws to lapse/revoke bylaws.
 - b. Option 2 – Education.
 - c. Option 3 – Review and update the Trade Waste and Water Supply Bylaw only.
 - d. Option 4 - Make four separate bylaws
 - e. Option 5 - Make a new Integrated Three Waters Bylaw.
- 24 Option 5 is the proposed option. Option 5 will allow Council officers to commence the special consultative procedure on the new Integrated Three Waters Bylaw, supported by an Administration Manual as an efficient on-going management approach. This strategy will help meet the current and future foreseeable needs of the district for good-quality local infrastructure and provide a proactive approach to protecting public health and the environment by developing and enabling a proactive and responsive regulatory framework that will manage the Council's three waters network using an integrated approach.

Option 1: Allow the existing bylaws to lapse/revoke bylaws

- 25 The Council would allow the two existing bylaws to lapse or would revoke the bylaws. Council would rely on existing legislation to ensure its three waters network was not compromised. Costs associated with setting up and implementing a bylaw could be allocated to other Council projects. This option runs the risk of Council not taking all practical steps to protect, promote and maintain public health and safety and the natural environment and high risk activities and behaviours cannot be monitored and investigated to provide control. The Council also runs the risk of not meeting environmental standards, not protecting public health and safety and not protecting the three waters infrastructure network.

Option 2: Education

- 26 The Council could increase awareness to change behaviour using a programme of educational outreach, industry guidelines and targeted programmes to improve outcomes. With this option the Council will be seen as proactive in protecting public health and safety and the natural environment. The disadvantages with this option are that high risk activities and behaviours cannot be monitored and investigated to provide control and the Council runs the risk of not meeting environmental standards, not protecting public health and safety and not protecting the three waters infrastructure network.

Option 3: Review and update the Trade Waste and Water Supply Bylaw only

- 27 Under this option Council would review the current trade waste and water supply bylaw and incorporate the recommendations identified. Under this Council will be actively engaged in meeting environmental standards, protecting public health and the natural environment with regards to trade waste discharges and seen as actively engaging in protecting the districts water supply. With a bylaw, high risk activities and behaviours can be monitored and investigated to provide control. The disadvantages with this option are that the integration outcomes sought from the proposed *Integrated Three Waters Bylaw and Administration Manual*, would not be controlled by a regulatory framework and the Council could be seen as not actively being engaged in meeting environmental standards, protecting public health and protecting the natural environment. This could result in costly fines issued to the Council.

Option 4: Make four separate bylaws

- 28 With this option Council will be seen as actively engaging in protecting the districts water supply, including providing safe drinking water to maintain public health and safety, and controlling the quality of discharges to the natural environment. Protection of the built environment in an integrated, sustainable and planned manner will provide for positive environmental, social, cultural and economic outcomes that will follow through to future generations.
- 29 This option would not achieve the integration outcomes sought from the proposed Three Waters Integrated Bylaw and would be more expensive than option 5, as the Council would have to go through 4 separate process under each bylaw.

Option 5: Make a new Integrated Three Waters Bylaw

30 The proposed Integrated Three Waters Bylaw incorporates the updated trade waste and water supply bylaw, and management of stormwater and wastewater. It is proposed that the Integrated Three Waters Bylaw will be supported by an Administration Manual. Under this option Council will be seen as actively engaging in protecting the districts water supply, including providing safe drinking water to maintain public health and safety, and controlling the quality of discharges to the natural environment. There are numerous advantages with this option:

- protection of the built environment in an integrated, sustainable and planned manner will provide for positive environmental, social, cultural and economic outcomes that will follow through to future generations.
- Provision of a common framework that enables the Council to control discharges which ultimately protects the receiving environment, public health and safety and those people working on the networks.
- Clear regulatory direction for Council's role in decision making on what is discharged into the environment, regardless of the network/system.
- Consistent approach across the district that will improve organisational efficiency that is effective and easily understood.
- Future bylaw reviews will take an overall holistic approach to any issues that must be addressed in the district.
- Consistent and holistic approach to the promotion of sustainable behaviours and activities including, water conservation, waste minimisation, cleaner production and on-site pre-treatment.
- Fosters education focused on the integration to the three waters and their interaction with the natural water cycle and the receiving environment.

31 Disadvantages include community resistance to increased levels of regulatory management and the costs associated with adopting an Integrated Three Waters Bylaw and Administration Manual.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?

32 The Council considers that the proposed Integrated Three Waters Bylaw is consistent with NZBORA because it seeks to impose justifiable and reasonable limitations on persons in the interests of environmental quality and public health and safety.

33 There may be some restriction to personal freedom arising from the bylaw, specifically restrictions on the amount of water people are able to use, as well as restrictions on the activities and times the water may be used. The Council considers that these restrictions are justified for the prevention of nuisance to others, and provided for under the NZBORA.

TIMETABLE FOR CONSULTATION

- 34 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the Proposal at its meeting of 23 July 2020.
 - b. Submissions open on 30 July 2020.
 - c. The Proposal is provided to the Ministry of Health for comment on 3 August 2020.
 - d. Advertisement in Mountain Scene/Wānaka Sun (Thursday 30 July) and Otago Daily Times/Southland Times (Saturday 1 August).
 - e. Submissions close on 27 September 2020.
 - f. Submissions are heard by a subcommittee of Councillors in Queenstown and Wānaka in the week beginning 19 October 2020.
 - g. Council considers outcome of consultation process and its decisions on the Proposal on 10 December 2020.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 35 Copies of this Statement of Proposal and the proposed bylaw may be inspected, and a copy obtained, at no cost, from:
- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wānaka Service Centre, 47 Ardmore Street, Wānaka;
 - b. any Council library within the Queenstown Lakes District; or
 - c. the Council online engagement platform – letstalk.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 36 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the proposal.
- 37 The Council would prefer that all parties intending to make a submission set those submissions out in writing and submit them by:
- a. the Queenstown Lakes District Council Website: letstalk.qldc.govt.nz
 - b. emailing their submission to letstalk@qldc.govt.nz
 - c. posting their submission to: GM Property and Infrastructure, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 38 Submissions must be received by 27 September 2020. The Council will then convene two hearings, which it intends to hold in Queenstown and Wānaka in October 2020 at which

any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

- 39 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 40 Every submission made to the Council will be acknowledged in accordance with the LGA, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 41 Section 82 of the LGA sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

- 42 Written submissions can take any form (e.g. email or letter). An effective submission references the clause(s) of the proposed Integrated Three Waters Bylaw, states why the clause is supported or not supported, and states what change to the clause is sought.
- 43 Submissions on matters outside the scope of the proposal cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

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| APPENDIX 1 | Proposed Queenstown Lakes District Council Integrated Three Waters Bylaw 2020 |
| APPENDIX 2 | Proposed Administration Manual |
| APPENDIX 3 | Cover report: Proposed Integrated Three Waters Bylaw |
| APPENDIX 4 | Queenstown Lakes District Council Trade Waste Bylaw 2014 |
| APPENDIX 5 | Queenstown Lakes District Council Water Supply Bylaw 2015 |
| APPENDIX 6 | Findings report from the review of the Queenstown Lakes District Council Trade Waste Bylaw 2014 |
| APPENDIX 7 | Findings report from the review of the Queenstown Lakes District Council Water Supply Bylaw 2015 |
| APPENDIX 8 | Determination report investigating the appropriateness of a stormwater bylaw |
| APPENDIX 9 | Determination report investigating the appropriateness of a wastewater bylaw |