NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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SUSTAINABLE NAPIER COMMITTEE

Open Agenda

Meeting Date:	Thursday 24 March 2022
Time:	9.00am
Venue:	Via Zoom (Audiovisual Link)
	Livestreamed via Council's Facebook site

Committee Members	Councillor Price (In the Chair), Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright
Officers Responsible	Director Infrastructure Services
Administration	Governance Team
	Next Sustainable Napier Committee Meeting **Thursday 5 May 2022**

ORDER OF BUSINESS

Karakia

Apologies

Nil

Conflicts of interest

Public forum

Andrea Manley - General Manager Strategy and Innovation, Napier Port

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 10 February 2022 be taken as a true and accurate record of the meeting. 164

That the Minutes of the Extraordinary Sustainable Napier Committee meeting held on Thursday, 17 February 2022 be taken as a true and accurate record of the meeting. 173

Agenda items

Minor matters not on the agenda – discussion (if any)

Public excluded 163

AGENDA ITEMS

1. INTEGRATED TRADE WASTE AND WASTEWATER BYLAW: CONSULTATION PROPOSAL

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1417631
Reporting Officer/s & Unit:	Caitlin Egan, Environmental Compliance Officer

1.1 Purpose of Report

The purpose of this report is to outline a proposal to promulgate a new Integrated Trade Waste and Wastewater Bylaw under s146 (1)(a)(iii) and 146(1)(b)(iii) of the Local Government Act 2002 (LGA).

Officer's Recommendation

The Sustainable Napier Committee:

The Sustainable Napier Committee make a **DECISION OF COUNCIL** under delegated authority to:

a. Endorse the content of this report including *Attachment 1 Statement of Proposal.*

b. Agree that pursuant to s155(2)(b) and 155(3) of the LGA, the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

c. Adopt the proposal and the draft Integrated Trade Waste and Wastewater Bylaw for the purposes of public consultation *Attachment 2*.

d. Approve the commencement of the special consultative procedure in accordance with s83(1) of the LGA in relation to the proposal.

1.2 Background Summary

The Council's Wastewater Drainage Bylaw 2014 and Trade Waste Bylaw 2014 were made by Council resolution on 16 December 2014 and 16 December 2015 respectively. Pursuant to s 160A of the LGA, the Wastewater Drainage Bylaw was revoked on 17 December 2021, and the Trade Waste Bylaw 2014 will be revoked on 17 December 2022. As such, new bylaws are now required for the control of discharges to, and protection of, the public wastewater network.

As both trade waste and wastewater use the same infrastructure and are constrained by the same regional resource consent it is considered that the most appropriate way of addressing the perceived problems in respect of trade waste and wastewater is through a new integrated bylaw that addresses both wastewater and trade waste management, comprised of:

1. An Integrated Trade Waste and Waste Water Bylaw

Incorporating the wastewater and trade waste bylaws into one comprehensive document will allow Council to take an integrated and consistent approach to the management of its wastewater services and the associated network.

In particular, it is envisaged that the Integrated Bylaw will:

- Protect the public wastewater system from damage and misuse;
- Protect the environment from adverse effects of harmful substances discharged to the public wastewater system;
- Protect the safety of Council personnel and the general public;
- Enable the Council to meet the requirements of legislation;
- Encourage all wastewater customers and trade waste operators to adopt cleaner production processes and appropriate innovative solutions;
- Clearly define the obligations of wastewater customers and trade waste operators;
- Protect investment in existing and future infrastructure, treatment plant and disposal facilities;
- Ensure on-site wastewater systems work efficiently and effectively;
- Prevent inflow and infiltration of stormwater or trade waste into the public wastewater system;
- Manage the loads on the public wastewater system and optimise its capacity;
- Provide a basis for monitoring discharges from trade premises;
- Provide for an equitable spread of costs between domestic wastewater and trade waste discharges;
- Enable the Council to set charges to cover the cost of administration and monitoring, and provide user pays trade waste scheme via a comprehensive and principled Trade Waste Charging Model; and
- The use of enforcement powers, including penalties where appropriate, to be applied to persons contravene the Bylaw.

2. An Administration Manual

An Administration Manual will accompany the integrated bylaw. A copy of the Administration Manual is included within the Statement of Proposal (*Attachment 1* to this report). This document will sit under the Bylaw and provide:

- Technical and/or administrative information to which the Bylaw refers; and
- The ability to update this information as necessary without renewing the Bylaw itself.
- The Administration Manual includes an explanation of the Council's Trade Waste Charging Model. The Charging Model prescribes which charges for trade waste discharges are calculated over a certain threshold and will ensure:
    - Clarity of costs;
    - A fair charging system;
    - Trade waste operators are incentivised to invest in their infrastructure to treat wastewater; and

- The ability to allocate load according to the limitations of the Council's resource consent and the capacity of the Council's treatment plant.

Making a new bylaw: the process

The LGA establishes the statutory process that the Council must follow in order to make a new bylaw. Broadly speaking, this involves two key steps:

1. The Council must make the determinations required by s 155 of the LGA; and
2. The Council must consult with the public and affected parties in the manner prescribed by the LGA.

Section 155: Determination of whether the bylaw is appropriate

Pursuant to s 155(1) of the LGA, the Council must first decide whether a bylaw is the best way of addressing the problem and whether the proposed bylaw is the most appropriate form of bylaw. The first step is to identify what options, both regulatory and non-regulatory, might solve the problem, and to assess the risks, costs and other impacts and the benefits of each option.

The Council must also consider whether the proposed bylaw gives rise to any implications under the NZBORA.

Officers have undertaken an assessment (which can be found at Schedule 1 to the Statement of Proposal at *Attachment 1*), the relevant Council officers are satisfied that the proposed Integrated Trade Waste and Wastewater Bylaw is both appropriate and necessary to address the perceived problems relating to trade waste and wastewater management in the City.

In accordance with s 77(1) of the LGA, Council officers have also undertaken an assessment of all reasonably practicable options that may be available to achieve the Council's objectives, and have considered the advantages and disadvantages of each option. The full assessment can be found at Schedule 2 to the Statement of Proposal at ***Attachment 1***.

Special consultation requirements in relation to trade waste

Section 148 of the LGA provides special requirements for bylaws relating to trade waste and requires the Council to send a copy of the proposed bylaw to the Minister of Health for his or her comments.

Before sending the proposed bylaw to the Minister, the Council must give the public notice of its intention to make the bylaw.

Public consultation

Under s 156 of the LGA, if the Council agrees with the recommended option to make a new Integrated Trade Waste and Wastewater Bylaw, it must use the special consultative procedure if the bylaw concerns a matter identified in the Council's Significance and Engagement Policy as being of significant interest to the public, or if the Council considers there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes.

The proposed consultation process in relation to the Integrated Trade Waste and Wastewater Bylaw is as follows:

1. Public consultation will commence on 28 March 2022. This will involve:

a. Targeted consultation with owners or occupiers of trade premises within the district.
b. Targeted consultation with mana whenua through Te Waka Rangapū.
c. Community drop-in sessions. These will allow interested members of the community to learn more about the bylaw and have their questions answered by relevant council officers.
d. An open day at the Awatoto Wastewater Treatment Plant for anyone to book and attend.
e. Advertising across digital, social and print media to ensure public awareness and participation in the review.
f. Online and hard copy submissions that will be available at Council's libraries and Customer Service Centre

2. The proposal will also be provided to the Minister of Health for comment on 28 March 2022.

3. Submissions on the proposal will close at midday on 25 May 2022.

4. Submissions on the proposal (including comments from the Minister and any submissions received from or on behalf of owners or occupiers of trade premises in the District) will be heard by Councillors on 22 and 23 June 2022.

5. The Council will consider the outcome of the consultation and hearing process and make a decision on the proposal on 14 July 2022.

1.3 Issues

The changes proposed are intended to ensure users of the network are not causing over-loading problems and should therefore reduce the level of maintenance required, reduce the costs of owning and operating the Public Wastewater System for the Council, and allow a fairer apportion of costs to be charged to all users, including ratepayers. A slow, phased rollout is proposed to ensure that additional pressures on businesses are minimal and achievable.

1.4 Significance and Engagement

As noted above, the relevant Council officers have undertaken an assessment of the proposed bylaws against the Napier City Significance and Engagement Policy and determined that this matter is of high significance, therefore consultation is to occur in accordance with the special consultative procedure prescribed by s 83 of the LGA. See *Attachment 5* High Level Consultation Plan – Integrated Trade Waste and Wastewater Bylaw.

1.3 Implications

Financial

Current budgets are sufficient to make and implement the integrated bylaw.

There will be future costs to Council in implementing and monitoring the proposed Integrated Trade Waste and Wastewater Bylaw and the supporting Administration Manual. The extent of these costs will depend on decisions made during the finalisation of the Bylaw. At this stage, there is sufficient internal resource to implement the Bylaw as drafted.

Risk and Mitigation

As the Wastewater Drainage Bylaw 2014 was revoked on 17 December 2021 the Council is currently unable to regulate and enforce the matters covered by this bylaw. The approval of the recommended option will address this regulatory gap and allow the Council to

implement a proactive and responsive regulatory framework to manage its wastewater network in an integrated manner.

The new Bylaw will also address the regulatory gap that would otherwise remain if the Trade Waste Bylaw 2014 is allowed to lapse in December 2022.

1.4 Options

A full assessment of all reasonably practicable options is included in Schedule 2 of the Statement of Proposal at *Attachment 1*.

1.5 Development of Preferred Option

The proposed bylaw is considered appropriate and necessary to manage issues within Napier City and the recommended option is therefore that the Council resolve to consult with the public in accordance with s 83 of the LGA on the proposal to promulgate the Integrated Trade Waste and Wastewater Bylaw.

Accordingly it is recommended that the Sustainable Napier Committee:

a. Endorse the content of this report (including *Attachments*);
b. Agree that pursuant to s155(2)(b) and 155(3) of the LGA, the proposed bylaw is not inconsistent with NZBORA;
c. Adopt the proposal and the draft bylaw for the purposes of public consultation; and
d. Approve the commencement of the special consultative procedure in relation to the proposal in accordance with s83(1) of the LGA.

1.6 Attachments

1 Integrated Trade Waste and Wastewater Bylaw Statement of Proposal ⇩
2 Statement of Proposal Schedule 3 draft Integrated Trade Waste and Wastewater Bylaw ⇩
3 Statement of Proposal Schedule 4 Integrated Trade Waste and Wastewater Bylaw Administration Manual ⇩
4 Statement of Proposal Appendices 1&2 Integrated Trade Waste and Wastewater Bylaw Administration Manual ⇩
5 High Level Consultation Plan - Integrated Trade Waste and Wastewater Bylaw ⇩

NAPIER CITY COUNCIL
INTEGRATED TRADE WASTE AND WASTEWATER BYLAW

STATEMENT OF PROPOSAL
MARCH 2022

Napier City Council (**the Council**) is seeking public feedback on its proposal to make a new integrated bylaw that will provide a regulatory framework to effectively manage all wastewater (including trade waste) in Napier City (**City**).

What is a bylaw?

Bylaws are rules or regulations made by local authorities under national legislation that are created to control specific activities of potential concern within the boundaries of a particular district or region. They allow a local authority to address local problems with local solutions.

The Local Government Act 2002 (**LGA**) enables local authorities to adopt bylaws for the following general reasons:

- To protect the public from nuisance (section 145(a));
- To protect, promote and maintain public health and safety (section 145(b)); and
- To minimise the potential for offensive behaviour in public places (section 145(b)).

In addition, section 146 of the Local Government Act specifically enables the Council to make bylaws for the purposes of managing and protecting its wastewater network, and the natural environment into which wastewater is discharged.

Section 158 of the LGA requires local authorities to review all bylaws within five (5) years of the date on which they were first made. After a bylaw has been reviewed in accordance with section 158, it can then be reviewed every 10 years thereafter. Bylaws that are not reviewed within the statutory timeframes are then revoked under section 160A of the LGA.

The Wastewater Drainage Bylaw 2014 was revoked on 17 December 2021. The existing Trade Waste Bylaw 2014 is overdue for review, and is due to be revoked under section 160A of the LGA in December 2022.

The proposal

The Council proposes that:

- A new bylaw that regulates wastewater and trade waste (**Integrated Trade Waste and Wastewater Bylaw**) be made. A copy of the draft bylaw is included at **Schedule 3.**
- The existing Trade Waste Bylaw 2014 is revoked when the new Integrated Trade Waste and Wastewater Bylaw comes into force.
- An Administration Manual accompany the Integrated Trade Waste and Wastewater 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. The Administration Manual includes an explanation of the Council's new Trade Waste Charging Model. The Charging Model is a user pays trade waste scheme that prescribes which charges for trade waste discharges are calculated over a certain threshold. A copy of the draft Administration Manual is included at **Schedule 4**.

Making new bylaws

To make new bylaws, the Council is required by section 155 of the LGA to determine whether a bylaw is the most appropriate way of addressing the perceived problem and, if so, whether the proposed form of bylaw is appropriate and whether there are any implications under the New Zealand Bill of Rights Act 1990 (**NZBORA**).

The Council has undertaken these assessments and considers that the Integrated Trade Waste and Wastewater Bylaw is appropriate and necessary, for the reasons set out in **Schedule 1** to this Statement of Proposal.

The Council has also undertaken an assessment under section 77(1) of the LGA to identify all reasonably practicable options that may be available to achieve the Council's objectives. An assessment of the advantages and disadvantages of each option can be found at **Schedule 2** to this Statement of Proposal.

Consultation process

The proposal to make the Integrated Trade Waste and Wastewater Bylaw must follow the special consultative procedure in the LGA.

Additionally, section 148 of the LGA provides special requirements for bylaws relating to trade waste, including that:

- The Council send a copy of the proposed bylaw to the Minister of Health for his or her comments.
- Before sending the proposed bylaw to the Minister, the Council must give the public notice of its intention to make the bylaw, and stating:
    - The trade wastes to which the bylaw relates;
    - That copies of the bylaw are able to be inspected free of charge at the place specified; and
    - That the Council is prepared to receive and consider any representation about the bylaw made to it by owners or occupiers of trade premises within its district at the time specified in the notice, being not less than two months after publication of the notice.
- Before making the bylaw, the Council consult any body of persons the Minister specifies to the Council as being representative of—
    - the interests of the owners or occupiers of trade premises in the district of the territorial authority; or
    - any class of those owners or occupiers.

Council officers have consulted with stakeholders to identify matters within the current trade waste and wastewater bylaws that require updating, and to address specific concerns they have with these existing bylaws, which will be incorporated into the Integrated Trade Waste and Wastewater Bylaw.

- Consultation with businesses in relation to the trade waste aspects of the Bylaw:
    - All consent holders under the current Trade Waste Bylaw 2014 were informed of and given the opportunity to attend one of three workshops regarding the proposal held in October 2021. 18 attendees representing 16 sites holding current trade waste consents attended the workshops, with general agreement and support for the proposed changes.
    - More information will be shared with current consent holders as the Trade Waste Charging Model is finalised. Council Officers have regular contact with this group through monitoring of current Trade Waste consents so are able to pass on regular updates through informal meetings on sites.
    - A workshop has been organised with representatives of businesses from the Napier CBD with the assistance of Napier City Businesses Incorporated (NCBI). They will be introduced to the topic and consulted on ways to engage with business owners during the consultation period.
    - Separate tours of the wastewater treatment plant could be held with businesses owners if interest was expressed, providing an opportunity for targeted workshops.
    - All businesses will be sent a letter to inform them of the Bylaw review prior to public consultation commencing, explaining the expanded definition and new categorisation of Trade Waste.
    - The Council's Customer Services Team will be briefed on some expected Frequently Asked Questions (FAQs) so that they are prepared to respond to a high level of queries from businesses.
    - Tanker operators will be contacted individually due to the small number of operators in the District.
- Te Waka Rangapu will assist with engagement with mana whenua and the wider Māori community in Napier during the consultation process.

- Members of the public will be invited to an open day at the Awatoto Wastewater Treatment Plant where small groups will be taken on tours to learn more about Wastewater in Napier and ask any questions to Council Officers from the Environmental Solutions Team.

Proposed bylaw

A copy of the proposed bylaw, draft Administration Manual and Charging Manual can be found at **Schedules 3 and 4** to this Statement of Proposal and on the Napier City Council Website: www.sayitnapier.nz

Print copies of the draft bylaw may be inspected from **Monday, 28 March 2022 to Wednesday, 25 May 2022** at the following places during normal office and library hours:

Customer Service Centre
215 Hastings St
Napier

Napier Library
1 Tennyson St
Napier

Taradale Library
24 White St
Taradale

Right to make a submission and be heard

The Council is now seeking your views and wants to hear from any person, group or business that would like to make submissions with respect to the proposed Trade Waste and Wastewater Bylaw (including any operators of trade premises in the City).

Any person or organisation has a right to be heard in regard to this Statement of 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 Statement of Proposal. Submissions may be made on any aspect of the proposed Bylaw, however the Council is particularly interested to hear feedback from:

- Trade waste operators in relation to:
    - The timeframes for registration and obtaining consents compliance
    - The proposed trade waste consenting regime;
    - The proposed Charging Model; and
    - The requirements for grease traps to be installed and maintained at all food premises; and
    - The proposed timing of the new requirements being implemented.
- Liquid and Hazardous Waste (Tanker) operators in relation to:
    - The proposed trade waste consenting regime; and
    - The proposed implementation of WasteTRACK; and
    - The proposed timing of these regulations being implemented.
- Mana whenua in relation to:
    - The characteristics of trade waste that are considered culturally offensive to Māori and how these may be managed or mitigated by trade waste operators (for example, whether the use pre-treatment methods such as diversion or Rakahore rock channels may be appropriate);
    - The addition of Cultural significance of water to the definition of ‘Cleaner Production’ and how best to implement and educate Operators and Customers in relation to this.
- The wider community in relation to:
    - The proposed Charging Model and changes to rates calculations; and
    - Part C of the Bylaw and Admin Manual relating to Domestic Wastewater.

Parties intending to make a submission are encouraged to set those submissions out in writing and submit them to the Council by:

- Online form: **Go to our consultation website at www.sayitnapier.nz**
- Post to: **Private Bag 6010, Napier 4142, New Zealand**

- Delivery to: **Customer Service Centre, 215 Hastings St, Napier**

All submissions must be made in writing (hardcopy or electronic) and received by **midday on Wednesday, 25 May 2022.**

Making an effective submission

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

Hearing

After submissions have been received, the Council will convene a hearing, which it intends to hold in Napier City on **22 and 23 June 2022.** Any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

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.

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.

Consultation timeline

The key dates in the Council's consultation programme are set out below:

- The Council resolved to undertake public consultation regarding the proposal at its meeting of **24 March 2022.**
- Public consultation will commence on **Monday, 28 March 2022**. This will involve:
    - Targeted consultation with owners or occupiers of trade premises within the district.
    - Targeted consultation with mana whenua through Te Waka Rangapū.
    - Community drop-in sessions. These will allow interested members of the community to learn more about the bylaw and have their questions answered by relevant council officers.
    - An open day at the Awatoto Wastewater Treatment Plant for anyone to book and attend.
    - Advertising across digital, social and print media to ensure public awareness and participation in the bylaw-making process.
    - Online and hard copy submission forms that will be available at Council's libraries and Customer Service Centre
- The proposal will also be provided to the Ministry of Health for comment on **Monday, 28 March 2022**.
- The proposal will also be provided to the Hawkes Bay Regional Council for comment on **Monday, 28 March 2022**.

- Submissions on the proposal will close at midday on **Wednesday, 25 May 2022**.
- Submissions will be heard by Councillors on **22 and 23 June 2022.**
- The Council will consider the outcome of the consultation and hearing process and make a decision on the proposal on **14 July 2022.**

Schedule 1

Section 155 determinations

Section 155 of the LGA requires that the Council assess whether a bylaw is the most appropriate way of addressing the perceived problem and, if so:

- whether the proposed form of bylaw is appropriate; and
- whether the proposal gives rise to any implications under the NZBORA.

Those assessments are set out below.

Problem identification and assessment

The public wastewater network is a piece of core infrastructure managed by the Council, and provides for the collection, treatment, and discharge of wastewater. Wastewater includes domestic sewage and wastewater from trade premises. Trade waste comprises a significant part of the wastewater that is conveyed, treated and discharged into Hawke's Bay by the Council, both in terms of volume and loads of contaminants which are detrimental to the environment and can damage infrastructure.

Perceived problems

In addressing the risks associated with the operation of the public wastewater network, and trade waste, the Council has identified the need to:

- Improve the health of the Hawke's Bay Marine environment into which treated trade waste and wastewater is currently discharged.
- Reduce maintenance requirements by reducing load on the Public Wastewater System.
- Allow for accurate and fair cost recovery of the industrial load on the wastewater network and treatment plant.
- Set effective control mechanisms for the discharge of trade waste into the network in compliance with the trade waste consent granted.
- Meet best practice standards, regional consistency and compliance with the Council's own wastewater discharge consent.
- Provide a common framework that enables the council to control discharges which ultimately protects the receiving environment, public health and people working on the network.
- 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.

Is a bylaw the most appropriate way of assessing the perceived problems?

There is an identified need for Council to continue to regulate wastewater (including trade waste) in the City. The Council considers that bylaws are the most appropriate way to address these

issues, as bylaws allow the Council regulate behaviours that affect three waters management and the use of three waters systems in the District.

The purpose of the Wastewater Drainage Bylaw 2014 is to prevent the misuse of the Council's wastewater system, ensure the protection of personnel and the general public, protect the ability of the Council to meet the requirements of legislation and, protect investment in the existing and any future infrastructure, treatment plant and disposal facilities.

The purpose of the Trade Waste Bylaw 2014 is to protect the Council's wastewater infrastructure and regulate the disposal and treatment of trade waste in the City. The aim is to ensure effective and efficient trade waste management, and to meet requirements of Council's discharge consents for treated waste to the marine environment by imposing performance standards and requirements for trade waste disposal.

The Council considers that the purposes of the current bylaws remain important and that the most appropriate way to respond to these perceived problems described above is through revoking and replacing the existing bylaws so that the new bylaw can more efficiently and effectively regulate wastewater and trade waste in the district.

Is the proposed bylaw the most appropriate form of bylaw?

The need for improved outcomes for the management of these wastewater streams has become evident with the City's increase in population and development, and the need to protect the natural receiving environment and Council's infrastructure from harm, and comply with the conditions of the coastal permit that the Council holds from the Hawke's Bay Regional Council.

Given that trade waste is also discharged into the Council's wastewater system, incorporating general wastewater controls for the City together with those for trade waste would enable the Council to take an integrated, consistent, and simplified approach to the management of its wastewater services and the associated network.

The Council has undertaken a review of the Trade Waste Bylaw 2014 and the Wastewater Drainage Bylaw 2014 and has prepared:

- A gap analysis from its review of the Napier City Trade Waste Bylaw 2014 (**Appendix 1**); and

- A gap analysis from its review of the Napier City Wastewater Drainage Bylaw 2014 (**Appendix 2**).

The above reports highlight the interdependency of the trade waste and wastewater issues identified in the City. It is considered that the most appropriate way of addressing the perceived problems in respect of trade waste and wastewater is through a new integrated bylaw that addresses both wastewater and trade waste management.

In coming to this conclusion, the Council officers have undertaken an assessment of a range of options pursuant to section 77 of the LGA, which are summarised in **Schedule 2** below.

NZBORA implications

The Council considers that the proposed Integrated Trade Waste and Wastewater 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.

There may be some restriction to personal freedom arising from the bylaw, however the Council considers that these restrictions are justified for the prevention of nuisance to others and to the environment, and are provided for under the NZBORA.

Determinations

For the reasons given above the Council determines that:

- A bylaw is the most appropriate way to address the perceived problem, pursuant to section 155(1) of the LGA;
- The proposed bylaw is the most appropriate form of bylaw, pursuant to section 155(2)(a) of the LGA; and
- The proposed bylaw does not give rise to any implications under the NZBORA, pursuant to section 155(2)(b) of the LGA.

Attachments

- Gap analysis of the Napier City Trade Waste Bylaw 2014 (**Appendix 1**)
- Gap analysis of the Napier City Wastewater Drainage Bylaw 2014 (**Appendix 2**).

Schedule 2

Section 77(1) assessment of all reasonably practicable options

Option(s)	Advantages and disadvantages
Option 1 Not replace the Trade Waste Bylaw 2014 and Waste Water Drainage Bylaw 2014	**Advantages** As part of this review, the Council has considered the option of not replacing the existing bylaws and instead regulating wastewater and trade waste management using other means. This option would require the Council to rely on existing legislation and an educative approach to ensure its wastewater network was not compromised. Costs associated with setting up and implementing a new bylaw (or bylaws) could be allocated to other Council projects and to increasing awareness to change behaviour using a programme of educational outreach, industry guidelines and targeted programmes to improve outcomes. **Disadvantages** The disadvantages with this option are that high risk activities and behaviours cannot be monitored and investigated to provide control. The Council runs the risk of not taking all practical steps to protect, promote and maintain public health and safety and the natural environment. The Council also runs the risk of not meeting environmental standards, not protecting public health and safety and not protecting its wastewater infrastructure or meeting its own obligations pursuant to its wastewater discharge consent. There is a risk that a purely educative approach will not be as successful as immediate or readily enforceable measures provided under a bylaw. **Conclusion** Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.

Option 2 Roll over / renew the Bylaws without any changes.	**Advantages** New bylaws will have the same advantages of the current bylaws. The cost of establishing the new bylaws would be minimal in this case as they would be replaced on largely the same terms. **Disadvantages** The disadvantages with this option are that it would not improve the efficacy of the Bylaw nor address trade waste and wastewater related problems faced by the district that are not currently addressed by the existing bylaws, and which have been identified in the gap analyses referred to above. The integration outcomes sought from the proposed Integrated Trade Waste and Wastewater Bylaw would also not be achieved. **Conclusion** Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.
Option 3 Replace the Trade Waste Bylaw 2014 and Waste Water Drainage Bylaw 2014 separately.	**Advantages** Under this option Council would review the current trade waste and wastewater bylaws and incorporate the recommendations identified within separate bylaws. The Council would be actively engaged in meeting environmental standards, protecting public health and the natural environment with regards to trade waste and wastewater discharges and seen as actively engaging in protecting the City's wastewater network. With a bylaw, high risk activities and behaviours can be monitored and investigated to provide control. The new bylaws would address the trade waste and wastewater related problems faced by the district that are not currently addressed by the existing bylaws, as identified in the gap analyses referred to above. **Disadvantages** The disadvantages with this option are that the integration outcomes sought from the proposed Integrated Trade Waste and Wastewater Bylaw would not be achieved. The process of making the bylaws would also be more costly compared to an integrated bylaw as the Council would have to go through separate consultation processes to update each bylaw. **Conclusion**

	Overall, the Council does not consider that this option would be the most effective at achieving its desired objectives and has therefore discounted it.
Option 4 Make a new Integrated Trade Waste and Wastewater Bylaw.	**Advantages** The proposed Integrated Trade Waste and Wastewater Bylaw would incorporate the regulation of trade waste and wastewater into a single integrated, regulatory framework. With this option, the Council would be seen as actively engaging in protecting the City's wastewater infrastructure in an integrated and comprehensive manner that better controls and regulates 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 people working on the network. • Clear regulatory direction for Council's role in decision making on what is discharged into the environment, regardless of the source of the discharge to the wastewater network. • A consistent approach across the City that will improve organisational efficiency that is effective and easily understood. • Future bylaw reviews will take an overall holistic approach to any issues affecting the wastewater network. • A consistent and holistic approach to the promotion of sustainable behaviours and activities including water conservation, waste minimisation, cleaner production and on-site pre-treatment. The proposed Integrated Trade Waste and Wastewater Bylaw would provide a proactive and responsive regulatory framework to manage the risks associated with the operation of the Council wastewater network, including the quality of discharges to the natural environment and enable the Council to fulfil its own environmental responsibilities, including in respect of the Council's own wastewater discharge consent. **Disadvantages**

	Disadvantages include community resistance to increased levels of regulatory management and the relatively high costs associated with reviewing the existing bylaws, preparing, consulting on, and adopting an Integrated Bylaw and Administration Manual. **Conclusion** The Council has considered the options available to address the problems identified in respect of trade waste and wastewater and determined that the proposed Integrated Trade Waste and Wastewater Bylaw is the most appropriate form of bylaw for addressing the identified issues.

Schedule 3

Proposed Bylaw

Schedule 4

Administration Manual

Napier City Council Integrated Trade Waste and Wastewater Bylaw 2022

Bylaw Structure

There are three parts to this Bylaw:

- Part A Requirements Common to All Wastewater Services
- Part B Trade Waste
- Part C Wastewater Drainage

Part A. Requirements Common to All Wastewater Services

A.1 Title and Commencement

A.1.1 This Bylaw is the "Integrated Trade Waste and Wastewater Bylaw 2022".

A.1.2 This Bylaw comes into force on 14th July 2022.

A.2 Administration Manual

A.2.1 This Bylaw is supported by an Administration Manual which provides technical, administrative or operational material complementary to the Bylaw. The Administration Manual is made under the Bylaw and will guide the implementation and operation of the Bylaw and simplify its administration.

A.2.2 The Administration Manual will be updated from time to time, as necessary, to ensure that it is up to date and reflects current practice. All matters that the Administration Manual defines, regulates, controls or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of Council under section 151(2) of the Local Government Act 2002.

A.3 Revocation

A.3.1 The Trade Waste Bylaw 2014 is revoked.

A.4 Area within which Bylaw applies

A.4.1 This Bylaw applies to those areas of the District which are serviced by the Public Wastewater System. The Public Wastewater System is core infrastructure installed, owned and managed by the Council. It provides for the collection, treatment and discharge of Wastewater, including Domestic Wastewater and Trade Waste.

A.5 Interpretation

A.5.1 The Legislation Act 2019 applies to this Bylaw and the Administration Manual.

A.5.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.

A.5.3 Any reference in this Bylaw to repealed legislation, bylaws, regulations or standards, is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation, bylaw, regulation or standard, repealed.

A.5.4 So far as they are applicable, and are not contrary to the application of this Bylaw, the provisions of the Napier City Introductory Bylaw are incorporated into and form part of this Bylaw.

A.6 Compliance with Other Acts and Regulations

A.6.1 This Bylaw is made under section 146 of the Local Government Act 2002 for the provision of Wastewater Services by the Council.

A.6.2 Compliance with this Bylaw does not remove the need to comply with the requirements of any other applicable legislation, bylaws, regulations or standards. In the event of any inconsistency, the more stringent requirement applies.

A.6.3 Nothing in this Bylaw overrides the conditions of any resource consent granted by the Hawke's Bay Regional Council which specifically address Wastewater drainage and disposal.

A.7 Parties required to comply with the Bylaw

A.7.1 This Bylaw applies to the following parties who utilise the Wastewater Services:

a. Customers discharging Domestic Wastewater to Council's Public Wastewater System; and

b. Operators discharging Trade Waste to Council's Public Wastewater System.

A.8 Delegation

A.8.1 Any of the various powers and functions of the Council as detailed and set out in this Bylaw may be delegated by the Council to any officer or authorised agent of the Council.

A.9 Definitions

A.9.1 For the purpose of the Bylaw and the Administration Manual, unless inconsistent with the context, the following definitions apply:

Acceptable Discharge means a discharge of Domestic Wastewater with Characteristics that comply with the requirements of Permitted Trade Waste as defined in Part B of this Bylaw.

Administration Manual means the Administration Manual for the Bylaw, as approved by the Council when the Bylaw was made and as amended from time to time by the Council.

Approval means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose or other Person authorised to give such approval on behalf of Council.

Approval Notice means an Approval authorising a Person to discharge Permitted Trade Waste to the Public Wastewater System.

Authorised Officer means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer warranted and appointed under sections 171 and 177 of the Local Government Act 2002.

Boundary Kit means the isolation valve and non-return valve installed on an individual Premise's Low Pressure Sewer lateral located on the legal boundary.

Building means any Building within the meaning of sections 8 and 9 of the Building Act 2004. A Building also includes any mobile or temporary structures with permanent or temporary connections to the Wastewater Services.

Buried Services means all Public Wastewater System features, sewers, pipes, rising mains, trunk sewers including Low Pressure Sewers and other underground utilities under the responsibility of the Council, whether in public or private land.

Bylaw means this Bylaw.

Characteristic means any of the physical, biological or chemical characteristics of Trade Waste or Wastewater.

Condensing or Cooling Water means any water used in any trade, industrial, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

Conditional Trade Waste means Tankered Waste, Trade Waste discharged from Mobile Facility and Vendor Operations, and any Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics set out in Schedule A of the Administration Manual unless otherwise specified in a Trade Waste Consent, and may have a discharge volume of more than 5 m3/day and/or a flow of more than 2 L/s.

Consent Holder means an Operator who has obtained a Trade Waste Consent to discharge from specified Premises to the Public Wastewater System, and includes any Person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

Construction Debris includes debris that may originate from all forms of construction and includes materials such as timber, Building paper, gravel, sand, concrete, concrete slurry, board materials, cardboard and other packaging materials, metal strips and other materials.

Contaminant has the same meaning as defined in section 2 of the Resource Management Act 1991.

Controlled Wastewater means Wastewater that meets the definition of Controlled Wastewater in the Administration Manual.

Controlled Trade Waste means Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics set out in Schedule A of the Administration Manual, and has a discharge volume of less than 5 m^3/day and a flow of less than 2 L/s.

Council means the Napier City Council and includes any Person or committee acting under authority duly delegated by the Napier City Council.

Culturally Offensive Characteristics means those forms of waste which, if discharged into the environment or to the Public Wastewater System or Stormwater Network, have potentially adverse effects on human health, aquatic ecology, Māori cultural values, tourism and amenity values.

Customer means a Person occupying domestic Premises connected to Public Wastewater System and includes, where appropriate, employees and agents. If the Building or land is not occupied, or is subject to a residential tenancy, means the Owner.

Discharge has the same meaning as defined in section 2 of the Resource Management Act 1991.

Disconnection means the physical cutting and/or sealing of any of the Council's water services, utilities, drains or sewers against use by any Person for the purposes of disconnecting of Premises from the Public Wastewater System.

District means the District of the Council as defined in section 2 of the Resource Management Act 1991.

Domestic Wastewater means water or other liquid from domestic Premises, including waste matter in solution or suspension, discharged from Premises used solely for residential purposes, and including water or other liquid drained from domestic swimming and spa pools.

Dwelling includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the ground or not, used wholly or partly for human habitation and/or sanitation, and includes the land accessory to a Dwelling.

Environmental Management Plan means a plan for a Premises to support the effectiveness of the Public Wastewater System by making provision for matters including, but not limited to, cleaner production, waste minimisation, Pre-treatment, managing, monitoring and recording Trade Waste discharges, contingency management procedures, pollution prevention and site Stormwater management.

Food Premises means Premises from which a food business (as defined in section 10 of the Food Act 2014) operates.

Hazardous Substance has the same meaning as that term is defined in section 2 of the Hazardous Substances and New Organisms Act 1996.

Household Equivalent means any Wastewater generated by a Trade Premises that would otherwise be generated from a domestic Premises (e.g. toilets, sinks, staff kitchen and facilities) and which is not a direct consequence of commercial or industrial operations.

Infiltration means water entering a pipe from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include Inflow.

Inflow means water discharged into a pipe from unlawful connections or other drain laying faults. It includes Stormwater entering through unlawful Stormwater downpipe connections, and unlawful cross connections of Stormwater pipes into Wastewater pipes, or from low gully traps.

Level of Service means the measurable performance standards on which the Council undertakes to supply Wastewater Services, as determined from time to time in the Council's Annual Plan.

Low Pressure Sewer System means a sanitary sewerage system consisting of on-site, privately owned, operated and maintained Sewage pumps, with service pipes connected, directly or indirectly, to the Public Wastewater System.

Maximum Concentration means the instantaneous peak concentration that may be discharged at any instant time.

Mass Limit means the total mass of any Characteristic that may be discharged to the Public Wastewater System over any stated period from any single Point of Discharge or collectively from several Points of Discharge.

Meter means a Council owned meter which measures and records the flow and/or volume of Wastewater.

Mobile Facility and Vendor Operations includes a vehicle, trailer, or caravan that may be used for food preparation and sale and a range of mobile activities such as commercial cleaning where liquid wastes are containerised and transported to discharge points in the Public Wastewater System.

Napier City Council Code of Practice for Subdivision and Land Development means Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.

Operator means a Person occupying Trade Premises connected to Public Wastewater System and includes, where appropriate, employees and agents.

On-Property Low Pressure Sewer means equipment placed on a Premises to permit the disposal of Wastewater from that Premises to a Pressure Sewer System that complies with the

requirements in the Napier City Council Code of Practice for Subdivision and Land Development. This includes:

a. A grinder pumping unit within a chamber, both specifically designed for pressure sewer applications; and

b. A property discharge line that connects the pumping unit to the Boundary Kit; and

c. A control/alarm panel that controls the operation of the pump unit, and contains alarm components, electrical connection to the property and associated circuit breaker; and

d. A remote data connection, such as telemetry (if required by Council).

Owner means any Person who owns any Building or land connected to the Public Wastewater System.

Permitted Trade Waste means Trade Waste that meets the physical and chemical Characteristics as defined in Schedule A of the Administration Manual without Pre-treatment and has a discharge volume of less than 5 m^3/day and a flow of less than 2 L/s.

Person includes the Crown, a corporation sole and also a body of Persons whether corporate or otherwise.

Point of Discharge is the boundary between the Public Wastewater System and a Private Drain, as further defined in Clause C.5 and Schedule D of the Administration Manual or in a Trade Waste Consent.

Potable Water means water that does not contain or exhibit any determinants to any extent that exceed the maximum acceptable values specified in drinking water standards issued under the Health Act 1956.

Premises means either:

a. A property or allotment which is held under a separate Record of Title or for which a separate Record of Title may be issued and in respect to which a building consent has been or may be issued;

b. A Building that has been defined as an individual unit by a cross-lease, Unit Title or company lease and for which a Record of Title is available;

c. Land held in public ownership (e.g. reserve) for a particular purpose; or

d. Individual units in Buildings which are separately leased or separately occupied.

Pressure Sewer System means a system in the Public Wastewater System where Wastewater is conveyed under pressure generated by single or multiple pump units.

Pre-treatment means any processing of Wastewater or Stormwater designed to reduce or vary any Characteristics before discharge to the Public Wastewater System.

Private Drain means that section of drain between a Premises and a Point of Discharge through which Wastewater is conveyed from the Premises.

Prohibited Trade Waste means Trade Waste that has the Characteristics defined in Schedule B of the Administration Manual.

Public Stormwater Network means any component of the stormwater network vested in, or under the control of, the Council, whether or not any part of the network passes through private land.

Public Wastewater System means the system for collection, treatment and disposal of Wastewater and Trade Waste, including all sewers, pumping stations, and storage tanks, Wastewater Treatment Plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of Wastewater. The Public Wastewater System does not extend beyond the Point of Discharge.

Record of Title means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

Separated Trade Waste Network means the sewer network used exclusively for Trade Waste that contains no human sewage.

Service Opening means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a Public Wastewater System.

Stormwater means surface water run-off resulting from rainfall.

Stormwater Drain means any passage, channel or pipe on, over or under the ground by which Stormwater is conveyed.

Tankered Waste means any water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal into the Public Wastewater System or the Separated Trade Waste Network, but excludes Domestic Wastewater discharged directly from house buses, camper vans, caravans, buses and similar vehicles and discharges from Mobile Facility and Vendor Operations.

Te Whanganui a Orotū means the Ahuriri Estuary.

Trade Premises means:

a. Any Premises used or intended to be used for any industrial or commercial purposes; or

b. Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or

c. Any other Premises from which a Contaminant is discharged in connection with any industrial or commercial process; or

d. Any other Premises discharging waste material other than Domestic Wastewater, and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

Trade Waste means any Wastewater that is not Domestic Wastewater, and is generated by commercial or industrial activities, and does not include Wastewater generated by churches, marae, or Household Equivalent discharges.

Trade Waste Consent means a consent given by the Council in writing authorising an Operator to discharge Trade Waste to the Public Wastewater System.

Unit Title means a Record of Title or computer unit title register issued for a stratum estate in freehold or a stratum estate in leasehold (as the case may be) in respect of a unit or units in accordance with the Unit Titles Act 2010.

Waahi tapu means places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense and are outlined in the District Plan.

Wastewater means any water with matter in solution or suspension, Domestic Wastewater, or Trade Waste that discharges to the Public Wastewater System, and includes Tankered Waste**.**

Wastewater Services has the same meaning as defined by section 124 of the Local Government Act 2002 and includes Domestic Wastewater and Trade Waste services.

Wastewater Service Area means the areas of the District served by the Public Wastewater System.

Water Main means a pipe or conduit that conveys Potable Water.

Working day has the same meaning as in section 5 of the Local Government Act 2002, and excludes Matariki.

A.10 Connection to Wastewater Services – General

A.10.1 All procedures and physical works associated with a Wastewater Services connection must be in accordance with Council's procedure for approved contractors to commission physical connections to Wastewater Services as set out in the Administration Manual and Napier City Council Code of Practice for Subdivision and Land Development.

A.11 Level of Service

A.11.1 The Council does not guarantee uninterrupted Wastewater Services and, in particular, a service which is in excess of an agreed Level of Service, but will use its best endeavours to ensure the continuity of Level of Service.

A.11.2 Where works of a permanent or temporary nature are planned by Council which will substantially affect existing Wastewater Services, the Council will, where practicable, notify all known affected Persons or publicly notify the works.

A.11.3 Council will not be liable for any loss, damage or inconvenience which a Customer or Operator (or any other Person using the Public Wastewater System) may sustain as a result of deficiencies in, or interruptions to, the Wastewater Services or as a result of work carried out on the Public Wastewater System by the Council or its Authorised Agents.

A.12 Emergency

A.12.1 Natural hazards (such as floods, droughts, earthquakes) or accidents or pandemics which result in disruptions to any or all of the Wastewater Services requiring specific actions by personnel associated with operating and maintaining the Public Wastewater System are deemed an emergency and are exempt from Level of Service requirements.

A.12.2 During an emergency the Council may restrict or prohibit the use of a Wastewater Service for any specified purpose, for any specified period, and for any or all Persons connected to the Wastewater Services.

A.12.3 Such restrictions will be publicly notified when deemed necessary by the Council. The Council may enact penalties over and above those contained in this Bylaw to enforce such restrictions.

A.13 Protecting the Public Wastewater System

A.13.1 Customers must prevent any Stormwater, groundwater or Trade Waste entering the Public Wastewater System through Infiltration or Inflow, surface water run-off or overland flow.

A.13.2 Stormwater must be excluded from the Wastewater system by ensuring that:

a. There is no direct connection of any Stormwater pipe or drain to the Wastewater system.

b. Gully trap surrounds are set above Stormwater ponding levels, or secondary overland flow path flood levels, or above the 1 in 50 year flood level.

c. Inspection covers are in place and are appropriately sealed.

A.13.3 Private drains must be kept and maintained in a state which is free from cracks and other defects which may allow Infiltration.

A.13.4 Any water used during the repair and construction of water mains must be de-chlorinated to provide a residual chlorine level of less than 0.5 ppm prior to Discharge into the Public Wastewater System. Any chemical used to neutralise the chlorine must not introduce any substances that exceed the limits specified in Schedule A of the Administration Manual.

A.13.5 No water described in Clause A.13.4 above may be disposed of to the Public Stormwater Network, water course, or water body receiving environment except in compliance with the Napier City Council Stormwater Bylaw and with prior Approval.

A.14 Access and Inspection

A.14.1 The Council's powers of access and inspection are as contained in all relevant legislation, including the Local Government Act 2002 and/or the Local Government Act 1974.

A.14.2 Customers or Operators must allow the Council, or its agents, access to and about the Point of Discharge for the purposes of monitoring, testing, and maintenance work.

A.14.3 Except under emergency conditions, the Council will give 24 hours prior notice to the Customer or Operator of the intended entry. Under emergency conditions, the Council is not required to provide notice to the Customer or Operator of its intended entry.

A.14.4 Under emergency conditions, a Customer or Operator must allow the Council free and unimpeded access to and about the Point of Discharge. Emergency conditions include situations involving blockages of the Public Wastewater System, or where the Council has reasonable grounds to suspect that the Public Wastewater System is being misused or that a non-complying connection to the Public Wastewater System has been made.

A.15 Fees and Charges

A.15.1 Under sections 150 and 151 of the Local Government Act 2002 the Council may prescribe fees and authorise the recovery of reasonable costs incurred by the Council in respect of the matters for which the fees are charged. Fees are set at the annual planning process fee setting or similar transparent public process in accordance with the Local Government Act 2002.

A.15.2 The methodology for setting Trade Waste fees and charges prescribed by this Bylaw is set out in Schedule C of the Administration Manual.

A.15.3 A schedule of fees and charges can be found online at the Napier City Council website.

A.15.4 Customers or Operators must pay all fees and charges associated with their use of the Public Wastewater System.

A.15.5 Customers or Operators are deemed to be continuing the discharge of Wastewater from their Premises and are liable for all charges, until written notice of Disconnection is given to the Council and a final inspection of the Premises has been completed by the Council.

A.15.6 All fees and charges payable under this Bylaw are recoverable as a debt in accordance with section 252 of the Local Government Act 2002.

A.15.7 If a Person Discharging to the Public Wastewater System fails to pay any fees and charges under this bylaw the Council may cancel their consent to discharge and may Disconnect service in certain circumstances.

A.16 Costs recovery

A.16.1 The Council may recover the following costs pursuant to the Local Government Act 2002:

a. costs incurred by the Council in relation to activities Approved or consented under this Bylaw;

b. the amount of the destruction or damage; or the cost incurred by the Council in removing the stoppage or obstruction; or any loss or expenses incurred by the Council by the stoppage or obstruction or interference caused by any Person who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with the Public Wastewater System; and

c. the costs of remedying damage associated with a breach of this Bylaw by any Person, upon their conviction.

A.17 Review of decisions

A.17.1 If any Person is dissatisfied in relation to any decision by the Council made under this Bylaw, any Person may lodge a complaint with the Council in accordance with the Council's Complaints Policy.

A.18 Offences and Penalties – General

A.18.1 Every Person commits an offence against this Part of the Bylaw who fails to comply with or acts in contravention of any provision of Part A of this Bylaw.

A.18.2 A Person who is convicted of an offence against this Bylaw is liable under sections 239 and 242 of the Local Government Act 2002 to a fine not exceeding:

a. $20,000 for a breach of Part A or C of this Bylaw.

b. $200,000 for a breach of Part B of this Bylaw.

A.18.3 A Person who is alleged to have committed an infringement, as specified in regulations made under the Local Government Act 2002, by breaching the Bylaw, may be served with an infringement notice in accordance with section 245 of the Local Government Act 2002.

A.19 Enforcement – General

A.19.1 Authorised Officers appointed under section 177 of the Local Government Act 2002 may:

a. seize and impound property that is not on private land in accordance with section 164 of the Local Government Act 2002;

b. enter private property involved in the commission of an offence, and seize and impound property in accordance with sections 165 and 166 of the Local Government Act 2002;

c. enter land for the purpose of detecting a breach of this Bylaw or the commission of an offence against this Bylaw in accordance with section 172 of the Local Government Act 2002;

d. require certain information from Persons in accordance with section 178 of the Local Government Act 2002; and

e. enter any land or building other than a Dwelling to check utility services in accordance with section 182 of the Local Government Act 2002.

A.19.2 Subject to the provisions of the Local Government Act 2002, Customers and Operators must allow Authorised Officers, with or without equipment, to access any area of their Premises for the purposes of determining compliance with this Bylaw.

A.19.3 The Council may:

a. remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw; and

b. recover the costs of removal or alteration from the Person who committed the breach.

A.19.4 Nothing done under 0 relieves the Person who committed the breach from any other liability for the breach of this Bylaw.

A.19.5 The Council may prohibit the discharge of Wastewater (including Trade Waste) which contravenes this Bylaw by removing, closing or modifying the Point of Discharge in a manner that prevents a discharge of Wastewater from the Premises.

Part B – Trade Waste

B.1 Objectives

B.1.1 The specific objectives for this Part of the Bylaw are as follows:

a. Protect the water quality and ecology within the District's waterways, estuaries and marine environment.

b. Protect the health, safety and wellbeing of staff and people within the District.

c. Protect the Public Wastewater System from Contaminants and other substances that have a detrimental effect on its operation and asset life.

d. Manage the loads on the Public Wastewater System.

e. Optimise the capacity of the Public Wastewater System.

f. Ensure compliance with the conditions of the Council's Wastewater discharge consent.

g. Provide a basis for monitoring discharges from Trade Premises.

h. To provide for an equitable spread of costs between Domestic Wastewater and Trade Waste discharges.

i. Encourage water conservation, sustainable and cleaner production methods.

B.2 Specific provisions for Trade Waste discharges

B.2.1 This Part of the Bylaw provides for the:

a. Establishment of four categories of Trade Waste: Permitted, Controlled, Conditional and Prohibited;

b. The Pre-treatment of Trade Waste before it is accepted for discharge to the Public Wastewater System;

c. Acceptance of long-term, intermittent, or temporary Discharges of Trade Waste that are Controlled, Conditional, or Permitted into the Public Wastewater System and the exclusion of Prohibited Trade Waste;

d. Specification of the daily volume, flow and Contaminant levels for Permitted Trade Waste so that the hydraulic and treatment capacity of the Public Wastewater System is not exceeded;

e. Regulation of Trade Waste that may increase the operational and maintenance costs of the Public Wastewater System;

f. The evaluation of individual Trade Waste discharges against specified criteria as set out in the Bylaw and Clauses B.3, B.4 and Schedule A of the Administration Manual;

g. Prohibition of Trade Waste that decreases the effectiveness, integrity, and safety of the Public Wastewater System;

h. Correct storage of materials in order to protect the Public Wastewater System from spillage of Hazardous Substance and other Contaminants;

i. Operators to be required to undertake sampling and monitoring of Trade Waste to ensure compliance with the Bylaw and Schedules A and B of the Administration Manual;

j. Council to accept or refuse a Trade Waste discharge of specified Characteristics;

k. Sampling and monitoring of Trade Waste discharges by Council to ensure compliance with the Bylaw;

l. Implementation of cleaner production methods as set out in Environmental Management Plans, where required by a condition of a Trade Waste Consent;

m. Where Trade Premises have operations that could result in Contaminants entering the Public Stormwater and / or Wastewater System, provision for Environmental Management Plans that include procedures that address this.

n. Charges to be set to cover the cost of administration, monitoring and a user pays Trade Waste scheme, as set out in Schedule C of the Administration Manual;

o. Installation of Meters, samplers or other devices to measure flow and quality of Trade Waste discharges;

p. Establishment of waste minimisation and management programmes for Trade Waste producers;

q. Disconnection of Premises from the Public Wastewater System in the event of unauthorised discharges of Trade Waste as a last resort, or to protect people, property, or the environment;

r. Cancellation of Trade Waste Consents if Conditions are not complied with; and

s. The use of enforcement powers, including penalties to be applied to Persons who Discharge or permit discharges of Trade Waste in a manner that does not comply with this Bylaw.

B.3 Application

B.3.1 This Bylaw applies to all Trade Premises, Mobile Facility and Vendor Operations, and Tankered Wastes within the District from which Trade Waste is discharged or sourced or likely to be discharged to the Public Wastewater System.

B.3.2 Pursuant to section 196 of the Local Government Act 2002, Operators may only discharge Trade Waste into the Public Wastewater System in accordance with this Bylaw.

B.4 Registration and consenting of Trade Waste discharges

B.4.1 The Council requires all Operators to register and when required, apply for Trade Waste Consents.

B.4.2 All Operators must register their Trade Waste discharges by completing the registration form on the Council's website before:

a. **1 December 2022** for existing Operators as at the date of this Bylaw coming into force.

b. Commencing any Trade Waste Discharge for New Operators (i.e. Operators who commence discharging Trade Waste after this Bylaw comes into force).

B.4.3 The registration and Trade Waste Consent application processes are set out below and further detailed in Clause B.4 of the Administration Manual.

B.5 Characteristics of Trade Waste discharges

B.5.1 Trade Waste discharges are classified as one of the following types:

a. **Permitted Trade Waste:** The discharge of Permitted Trade Waste does not require a Trade Waste Consent, but is subject to a registration process and requires an Approval Notice.

b. **Controlled Trade Waste:** The discharge of Controlled Trade Waste requires a Trade Waste Consent.

c. **Conditional Trade Waste:** The discharge of Conditional Trade Waste requires a Trade Waste Consent.

d. **Prohibited Trade Waste**: A Prohibited Trade Waste discharge cannot be undertaken and no consent can be sought.

B.5.2 Trade Waste discharges that are Controlled or Conditional are subject to the additional requirements as set out in Sections B.6 and B.7 of this Bylaw and relevant sections of Part B of the Administration Manual.

B.6 Trade Waste Consents

Application for a Trade Waste Consent

B.6.1 No Person may discharge Controlled, or Conditional Trade Waste or Tankered Waste to the Public Wastewater System without a Trade Waste Consent. This requirement applies from:

a. The date of this Bylaw coming into force for:

i. Existing Operators who, as at the date of this Bylaw coming into force, hold a Trade Waste Consent; and

ii. New Operators (i.e. Operators who commence discharging Trade Waste after this Bylaw comes into force).

b. **1 December 2023** for existing Operators who, as at the date of this Bylaw coming into force, do not hold a Trade Waste Consent.

B.6.2 Any Person may apply to the Council to:

a. discharge (either continuously, intermittently, or temporarily) any Controlled or Conditional Trade Waste or Tankered Waste into the Public Wastewater System; or

b. vary an existing Trade Waste Consent;

provided that the application is in writing in the form provided on the Council's website, and accompanied by the prescribed fee.

B.6.3 Where the Trade Premises produces Trade Waste from more than one area, separate descriptions of the Trade Waste and the areas concerned must be included in any application for Trade Waste Consent. This applies whether or not the separate areas of a Premises are part of a single or separate Trade process.

B.6.4 Information requirements in respect of the application, the decision on the application and the application consideration criteria are as set out in Clause B.4 of the Administration Manual.

B.6.5 In all cases where the Operator of the Premises changes, or there is a change of use of the Premises, a new application for a Trade Waste Consent must be made. It is the responsibility of the Consent Holder or the new Operator (as appropriate) to lodge the new application.

Grant of Trade Waste Consent

B.6.6 The procedure for assessing applications Approval Notices and Trade Waste Consents is detailed in Clauses B.1, B.3 and B.4 of the Administration Manual.

Trade Waste Consent Conditions

B.6.7 A Trade Waste Consent may be subject to conditions, including but not limited to conditions of the kind referred to in Clause B.4.5 of the Administration Manual.

Review of Trade Waste Consent

B.6.8 The Council may, at any time during the term of a Trade Waste Consent, by written notice to the Consent Holder review the Trade Waste Consent using the process outlined in Clause B.4.7 of the Administration Manual.

B.6.9 A Consent Holder may, by written application to the Council, seek to vary any condition of a Trade Waste Consent at any time during the term of the Trade Waste Consent.

Duration of Trade Waste Consent

B.6.10 Subject to Section 0, Trade Waste Consents remain in force until they expire at the end of the term prescribed in the Trade Waste Consent, being a term of no more than two (2) years. However, a Trade Waste Consent may be granted for a term not exceeding five (5) years as outlined in B.4 of the Administration Manual.

B.6.11 A Trade Waste Consent may expire earlier if:

a. Cancelled under Clause B.6.22 to B.6.30; or

b. The Consent Holder fails to submit a plan in accordance with Clause 0.

B.6.12 The Council will give at least 20 Working Days' notice prior to any relevant proposed amendments to Schedule A of the Administration Manual. Wherever possible this Notice will be given in writing to a Trade Waste Consent Holder.

B.6.13 Within 20 Working Days of the adoption of relevant amendments to Schedule A of the Administration Manual, a Trade Waste Consent Holder must submit a plan that details the changes they will make to ensure compliance with the amendments, to be implemented in a reasonable timeframe as agreed with the Council. If a plan is not submitted within the required timeframe, then the Trade Waste Consent will expire.

Duration of Approval Notice

B.6.14 A Permitted Trade Waste discharge authorised by an Approval Notice is able to be discharged indefinitely unless:

a. The quantity and nature of the discharge changes or is likely to change significantly to such an extent that it becomes a Conditional, Controlled, or Prohibited discharge; or

b. The Council changes the Trade Waste management procedures or the Characteristics of the Trade Waste by any amendment to, or replacement of, this Bylaw or Administration Manual such that the discharge becomes a Conditional, Controlled, or Prohibited discharge; or

c. Cancellation of the Approval Notice is necessary, in the Council's opinion, to meet the requirement(s) of any new or amended resource consent granted to the Council or any other legal requirements imposed on the Council;

in which case the Council may require the Approval Notice holder to apply for an appropriate Trade Waste Consent or cease the discharge of Trade Waste from the Premises.

B.6.15 The Council will give at least 20 Working Days' written notice prior to any proposed amendments to Schedule A of the Administration Manual. Wherever possible this notice will be given in writing to Approval Notice holders.

B.6.16 In the event that an Approval Notice is terminated in accordance with Clause B.6.14 above the Approval Notice holder must apply for a Trade Waste Consent within 20 Working Days of the Approval Notice being terminated, or cease discharging the Trade Waste. If the Trade Waste Consent is not granted, then the discharge must cease.

Renewal of Trade Waste Consent

B.6.17 A Consent Holder may apply to renew a Trade Waste Consent.

B.6.18 An application to renew a Trade Waste Consent must be lodged with the Council no later than eight (8) weeks before the expiry of the existing Trade Waste Consent.

B.6.19 Where an application to renew a Trade Waste Consent has been received, the Consent Holder may continue to discharge Trade Waste in accordance with the conditions of the existing Trade Waste Consent until:

a. The Council issues a renewed Trade Waste Consent; or

b. The Council declines to issue a renewed Trade Waste Consent.

B.6.20 The renewal of a Trade Waste Consent will not be unreasonably withheld.

B.6.21 Where an application to renew a Trade Waste Consent has not been received the Council may require the Consent Holder to cease discharging Trade Waste at the expiry of their existing Trade Waste Consent until any new Trade Waste Consent is issued.

Suspension or Cancellation of Trade Waste Consent

B.6.22 The Council may suspend or cancel any Trade Waste Consent at any time following not less than 20 Working Days' Notice, to the Consent Holder or Person discharging or Person allowing a discharge of any Trade Waste, where:

a. In the opinion of an Authorised Officer, the Consent Holder has:

iii. Failed to comply with any condition of the Trade Waste Consent;

iv. Failed to maintain effective control over the Trade Waste discharge from the Premises;

v. Failed to provide or update an Environmental Management Plan as required;

vi. Failed to adhere to an Environmental Management Plan;

vii. Failed to pay any charges under this Bylaw;

viii. Discharged or allowed the discharge of any Prohibited Trade Waste;

b. Following a review of the technical issues considered when setting conditions of consent;

c. Due to new information becoming available;

d. To meet the requirement of any new or existing resource consent imposed on the discharge from the Public Wastewater System;

e. To meet any other legal requirements imposed on the Council;

f. If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Trade Waste Consent;

If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.

B.6.23 The Council may suspend or cancel any Trade Waste Consent to discharge at any time where in the opinion of an Authorised Officer:

a. Any breach of a resource consent imposed on the discharge from the Public Wastewater Network has arisen from (whether wholly or partly) the Trade Waste discharge from a particular Premises; and/or

b. To meet the requirement of any new resource consent imposed on the discharge from the Public Wastewater Network; and/or

c. Any act or omission of the Consent Holder is, or is likely to:

d. Adversely affect the safety of the Public Wastewater System; and/or

e. Damage any part of the Public Wastewater System; and/or

f. Adversely affect the health or safety of any Person; and/or

g. Adversely affect the environment; and/or

h. The Consent Holder has Discharged or allowed the Discharge of any Prohibited Trade Waste; and/or

i. The Council is lawfully directed to withdraw or otherwise to terminate the Trade Waste Consent immediately; and/or

j. The Consent Holder, or their contractor using a Tankered Waste disposal system, has discharged any Trade Waste unlawfully; and/or

k. To meet any other legal requirements imposed on the Council; and/or

l. If any other circumstances arise that render it necessary in the public interest to cancel the Trade Waste Consent.

Transfer and Termination of Consent

B.6.24 Trade Waste Consents will be issued in the name of the Operator, and in relation to specific Premises and processes.

B.6.25 A Consent Holder must not, without Approval:

a. Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the Trade Waste Consent;

b. Allow a Point of Discharge to serve another Premises, whether directly or indirectly; or

c. Allow Wastewater or Trade Waste from any other party or Premises to be discharged at the Consent Holder’s Point of Discharge.

B.6.26 When a Consent Holder ceases to occupy a Trade Premises, any Trade Waste Consent granted to that Consent Holder will be terminated, unless the Trade Waste Consent is transferred prior to the Consent Holder vacating the Premises.

B.6.27 The Consent Holder must give 48 hours' notice in writing to the Council of its requirement for Disconnection and/or termination of the Trade Waste Consent, except where demolition or relaying of the discharge drain is required, in which case seven (7) Working Days' notice must be given. The Consent Holder must notify the Council in writing of its new contact details for final invoicing as necessary.

B.6.28 The Council will not unreasonably withhold Approval to renew a Trade Waste Consent on change of ownership or occupation of Premises if the Characteristics of the Trade Waste remain unchanged.

B.6.29 Notwithstanding Disconnection or termination of a Trade Waste Consent the Consent Holder, or in the event the former Consent Holder is no longer in existence, the subsequent Operator and/or Owner, will remain liable for the failure to meet any obligations existing at the date of Disconnection or termination the Trade Waste Consent.

B.6.30 If a Trade Waste Consent is terminated for any reason, a final site inspection must be carried out by an Authorised Officer to confirm that the site will be left in a state which poses no future risk to the environment, including by:

a. learing the Premises of any risks to the Public Wastewater System or Public Stormwater Network or the receiving environment; and

b. Remediating any contaminated land to prevent future contamination of Stormwater, Groundwater or other waters and the receiving environment; and

c. Capping or sealing any connections to the Public Wastewater Network as necessary;

before the Consent Holder, Operator and/or Owner's liability for that Premises ceases.

B.7 Management and Pre-treatment of Trade Waste

General

B.7.1 Operators must:

a. Maintain service and maintenance contracts for Pre-treatment devices at the Operator's expense.

b. At their expense, use processes, equipment or storage facilities to control:

i. The quality, quantity and rate of Trade Waste discharged from the Trade Premises; and

ii. The Characteristics in Trade Waste in accordance with any Trade Waste Consent conditions, prior to the Point of Discharge.

Pre-treatment

B.7.2 The Council may approve a Trade Waste Consent subject to the provision of appropriate Pre-treatment system(s) to enable the Consent Holder to comply with this Bylaw. Such Pre-treatment systems must be provided, operated and maintained by the Consent Holder at their expense.

B.7.3 Operation and servicing of commercially supplied equipment must be in accordance with the supplier's recommendations, Schedule A of the Administration Manual and the conditions of the Trade Waste Consent.

Discharges via Grease Traps, Oil and Grit Interceptors

B.7.4 Where Trade Waste includes, or is likely to include, fats, grease or oils in excess of 100 grams per 1000 litres each day, or is from a Food Premises where any fats, grease or oils could be present in the Trade Waste discharge:

a. Grease traps must be installed at the Trade Premises with a functional capacity of no less than 500 litres and a minimum of 2 hours retention at peak water flow; and

b. Operators must use and maintain the grease traps to a standard that complies with the discharge limits for fats, oil and grease as set out in Schedule A of the Administration Manual.

c. All systems in place to remove Fat, Oils, Grease and Grit must be installed and operated as per Section B.7 of the Administration Manual and any Trade Waste Consent conditions.

Food Premises

B.7.5 Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Food Premises to the Public Wastewater System unless approved by Council.

Dilution of Trade Waste

B.7.6 No Operator may add or permit the addition of any Potable Water, non-Potable Water, Condensing or Cooling Water or Stormwater to any Trade Waste discharge in order to vary the Characteristics of the Trade Waste, unless the Council has granted a Trade Waste Consent allowing such activities.

Discharge or Storage of Hazardous Substances

B.7.7 No Person may discharge Hazardous Substances to the Public Wastewater System and/or Public Stormwater Network except in accordance with a Trade Waste Consent.

B.7.8 No Person may store Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network or the health and safety of people at any Trade Premises. without taking all reasonable steps to prevent their entry into the Public Wastewater System and/or Public Stormwater Network.

B.7.9 All codes of practice developed by the New Zealand Government's Environmental Protection Agency; the Hazardous Substances and New Organisms Act 1996, and related guidelines or other industry organisations must be followed to store Hazardous Substance on site. Section A.2 of the Administration Manual lists a number of relevant documents. This list is not exhaustive and is expected to be subject to changes from time to time.

Culturally Offensive Characteristics

B.7.10 No Trade Waste containing Culturally Offensive Characteristics may be discharged into the Public Wastewater System except in accordance with a Trade Waste Consent.

B.7.11 Trade Waste containing Culturally Offensive Characteristics must not be Discharged (directly or indirectly) to the Public Stormwater Network, where there is a risk of the Wastewater entering Te Whanganui a Orotū or other receiving environments of cultural significance.

Collection, Transportation and Discharge of Tankered Waste

B.7.12 The Council may accept Tankered Wastes for discharge at an approved location, subject to:

a. The Tankered Waste being fully documented in accordance with the Liquid and Hazardous Substances Code of Practice, including:

i. A description of the type of waste;

ii. The name of discharger and location;

iii. The source, date and time of collection;

iv. The volume of waste collected; and

v. The identification number and vehicle registration number.

b. Tankered Waste will be analysed to determine its Characteristics if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all analysis and advice will be borne by the Consent Holder;

c. Tankered Waste is not to be picked up and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council;

d. To prevent cross-contamination between tanker loads, the tanker must be thoroughly washed prior to collecting a load for disposal into the Public Wastewater System; and

e. 24 hours' notice must be given to the Council for the disposal of wastes other than those sourced from domestic septic tanks, wherever possible.

f. Any Tankered Waste Operator intending to discharge to a Council facility must have:

i. A current Conditional Trade Waste Consent; and

ii. A Certificate of Registration for Offensive Trade.

g. All Tankered Waste must be treated in accordance with the conditions of the relevant Trade Waste Consent.

B.7.13 Tankered Waste (including Hazardous Substance transported out of Council's District) must be transported by a Consent Holder to discharge domestic septic tank or industrial wastes.

B.7.14 Tankers must have Safety Data Sheets (SDS) meeting Worksafe New Zealand's requirements and available to Council upon request. If an SDS is not available, alternative information acceptable to Council must be made available in written or electronic form.

B.7.15 Tankered Waste may be randomly tested, from time to time and at the Council's discretion, to determine the Characteristics. The cost of any random tests must be borne by the Consent Holder.

Mobile Facilities and Vendor Operations

B.7.16 Discharges the Public Wastewater System from Mobile Facility and Vendor Operations must be at a location and in a manner approved by Council.

B.7.17 Operators must not Discharge Trade Waste from a Mobile Facility and Vendor Operation to a designated campervan waste disposal station.

B.8 Sampling, Testing and Monitoring

Flow metering

B.8.1 Metering to measure the flow rate and volume of a Trade Waste discharge may be required by the Council in accordance with the Administration Manual.

B.8.2 Meters may be installed on lateral connections to measure Trade Waste flow.

B.8.3 Operators must ensure all Trade Waste flow and no Domestic Wastewater flow is passing through the Meter.

Estimating discharge

B.8.4 In Premises where there is no Meter or similar apparatus, or the Meter is out of repair or ceases to register, or where in the opinion of the Council the Meter has been, or has likely been, tampered with, the Council will estimate the rate and quantity of Trade Waste discharge in accordance with the Administration Manual.

B.9 Accidents and Non-Compliance

B.9.1 A Consent Holder or Operator must inform the Council immediately on becoming aware of any breach or potential breach of this Bylaw, the Administration Manual, or any Trade Waste Consent.

B.10 Offences

B.10.1 Every Person commits an offence against this Part of the Bylaw who:

a. Discharges Trade Waste, including Tankered Waste, or waste from a Mobile Facility and Vendor Operation into the Public Wastewater System in a manner that contravenes the requirements of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

b. Discharges Trade Waste, Tankered Waste, or waste from a Mobile Facility and Vendor Operation into the Public Stormwater Network.

c. Discharges Wastewater containing Culturally Offensive Characteristics from a Trade Premises, Tanker, or Mobile Facility and Vendor Operation into the Public Wastewater System without a Trade Waste Consent.

    a. Discharges (whether directly or indirectly) Trade Waste containing Culturally Offensive Characteristics to the Public Stormwater Network, where there is a risk of the Wastewater entering Te Whanganui a Orotū or other receiving environments of cultural significance.

d. Discharges Hazardous Substances to the Public Wastewater System or the Public Stormwater Network except in accordance with a Trade Waste Consent.

e. Fails to take reasonable steps to prevent Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network from entering the Public Wastewater System or the Public Stormwater Network from a Trade Premises except in accordance with a Trade Waste Consent.

f. Discharges human sewage to the Separated Trade Waste Network.

g. Connects a Trade Premises to, or Disconnects a Trade Premises from, the Public Wastewater System without Approval.

h. Makes any false or inaccurate statement or disclosure as to the contents of any Tankered Waste or Trade Waste.

i. Adds or permits the addition of Potable Water, non-potable water or Stormwater to any Trade Waste which discharges into the Public Wastewater System except in accordance with a Trade Waste Consent.

j. Uses refuse or garbage grinders and macerators to dispose of solid waste from Trade Premises to the Public Wastewater System except in accordance with a Trade Waste Consent.

k. Causes damage to any part of the Public Wastewater System by discharging or dealing with Trade Waste in a manner that contravenes this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

l. Fails to comply with the conditions of an Approval Notice or Trade Waste Consent.

m. Fails to notify the Council immediately on becoming aware of any breach or potential breach of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

n. Otherwise fails to comply with or acts in contravention of any provision of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

Part C – Wastewater

C.1 Objectives

C.1.1 The specific objectives for this Part of the Bylaw are as follows:

a. Protect the Public Wastewater System from damage and misuse;

b. Ensure the protection and safety of Council personnel and the general public;

c. Protect the ability of the Council to meet the requirements of legislation;

d. Encourage all Customers to adopt cleaner production processes and appropriate innovative solutions so as to ensure all kinds of discharges into Public Wastewater System are of appropriate and acceptable quality that can be adequately treated by the downstream processes, and protect the receiving environment;

e. Define the obligations of Customers;

f. Protect investment in existing and future infrastructure, treatment plant and disposal facilities;

g. Protect the environment from adverse effects of harmful substances discharged to the Public Wastewater System;

h. Ensure on-site Wastewater Systems work efficiently and effectively; and

i. Prevent Inflow and Infiltration of Stormwater or Trade Waste into the Public Wastewater System.

The quality and quantity limits that separate Domestic Wastewater from Trade Waste can be found in the Part B of this Bylaw.

C.2 Acceptance of discharge

C.2.1 Every domestic Premise is entitled to have its Wastewater accepted by the Council if the following requirements are met:

a. There is availability of capacity in the Public Wastewater System; and

b. The Premises is within the Wastewater Service Area (through either connection to gravity or Low Pressure Sewer Systems); and

c. Connection is to an appropriate point of the Public Wastewater System (noting that the appropriate point will not necessarily be the closest point of the Public Wastewater System to the Premise); and

d. Payment of the appropriate rates and charges in respect of that Premises; and

e. The requirements of this Bylaw are fulfilled.

C.2.2 All Customers must comply with, and are subject to, the terms and conditions for supply of the Public Wastewater System as set out in Part C of the Administration Manual.

C.2.3 The Council must continue to accept Wastewater from domestic Premises once an approved connection to the Public Wastewater System has been made, subject to Clauses A.11, A.12 and A.15.7.

C.2.4 For areas outside of the Wastewater Service Area, the Council retains the right to refuse a connection to the Public Wastewater System.

C.3 Connecting to the Public Wastewater System

Application for Approval

C.3.1 No Person other than the Council, may without Approval, make any connection to, or Disconnect from, or otherwise interfere with, any part of the Public Wastewater System.

C.3.2 Where a new connection to the Public Wastewater System is required as part of a subdivision or development, the developer must provide all the drainage works subject to the Approval of the design and construction of the works, and in accordance with the Napier City Council Code of Practice for Subdivision and Land Development.

C.3.3 Every application must comply with the requirements contained in the Administration Manual, including in relation to the payment of charges.

C.3.4 An application to connect must be made even if a Private Drain has already been laid up to the Point of Discharge.

C.3.5 The Council must supply and install the Public Wastewater System up to the Point of Discharge.

Application to connect using On-Property Low Pressure Sewer Equipment

C.3.6 An application to connect to the Public Wastewater System using On-Property Low Pressure Sewer Equipment to the Low Pressure Sewer System will be approved only for domestic Premises located in a Low Pressure sewer service area, if available. Connections to a gravity Public Wastewater System are subject to Approval.

C.3.7 The On-Property Low Pressure Sewer Equipment must comply with all requirements of the Napier Pressure Sewer Systems Policy.

Application to connect pumped sewer systems

C.3.8 Where an application to connect involves the proposed installation of a private pumped sewerage system this will be approved only if the Council determines that there are no practical alternatives for gravity flow discharge to the Public Wastewater System, or where ground conditions are such that a gravity system is not suitable or where there is a Pressure Sewer System available.

C.3.9 A private Wastewater pump station serving more than one domestic Dwelling requires:

a. A "Common Pump Station Agreement" between the parties approved by the Council, including appropriate maintenance of rising mains. The agreement must be registered against the Record of Title of each Premises that receives the benefit of it.

b. The combined rate of discharge to the Public Wastewater System must not exceed the rate specified by the Council for a single Premises.

c. The combined rate of discharge to the public sewer must not exceed the rate specified by the Council.

C.3.10 A private Wastewater pump station must have installed an approved Boundary Kit in accordance with the Napier City Council Code of Practice for Subdivision and Land Development.

Change of ownership

C.3.11 In the event of domestic Premises that have Approval to connect to the Public Wastewater Network changing ownership, the new Owner will automatically become a new Customer.

C.4 Premises

General

Flow rate

C.4.1 The maximum instantaneous flow rate discharged from a domestic Premise, including from domestic swimming pools and spa pools, must not exceed 2 litres per second, or as otherwise specified in the Administration Manual. For domestic Premises, the Council may also set a maximum daily flow rate discharged from that Premises.

Prohibited characteristics

C.4.2 Wastewater with one or more of the Prohibited Characteristics in Schedule B of the Administration Manual must not be discharged into the Public Wastewater system from a domestic Premise.

Specific Forms of Wastewater Discharge

C.4.3 Part C1 of the Administration Manual provides further specific requirements for:

a. Domestic Swimming Pools and Spa Pool Water;

b. Campervan / Motorhome Wastewater; and

c. Impervious yard run off.

C.5 Point of discharge

General

C.5.1 The Point of Discharge is the point on the Public Wastewater System which marks the boundary of responsibility between the Customer or Operator and the Council, irrespective of Premises boundaries.

C.5.2 Unless otherwise approved there is one Point of Discharge only for each Premises, Trade Premises and any Private Drain must not extend by pipe or any other means to serve another Premises.

Maintenance and access

C.5.3 The Council owns and maintains the Public Wastewater System up to the Point of Discharge. The Customer owns and maintains the Private Drain beyond the Point of Discharge.

C.5.4 The Customer must maintain the area in and around the Point of Discharge, keeping it reasonably free of soil, growth, or other matter or obstruction including Construction Debris which prevents, or is likely to prevent, convenient access.

C.5.5 Where it is not practical to notify a Customer of a maintenance interruption to the Point of Discharge before work commences, the Council may shut down the Point of Discharge without notice, and the Customer will be advised as soon as possible.

C.6 Care of Public Wastewater System infrastructure

Discharge or Storage of Hazardous Substances

C.6.1 No Person may store Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network or the health and safety of people at any domestic Premises without taking all reasonable steps to prevent their entry into the Public Wastewater System and/or Public Stormwater Network.

Damage to the Public Wastewater System

C.6.2 All Persons must take due care not to damage any part of the Public Wastewater System.

C.6.3 Every Person who damages the Public Wastewater System must report the damage to the Council immediately.

C.6.4 Customers must inform the Council immediately on becoming aware of any breach or potential breach of this Bylaw.

Blockages

C.6.5 A Customer who identifies that a Private Drain on their Premises is overflowing or has other reasons to suspect a blockage affecting the Private Drain, must first contact the Council who will determine if the Public Wastewater System is the cause of the blockage. If the blockage remains then the Customer must contact an appropriately qualified tradesperson to clear and remove any blockage affecting the Private Drain.

C.6.6 If a blockage within the Public Wastewater System is found to have originated within the Customer's Premises or has been caused by an unlawful discharge from that Premises, the Council may recover the costs of the unblocking work from the Customer.

C.6.7 In the event of the roots of any tree on any private Premises causing or being likely to cause damage, interference to the flow, or blockage to Wastewater Services, the Council may require the removal of the tree and/or its roots in accordance with the procedure set out in section 468 of the Local Government Act 1974.

Construction Debris

C.6.7 The Customer and any Person acting on behalf of the Customer must take all reasonable precautions to ensure Construction Debris does not enter any component of the Public Wastewater System or a Private Drain. If Construction Debris enters the Public Wastewater System or a Private Drain, the Customer must notify Council immediately.

C.6.8 In the event a blockage or other downstream issue occurs as a result of Construction Debris entering the Public Wastewater System or Private Drain, where the responsible Premises can be identified, Council may recover the costs associated with the remedial works from the Customer.

Working around Buried Services

C.6.9 Every Person proposing to carry out excavation work must first:

a. Establish whether Buried Services are located in the vicinity of the proposed excavation. Drainage plans showing the location of Buried Services can be accessed via the Council's utilities maps, beforeUdig database; and

b. Identify whether the area is listed as Waahi Tapu. If a site is listed as Waahi Tapu or an unknown archaeological site is discovered, the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be adhered to.

c. No Person may excavate, or carry out piling or similar work closer than:

d. Five (5) metres from the centre line of Buried Services, or

e. Two (2) metres from the centre line of Buried Services, without Approval. Such Approval may be subject to conditions on the carrying out of any work near the Buried Services.

C.6.10 At least five (5) Working Days' written notice must be given to the Council before any excavation or physical works close to Buried Services commence. Where appropriate the Council may mark out to within 1m on the ground the location of any Buried Services, and may impose reasonable restrictions on the work it considers necessary to protect the Buried Services.

C.6.11 No Person may cause the crushing load imposed on any Buried Services to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined in the NZ Transport Agency Bridge Manual).

C.6.12 No Person may place any additional material over or near Buried Services without Approval.

C.6.13 Service Openings must not be covered in any way unless approved by the Council in writing.

C.6.14 Removal of any covering material or adjustment of the Opening will be at the Customer's expense.

C.6.15 When excavating and working around Buried Services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

C.6.16 Excavation within a road reserve is also subject to the permit process of the Council and/or road controlling authority as defined in section 2 of the Land Transport Act 1991, as appropriate.

C.6.17 No building foundations or structures may be built over Buried Services:

a. Within the easement for the Buried Service; or

b. Within what would be the width of the easement for the Buried Service as detailed in the Napier City Council Code of Practice for Subdivision and Land Development; or

c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

C.6.18 No Person may allow trees or shrubs to be planted over a Buried Service

a. Within the easement for the Buried Service; or

b. Within what would be the width of the easement for the Buried Service as detailed in the Napier City Council Code of Practice for Subdivision and Land Development; or

c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

C.7 Disconnection

C.7.1 A Customer must give ten (10) Working Days' Notice in writing of his or her intention to demolish or remove a Building connected to the Public Wastewater System.

C.7.2 The demolition or removal must not commence until the Premises has been Disconnected from the Public Wastewater System by the Council.

C.7.3 Where a Building is being demolished or undergoing refurbishment, the Council retains the right to Disconnect the connection and provide a new connection for the new or Refurbished Building for the given connection charges.

C.8 Offences

C.8.1 Every Person commits an offence against this Part of the Bylaw who:

a. Discharges Domestic Wastewater or Household Equivalent waste into the Public Wastewater System in a manner that contravenes the requirements of this Bylaw and/or the Administration Manual.

b. Discharges solid waste, wet wipes or Construction Debris into the Public Wastewater System.

c. Discharges Stormwater into the Public Wastewater System without Approval.

d. Discharges Domestic Wastewater or Household Equivalent waste into the Public Stormwater Network.

e. Discharges Hazardous Substances from a domestic Premises to the Public Wastewater System or the Public Stormwater Network.

f. Fails to take reasonable steps to prevent Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network from entering the Public Wastewater System or the Public Stormwater Network from a domestic Premises.

g. Connects a domestic Premises to, or Disconnects a domestic Premises from, the Public Wastewater System without Approval.

h. Makes a private connection to a Pressure Sewer System.

i. Causes damage to any part of the Public Wastewater System by discharging or dealing with domestic Wastewater or Household Equivalent waste in a manner that contravenes this Bylaw and/or the Administration Manual.

j. Erects any Building, fence, retaining wall or other structure, or places any material or fill, or undertakes any works or excavation, or allows any tree or shrub to grow in the vicinity of the Public Wastewater System in a manner that contravenes this Bylaw and/or the Administration Manual and/or without Approval.

k. Fails to notify the Council immediately on becoming aware of any breach or potential breach of this Bylaw and/or the Administration Manual.

l. Otherwise fails to comply with or acts in contravention of any provision of this Bylaw and/or the Administration Manual.

Napier City Council
Integrated Trade Waste and Wastewater Bylaw 2022

ADMINISTRATION MANUAL

Napier City Council

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Table of Contents

Introduction

Purpose

The purpose of this Administration Manual is to provide material complementary to the Integrated Trade Waste and Wastewater Bylaw 2022 (**the Bylaw**). This Administration Manual brings together those matters which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are more likely to be amended before the Bylaw is reviewed. These aspects also include guidelines, which are intended for that purpose – to provide guidance only, with respect to matters covered within the Bylaw.

It is intended to simplify the administration of the Bylaw, allow for administrative and technical processes to be kept up to date, and assist in the interpretation, implementation and operation of the Bylaw.

The Administration Manual is a public document, and will be made available on the Council's website alongside the Bylaw. Hard copies of both can be provided on request, and will be available to review at the Council's offices and libraries.

The Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be authorised either by an Order of Council or the Council's Chief Executive or Officer's delegated authority.

Part A. Requirements Common to all Water Services

A.1 Format of this Administration Manual

There are three Parts and a number of Schedules to this Administration Manual. These follow the format of the Bylaw:

Part A Requirements Common to All Water Services

Part B Trade Waste

Part C Wastewater Drainage

A.2 Applicable Acts, Regulations, Codes and Standards, and Council Codes of Practice, Policies and Plans

The Bylaw is made under the Local Government Act 2002. The following is a non-exhaustive list of other legislation, Regulations, Codes of Practices and Standards, and Council documents that may also be applicable to the matters addressed by the Bylaw.

a) Statutory Acts and Regulations:
   i. Resource Management Act 1991, and relevant National Policy Statements and National Environmental Standards
   ii. Health Act 1956
   iii. Building Act 2004
   iv. Building Regulations 1992 Schedule 1 (New Zealand Building Code)
   v. Fire and Emergency Act 2017
   vi. Health (Drinking Water) Amendment Act 2007
   vii. Hazardous Substances and New Organisms Act 1996
   viii. Health and Safety at Work Act 2015
   ix. Health and Safety in Employment Regulations 1995
   x. Health and Safety at Work (General Risk and Workplace Management)

Regulations 2016

xi. Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016

b) Relevant Codes and Standards

i. Management and Handling of Used Oil HSNOCOP63 (November 2013)
ii. Environmental Guidelines for Discharges from Petroleum Industry Sites in New Zealand, in New Zealand Ministry for the Environment (December 1998)
iii. SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice
iv. NZWWA Water Meter Code of Practice 2003
v. Liquid and Hazardous Waste Code of Practice 2012

c) Napier City Council Plans, Codes of Practice, procedures, and guidelines:

i. Napier City Code of Practice for Subdivision and Land Development
ii. Napier City Council District Plan

A.3 Definitions

In this Administration Manual unless the context otherwise requires:

Acceptable Discharge means Wastewater or Trade Waste with Characteristics that comply with the requirements of Permitted Trade Waste as defined in Part B of the Bylaw.

Administration Manual means this Administration Manual.

Approval means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose or other Person authorised to give such approval on behalf of Council.

Approval Notice means an Approval authorising a Person to Discharge Permitted Trade Waste to the Public Wastewater System.

Authorised Officer means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer warranted and appointed under sections 171 and 177 of the Local Government Act 2002.

BOD5 means the five-day carbonaceous biochemical oxygen demand which is a measure of the strength of Wastewater.

Building means any Building within the meaning of sections 8 and 9 of the Building Act 2004. A Building also includes any mobile or temporary structures with permanent or temporary connections to the Wastewater Services.

Bylaw means the Integrated Trade Waste and Wastewater Bylaw 2022.

Characteristic means any of the physical, biological or chemical characteristics of Trade Waste or Wastewater.

Chemical Oxygen Demand means total Chemical Oxygen Demand as determined by established standard methods of testing,

Cleaner Production is further explained in Clause B.10 below, and means the implementation of operations, methods and processes appropriate to the goal of reducing or

eliminating the quantity and toxicity of wastes. This is required to minimise and manage Discharges to the Public Wastewater System by:

a) using energy and resources efficiently, avoiding or reducing the amount of waste produced;

b) producing environmentally sound products and services; and

c) the application of relevant innovative solutions.

Condensing or **Cooling Water** means any water used in any Trade or industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

Conditional Trade Waste means Tankered Waste, Trade Waste Discharged from Mobile Facility and Vendor Operations, and any Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics in Schedule A of the Administration Manual unless otherwise specified in a Trade Waste Consent, and may have a Discharge volume of more than 5 m^3/day and/or a flow of more than 2 L/s.

Contaminant has the same meaning as defined in section 2 of the Resource Management Act 1991.

Contingency management procedures means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects on the environment and Council infrastructure from an unexpected or unscheduled event resulting in Discharge, or potential Discharge of Contaminants of concern onto land or into the Public Stormwater Network and Wastewater System or into receiving water bodies such as wetlands, streams, estuaries and the ocean.

Consent holder means an Operator who has obtained a Trade Waste Consent to Discharge from specified Premises to the Public Wastewater System, and includes any Person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

Contaminant has the same meaning as defined in section 2 of the Resource Management Act 1991.

Controlled Trade Waste means Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics in Schedule A of the Administration Manual, and has a Discharge volume of less than 5 m^3/day and a flow of less than 2 L/s.

Council means Napier City Council and includes any Person or Committee acting under authority duly delegated by the Napier City Council.

Customer means a Person occupying domestic Premises connected to Public Wastewater System and includes, where appropriate, employees and agents. If the Building or land is not occupied, or is subject to a residential tenancy, means the Owner.

Discharge has the same meaning as defined in section 2 of the Resource Management Act 1991.

Disconnection means the physical cutting and/or sealing of any of the Council's water services, utilities, drains or sewers against use by any Person for the purposes of disconnecting of Premises from the Public Wastewater System.

Domestic Wastewater means water or other liquid from domestic Premises, including waste matter in solution or suspension, Discharged from Premises used solely for residential purposes, and including water or other liquid drained from domestic swimming and spa pools.

Environmental Management Plan means a plan for a Premises to support the effectiveness of the Public Wastewater System by making provision for matters including, but not limited to, cleaner production, waste minimisation, Pre-treatment, managing, monitoring and recording Trade Waste Discharges, contingency management procedures, pollution prevention and site Stormwater management.

Food Premises means premises from which a food business (as defined in section 10 of the Food Act 2014) operates.

Hazardous Substance has the same meaning as that term is defined in section 2 of the Hazardous Substances and New Organisms Act 1996.

Household Equivalent means any Wastewater generated by a Premises that would otherwise be generated from a domestic Premises (e.g. toilets, sinks, staff kitchen and facilities) and which is not a direct consequence of commercial or industrial operations.

Mass limit means the total mass of any characteristic that may be Discharged to the Council's Wastewater system over any stated period from any single point of Discharge or collectively from several Points of Discharge.

Maximum Concentration means the instantaneous peak concentration that may be Discharged at any instant time.

Meter means a Council owned meter which measures and records the flow and/or volume of Wastewater.

Mobile Facility and Vendor Operations includes a vehicle, trailer, or caravan that may be used for food preparation and sale and a range of mobile activities such as commercial cleaning where liquid wastes are containerised and transported to Points of Discharge in the Public Wastewater System.

Code of Practice for Subdivision and Land Development means Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.

Nuisance has the same meaning as section 29 of the Health Act 1956, and includes a Person, thing, or circumstance causing distress or annoyance or unreasonable interference.

Operator means the Person occupying Trade Premises connected to Public Wastewater System and includes, where appropriate, employees and agents.

Owner means any Person who owns any Building or land connected to the Public Wastewater System.

Permitted Trade Waste means Trade Waste that meets the physical and chemical Characteristics as defined in Schedule A of the Administration Manual without Pre-treatment and has a Discharge volume of less than 5 m3/day and a flow of less than 2 L/s.

Person includes the Crown, a corporation sole and also a body of Persons whether corporate or otherwise.

Point of Discharge is the boundary between the Public Wastewater System and a Private

Drain, as further defined in Clause C.2 and Schedule D of this Administration Manual or in a Trade Waste Consent.

Premises means either:

a) A property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect to which a building consent has been or may be issued; or

b) A Building or part of a Building that has been defined as an individual unit by a cross lease unit title or company lease and for which a record of title is available; or

c) Land held in public ownership (e.g. reserve) for a particular purpose; or

d) Individual units in Buildings which are separately leased or separately occupied.

Pre-treatment means any processing of Wastewater or Stormwater designed to reduce or vary any Characteristics before Discharge to the Public Wastewater System.

Private Drain means that section of drain between a Premises and a Point of Discharge through which Wastewater is conveyed from the Premises.

Prohibited Trade Waste means Trade Waste that has, or is likely to have, any of the physical and chemical characteristics as set out in Schedule B of this Administration Manual.

Public Stormwater Network means any component of the Stormwater network vested in, or under the control of, the Council, whether or not any part of the network passes through private land.

Public Wastewater System means the system for collection, treatment and disposal of Wastewater and Trade Waste, including all sewers, pumping stations, and storage tanks, the wastewater treatment plant, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of Wastewater and Trade Waste. The Public Wastewater System does not extend beyond the Point of Discharge.

Record of Title means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

Separated Trade Waste Network means the sewer network used exclusively for Trade Waste that contains no human sewage.

Stormwater means surface water run-off resulting from rainfall.

Stormwater Drain means any passage, channel or pipe on, over or under the ground by which Stormwater is conveyed.

Tankered Waste means any water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal into the Public Wastewater System or the Separated Trade Waste Network, but excludes Domestic Wastewater Discharged directly from house buses, camper vans, caravans, buses and similar vehicles and Discharges from Mobile Facility and Vendor Operations.

Te Whanganui a Orotū means the Ahuriri Estuary.

Trade Premises means:

a) any Premises used or intended to be used for any industrial or commercial purposes; or
b) any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
c) any other Premises from which a Contaminant is Discharged in connection with any industrial or commercial process; or
d) any other Premises discharging waste material other than Domestic Wastewater, and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

Trade Waste means any Wastewater that is not Domestic Wastewater, and is generated by commercial or industrial activities, and does not include Wastewater generated by churches, marae, or Household Equivalent Discharges.

Trade Waste Charging Model means the methodology developed by the Council that is designed to be a true user pays mechanism for Operators Discharging to the Public Wastewater System, as further described in Schedule C of this Administration Manual.

Trade Waste Consent means a consent given by the Council in writing authorising an Operator to Discharge Trade Waste to the Public Wastewater System.

Unit Title or State Title means a Record of Title or computer unit title register issued for a stratum estate in freehold or a stratum estate in leasehold (as the case may be) in respect of a unit or units in accordance with the Unit Titles Act 2010.

Waahi tapu means places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense and are outlined in the District Plan.

Wastewater means any water with matter in solution or suspension, Domestic Wastewater, or liquid Trade Waste that Discharges to the Public Wastewater System, and includes Tankered Waste.

Water Main means a pipe or conduit that conveys Potable Water.

Working day has the same meaning as in section 5 of the Local Government Act 2002, and excludes Matariki.

Part B. Trade Waste

These provisions supplement those in Part A “Requirements Common to all Water Services” (of this Administration Manual and the Bylaw) and Part B “Trade Waste” of the Bylaw.

B.1 Administrative Procedures

B.1.1 Procedures for applying to Discharge Trade Waste to Public Wastewater System

1.1.1 Every Operator who Discharges, or is likely to Discharge, Trade Waste or Tankered Waste or Mobile Facilities and Vendor’s Operational wastes is required to register using the prescribed Trade Waste Registration Forms (available via the Council’s website) for a Trade Waste Approval Notice or Consent.

1.1.2 Council will use the information in the Registration Form and any further

relevant information to classify the Trade Waste. The Operator will be informed of the classification and may be required to submit an Environmental Management Plan and/or more information to complete the application.

1.1.3 The Council may require an Operator to make a new application for an Approval Notice or Trade Waste Consent where there is a change in the use of Premises and/or the nature of the associated Trade Waste Discharge.

1.1.4 All Trade Waste Approval Notice and Consent applications will be processed by the Council within 20 Working Days of the application satisfying all relevant information requirements. This timeframe may be extended if a request for further information is made, in accordance with Section B.1.3 of the Administration Manual.

1.1.5 The Council will consider all applications and may either:

a) Decline the application in writing and set out the reasons for that decision; or

b) Approve the application and inform the applicant of the type of Discharge Approved, and any obligations and conditions that must be complied with as part of the Approval Notice or Trade Waste Consent.

B.1.2 Registration and administration fees

1.2.1 There is no charge to register a Trade Waste Discharge.

1.2.2 If a Trade Waste Consent is required, an administration fee will be charged for each application in accordance with the Fees and Charges on the Council website.

1.2.3 Additional costs such as those associated with sampling or testing, or additional input required by the Council to inform a decision regarding any application, will be recovered in accordance with the Fees and Charges on the Council website.

1.2.4 Upon the Council's final decision regarding any application under the Bylaw, payment must be made to Council by the applicant within the time period specified by the Council.

1.2.5 Upon confirmation of the invoice being paid, an Approval Notice or Trade Waste Consent will be issued.

1.2.6 If payment is not made within the time specified in the invoice, the application may be declined.

B.1.3 Supporting Information and Site Inspections

1.3.1 All registrations must comply with the information requirements listed in Section B.4.2 and be made using the appropriate registration form.

1.3.2 Where insufficient information has been provided in the application the Council reserves the right to request further information. The processing of an application will be placed on hold until the requested information has been provided to the satisfaction of the Council. Applicants must provide any further information within the specified timeframe, and, if an extension of this timeframe is required, must request this in writing. Approval of any extension is at the discretion of the Council.

1.3.3 All applications will be assessed against the consideration criteria outlined in Section B.4.3.

1.3.4 The Council may require access to Premises for the purpose of conducting a site inspection and sampling to further inform their decision regarding any application to Discharge Trade Waste. In the event that such access is requested, it must be provided in such a way that the Council may safely access the Premises and can conduct their inspection without any hindrance.

B.1.4 Issuing of final Approval Notices or Discharge Consents

1.4.1 Approval Notices and Trade Waste Consents will be issued in the name of the Operator and in relation to specific Premises and process.

B.1.5 Conditions of Consent

1.5.1 Approval Notices and Trade Waste Consents will be issued with general conditions (as described in Section B.4.5).

1.5.2 Approval Notices and Trade Waste Consents may be issued with additional conditions designed to manage the risks associated with a specific Discharge.

B.1.6 Period of Approval Notice or Trade Waste Consent and Reviews

1.6.1 Approval Notices and Trade Waste Consents are subject to review at the discretion of the Council, as described in Clause B.6.8 of the Bylaw.

1.6.2 Trade Waste Consents will be issued for a maximum term of up to five years, after which time they will lapse.

1.6.3 If the Discharge continues beyond the Approved term, the Operator is required to apply for a new Approval Notice or Trade Waste Consent no later than eight (8) weeks before the expiry of the existing Trade Waste Consent.

B.2 Fees and Charges

B.2.1 Prescribed Charges

2.1.1 Fees and Charges are as set out on the Napier City Council website.

2.1.2 The methodology used to calculate the Trade Waste Charges is in Schedule C.

2.1.3 These Fees and Charges may include the following:

a) administration and inspection fees;

b) sampling and testing fees; and

c) unit charges based on a ‘User pays ’ approach, using a ‘cost to treat’ calculation using the Trade Waste Charging Model for Trade Waste Consents.

B.3 Approval Notices

B.3.1 Consideration Criteria for Approval Notice Applications

3.1.1 [To be added at a later stage]

B.3.2 Site Inspections

3.2.1 [To be added at a later stage]

B.3.3 Duration of Approval Notices

3.3.1 A Permitted Trade Waste Discharge authorised by an Approval Notice is able to be Discharged indefinitely unless:

a) the quantity and nature of the Discharge changes or is likely to change significantly to such an extent that it becomes a Conditional, Controlled, or Prohibited Discharge; or

b) the Council changes the Trade Waste management procedures or the Characteristics of the Trade Waste by any amendment to, or replacement of, the Bylaw or Administration Manual such that the Discharge becomes a Conditional, Controlled, or Prohibited Discharge; or

c) cancellation of the Approval Notice is necessary, in the Council’s opinion, to meet the requirement(s) of any new or amended resource consent granted to the Council or any other legal requirements imposed on the Council;

in which case the Council may require the Approval Notice holder to apply for an appropriate Trade Waste Consent or cease the Discharge of Trade Waste from the Premises.

3.3.2 The Council will give at least 20 Working Days' written notice prior to any proposed relevant amendments to Schedule A of the Administration Manual.

3.3.3 In the event that an Approval Notice is terminated in accordance with Clause 3.3.1 above the Approval Notice holder must apply for a Trade Waste Consent within 20 Working Days of the Approval Notice being terminated, or cease Discharging the Trade Waste. If the Trade Waste Consent is not granted, then the Discharge must cease.

B.4 Trade Waste Consents

B.4.1 Application for a Trade Waste Consent

4.1.1 All Operators discharging Trade Waste into the Public Wastewater Network which are classified as Controlled or Conditional must obtain a Trade Waste Consent.

4.1.2 If the Council classifies the Trade Waste as Controlled or Conditional, the Operator will be informed in writing and an Environmental Management Plan will be requested as well as any more information and/or sampling required to complete the Consent application.

4.1.3 The Council will acknowledge all complete applications for a Trade Waste Consent in writing within five (5) Working Days of receipt.

4.1.4 Once complete, the application will be assessed against the criteria listed in B.4.3.

B.4.2 Information Requirements for Trade Waste Consent Applications

4.2.1 For the assessment of any Trade Waste Consent application, the Council may:

a) Require the applicant to submit any additional information which it considers necessary for the purpose of considering the application;

b) Require the applicant to submit an Environmental Management Plan to the satisfaction of the Council as set out in Clause B.8 of this Administration Manual; and

c) Have the Discharge from the Operator's Premises sampled, tested or monitored at the Operator's cost.

4.2.2 The applicant must ensure that the application and every other document conveying required information is properly executed and contains information that is correct and accurate.

B.4.3 Consideration Criteria for Consent Applications

4.3.1 The Council is not required to issue a Trade Waste Consent until it receives any charge or fee fixed by it in relation to the application.

4.3.2 In considering any application for a Trade Waste Consent the Council will consider the following matters (as relevant):

a) the quality, volume, and rate of Discharge;

b) the impact of the Discharge on the health and safety of Council staff, its agents and the public;

c) the limits and/or maximum values for Characteristics of Trade Waste as specified in Schedule A of this Administration Manual;

d) the extent to which the Trade Waste may react with other Trade Waste or Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Public Wastewater System;

e) the degree to which the Discharge is capable of being treated in the Council's Wastewater treatment plant;
f) the flows and velocities in the Public Wastewater System, and the materials of construction of all components of the Public Wastewater System;
g) the capacity of the Public Wastewater System;
h) the timing and balancing of Trade Waste flows into the Public Wastewater System.
i) any statutory requirements including any Hawke's Bay Regional Council resource consents relating to the Discharge of Wastewater to receiving waters, and any Discharge to air;
j) the effect of the Discharge on the ultimate receiving environment;
k) the possibility of unscheduled, unexpected or accidental Trade Waste related events and the degree of risk these could cause to humans, the Public Wastewater System, the Public Stormwater Network or the receiving environment;
l) consideration of other existing or future Discharges from other Premises.
m) the amenability of the Trade Waste to Pre-treatment;
n) requirements to control and isolate Stormwater;
o) Cleaner Production techniques;
p) any Environmental Management Plan;
q) Tankered and Mobile Facilities or Vendor's Operation waste being Discharged at an approved location/s;
r) any relevant requirements in the Napier City Council Code of Practice for Subdivision and Land Development.

B.4.4 Decision on Application

4.4.1 The Council must determine an application for an Approval Notice or Trade Waste Consent and issue its decision to either:

a) Grant an Approval Notice or Trade Waste Consent;
b) Decline the application where the Trade Waste is Prohibited Trade Waste; or
c) Otherwise decline the application and provide reasons for refusal, which may include, but are not limited to:
    i. the applicant has failed to provide adequate information to support the application;
    ii. the Characteristics of the Trade Waste Discharge fail to meet the maximum allowable values as determined in accordance with the Trade Waste Charging Model or Schedule A of this Administration Manual;
    iii. the applicant has supplied data that is inconsistent with measured values obtained by the Council;
    iv. there is likely to be Stormwater egress from the Trade Premises into the Public Wastewater System; or
    v. the applicant has a demonstrated history of poor performance in relation to matters regulated by the Bylaw. Discharge

B.4.5 Conditions of Trade Waste Consents

4.5.1 A Trade Waste Consent may be granted subject to such conditions that the Council deems appropriate, including but not limited to, conditions relating to the following matters, which must be complied with at the Operator's expense:

a) the mass, volume, pH, temperature and concentration limits for any

constituent or Characteristic as set out in clause B.4.6 of this Administration Manual;

b) the rate of Discharge of any constituent or Characteristic;

c) the part of the Public Wastewater System to which the Discharge will be made;

d) the separation of Trade Waste from Domestic Wastewater up to the Point of Discharge;

e) the maximum daily volume of the Discharge and the maximum rate of Discharge, and the duration of maximum rate of Discharge;

f) the maximum limit or permissible range of any specified Characteristics of the Discharge, including concentrations and/or mass limits;

g) the period or periods of the day during which the Discharge, or a particular concentration, or volume of Discharge may be made;

h) the degree of acidity, or alkalinity of the Discharge at the time of Discharge measured as titratable alkalinity, titratable acidity and as pH.

i) the temperature of the Trade Waste at the time of Discharge, with potential additional limitations on trade waste which contains sulphur compounds;

j) the provision of Pre-treatment works to control Characteristics to the consented levels (examples listed in Clause B.9 of this Administration Manual);

k) the provision of Pre-treatment works to prevent Trade Waste containing Culturally Offensive Characteristics from entering the Public Wastewater System;

l) consideration of point source separation of contaminants/waste streams on site to allow potential reuse and recycling of material;

m) the provision and maintenance of inspection chambers, manholes or other apparatus or devices to provide safe and reasonable access to drains for sampling and inspection;

n) the provision and maintenance of a sampling and analysis programme, and flow measurement requirements;

o) a prescribed sampling and monitoring programme to be carried out by the Operator. Clause **Error! Reference source not found.**B.8.2 of this Administration Manual sets out Council's provisions for sampling and monitoring.

p) the method or methods to be used for measuring flow rates and/or volume and taking samples of the Discharge for use in determining compliance with the Trade Waste Consent and for determining the amount of any Trade Waste charges applicable to that Discharge;

q) the provision and maintenance of such meters or devices as may be required to measure the volume or flow rate of any Trade Waste being Discharged from the Premises, and for the calibration of such meters;

r) the provision and maintenance of such services (including electricity, water or compressed air), which may be required to operate meters and similar devices, including safe sampling points of access;

s) at times specified, the provision in a Council-approved format of all flow and/or volume records and results of analyses;

t) risk assessment of damage to the receiving environment due to an accidental Discharge of a chemical or other Contaminant;

u) the provision and implementation of an Environmental Management Plan which may be audited by the Council on an annual basis or following any incident involving Trade Waste;

v) Cleaner Production as set out in an Environmental Management Plan.

Clause B.10 of this Administration Manual provides guidance on Cleaner Production;

w) remote monitoring and/or control of Discharges;

x) third party treatment, carriage, Discharge or disposal of by-products of Pre-treatment of Trade Waste (including Sewage Sludge and biosolids disposal and reuse);

y) the amount, if any, of Cooling or Condensing Water or Stormwater which cannot practically be separated from Trade Wastes, that may be included in the Discharge;

z) the cessation of a Consent to Discharge putrescible wastes to the Public Wastewater System when the Council has provided or arranged an alternative commercial collection and disposal system; and

aa) The Point of Discharge.

B.4.6 Mass Limits

4.6.1 Limits on the mass, volume, concentration, pH or temperature may be imposed on the Trade Waste Discharger for any constituent.

4.6.2 Any Characteristic permitted by mass limit will also have its maximum concentration limited to the value in Schedule A of the Administration Manual.

4.6.3 When setting mass, volume and concentration limit restrictions for a particular constituent in a Trade Waste Consent the Council will consider:

a) conditions in the Public Wastewater System near the e Point of Discharge and elsewhere in the Public Wastewater System;

b) the operational requirements of and risk to the Public Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;

c) the extent to which the available industrial capacity for the constituent was met during the Council's preceding financial year, and the expected levels of the constituent for the forthcoming financial year;

d) whether or not the applicant uses Cleaner Production within a period satisfactory to the Council;

e) whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another to justify any increased application for Public Wastewater System capacity;

f) any requirements of the Council to meet resource consent conditions or regional plan rules;

g) Any requirements of the Council to reduce the pollutant Discharge of the Public Wastewater System;

h) how great a proportion the mass flow of a Characteristic of the Discharge will be of the total mass flow of that Characteristic in the Public Wastewater System;

i) the total mass of the Characteristic allowable in the Public Wastewater System, and the proportion (if any) to be reserved for future allocations;

j) if there is an interaction with other constituents which increases or decreases the effect of their Characteristic on the Public Wastewater System including reticulation, treatment process, or receiving water (or land); and

k) The capacity for flow and contaminant loadings Discharged on a daily and monthly basis allocated by the Trade Waste Charging Model.

B.4.7 Review of Trade Waste Consent

4.7.1 The Council may, at any time during the term of a Trade Waste Consent, by

written notice to the Consent Holder review the Trade Waste Consent.

4.7.2 The reasons for a review may include:

a) The level of compliance, including any accidents, spills or process mishaps;
b) Matters pertaining to the Council's resource consent(s) for the Public Wastewater System;
c) Matters pertaining to the Council's environmental policies and outcomes;
d) New control and treatment technologies and processes;
e) Matters pertaining to the Council's legal obligations; or
f) Any other matter that the Council considers to be relevant.

4.7.3 After conducting a review and considering the matters in this Administration Manual, the Council may vary any condition of a Trade Waste Consent:

a) following a review of the performance of Pre-treatment devices or processes;
b) to meet the conditions of any new or existing resource consent imposed on the Discharge from the Public Wastewater System;
c) to comply with any other legal requirements that must be met by the Council;
d) to increase control over the Trade Waste Discharge; or
e) for any other reason that the Council considers to be relevant.

4.7.4 The Council will provide written notice of the proposed variation to the Consent Holder and specify the time by which the Consent Holder must comply with the varied conditions.

4.7.5 The Consent Holder may respond to the written notice of the proposed variation within 20 Working Days of receiving the notice. The Council must consider any written response from the Consent Holder against the provisions of this Bylaw.

4.7.6 A Consent Holder may, by written application to the Council, seek to vary any condition of a Trade Waste Consent at any time during the term of the Trade Waste Consent.

B.4.8 Duration of Trade Waste Consent

4.8.1 Trade Waste Consents remain in force until they expire at the end of the term prescribed in the Trade Waste Consent, generally being a term of no more than two (2) years. However, a Trade Waste Consent may be granted for a term not exceeding five (5) years where a Consent Holder, at the time of the application, satisfies the Council that:

a) The nature of the activity at the Trade Premises, or the process design and/or management of the Premises are such that the Operator has a demonstrated ability to meet the conditions of the Trade Waste Consent during its term;
b) Cleaner Production techniques are successfully being utilised, or a responsible investment in Cleaner Production equipment or techniques is being made;
c) Significant investment in Pre-treatment facilities has been made, such that a longer period of certainty for the amortisation of this investment is considered reasonable; or
d) The Operator has a demonstrated history of compliance with its Trade Waste Consent, and any other relevant approvals (including resource consents) for its operation.

B.4.9 Renewal of Trade Waste Consent

4.9.1 A Consent Holder may apply to renew a Trade Waste Consent by submitting the Trade Waste Consent Renewal Form available on the Napier City Council website.

4.9.2 An application to renew a Trade Waste Consent must be lodged with the Council no later than eight (8) weeks before the expiry of the existing Trade Waste Consent.

4.9.3 Where an application to renew a Trade Waste Consent has been received, the Consent Holder may continue to Discharge Trade Waste in accordance with the conditions of the existing Trade Waste Consent until:

a) The Council issues a renewed Trade Waste Consent; or

b) The Council declines to issue a renewed Trade Waste Consent.

4.9.4 The renewal of a Trade Waste Consent will not be unreasonably withheld.

4.9.5 Where an application to renew a Trade Waste Consent has not been received the Council may require the Consent Holder to cease discharging Trade Waste at the expiry of their existing Trade Waste Consent until any new Trade Waste Consent is issued.

B.4.10 Suspension or Cancellation of Trade Waste Consent

4.10.1 The Council may suspend or cancel any Trade Waste Consent at any time following not less than 20 Working Days' Notice, to the Consent Holder where:

a) in the opinion of an Authorised Officer, the Consent Holder has:

i. failed to comply with any condition of the Trade Waste Consent;

ii. failed to maintain effective control over the Trade Waste Discharge from the Premises;

iii. failed to provide or update an Environmental Management Plan as required;

iv. failed to adhere to an Environmental Management Plan;

v. failed to pay any fees or charges under the Bylaw;

vi. Discharged or allowed the Discharge of any Prohibited Trade Waste; or

vii. failed to comply with the Bylaw in any other respect;

b) following a review of the technical issues considered when setting conditions of consent;

c) due to new information becoming available;

d) to meet the requirement of any new or existing resource consent imposed on the Discharge from the Public Wastewater System;

e) to meet any other legal requirements imposed on the Council; or

f) if any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Trade Waste Consent.

4.10.2 If any process changes require more than 20 Working Days, reasonable time may be given for the Operator to make the necessary changes or cease the Discharge.

4.10.3 The Council may suspend or cancel any Trade Waste Consent to Discharge at any time where in the opinion of an Authorised Officer:

a) any breach of a resource consent imposed on the Discharge from the Public Wastewater Network has arisen from (whether wholly or partly) the Trade Waste Discharge from a particular Premises; and/or

b) any act or omission of the Consent Holder is, or is likely to:

i. Adversely affect the safety of the Public Wastewater System;

ii. Damage any part of the Public Wastewater System;

iii. Adversely affect the health or safety of any Person;
iv. Adversely affect the environment;

c) the Consent Holder has Discharged or allowed the Discharge of any Prohibited Trade Waste;
d) to meet any other legal requirements imposed on the Council; or
e) if any other circumstances arise that render it necessary in the public interest to immediately cancel the Trade Waste Consent.

B.4.11 Transfer and Termination of Consent

4.11.1 Refer to Clauses B.6.24to B.6.30 of the Bylaw.

B.5 Tankered Waste

B.5.1 Testing and Discharge of Tankered Waste

5.1.1 Tankered Waste may be randomly tested, from time to time and at the Council's discretion, to determine the Characteristics. The cost of any random tests must be borne by the Consent Holder.

5.1.2 From **1 July 2023** all Tankered Waste Operators must be code-compliant with the Liquid and Hazardous Wastes Code of Practice and hold a Trade Waste Consent in order to:

a) pick up;
b) transport; and/or
c) dispose of;

Trade Waste within the District

5.1.3 Tankered Waste Trade Waste Application Forms are available on the Council website.

5.1.4 When giving the Council notice of a planned load of Tankered Waste in accordance with Clause B.7.12.e. of the Bylaw, the following information should be supplied where possible:

a) a description of the type of waste;
b) the name of Discharger and location, and Discharger Trade Waste Consent number (if known);
c) the source, date and time of planned collection;
d) the volume of waste to be collected; and
e) the identification number and vehicle registration number.

B.6 Mobile Facilities and Vendor's Operations

B.6.1 Trade Waste Consents for Mobile Facilities and Vendor's Operations

6.1.1 Mobile Facilities and Vendor's Operations run by the same Operator as a Trade Premises only require one application, with the different operations of the business clearly indicated and detailed in the application. If both operations are classed as Permitted, one Approval Notice will be issued. If both operations are classed as Controlled or Conditional, one Trade Waste Consent will be issued. Any changes to operations must be submitted to Council with an updated Environmental Management Plan.

6.1.2 Mobile Facilities and Vendor's Operations that run independently must submit a completed Trade Waste Registration Form and will be assessed as appropriate.

6.1.3 Approved Discharge locations will be stipulated in the Trade Waste Consent. Trade Waste must not be Discharged into the Public Wastewater Network anywhere else unless Approved.

B.7 Discharges with High Fat, Oil and Grease

B.7.1 Passive Grease Traps

7.1.1 Where Trade Waste includes, or is likely to include, fats, grease or oils in excess of 100 grams per 1000 litres each day, or is from a Food Premises where any fats, grease or oils could be present in the Trade Waste Discharge, grease traps must be installed.

7.1.2 Operators must use and maintain the grease traps to a standard that complies with the Discharge limits for fats, oil and grease as set out in Schedule A of this Administration Manual.

7.1.3 Grease traps must be sized:

a) to have a functional capacity of no less than 500 litres and a minimum of 2 hours retention at peak water flow;

b) according to the greatest volume produced by the Premises;

c) appropriately when shared between multiple Operators. Grease traps, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 500 litres and a minimum of 2 hours retention at peak water flow for each connected Premises.

d) a Consent Holder whose Premises has existing grease traps with a functional capacity of less than 500 litres and a minimum of 2 hours retention at peak water flow must apply for and be granted a Trade Waste Consent with conditions unless they can demonstrate compliance with the physical and chemical Characteristics in Schedule A to the Council's satisfaction.

7.1.4 Mechanical grease taps may be Approved for use in place of an underground, passive grease trap.

7.1.5 Grease traps must be serviced and maintained as per the relevant manufacturer's instructions:

a) at least once every six months or more frequently as specified in consent conditions;

b) at a frequency to ensure compliance with Schedule A of the Administration Manual;

c) at a frequency that the fat/oil grease layer does not exceed 20% of the depth or volume of the trap;

d) at a frequency which may be determined through a visual inspection and/or sample testing from the device outlet by Council;

e) scheduled for a time that minimises the risk to public health and safety and prevents a public Nuisance; and

f) by an approved liquid waste operator who is in possession of a Trade Waste Consent and is certified and registered with WasteTRACK.

7.1.6 Satisfactory records of grease trap servicing and cleaning must be retained and submitted to the Council for inspection annually.

7.1.7 After three (3) tests with Fat, Oil and Grease levels which do not meet criteria in Schedule A, the Premises may be instructed to upgrade their system by Council through a review of the Trade Waste Consent.

B.7.2 Oil and Grit Interceptors

7.2.1 Where Trade Waste includes hydrocarbons, automobile oil and silts, the Trade Premises will require an, oil and water, and/or oil and grit interceptor.

7.2.2 All oil/grit interceptors must be maintained in an operable condition in accordance with the following criteria:

a) all interceptors must be serviced at a frequency to ensure compliance with Schedule A of this Administration Manual;

b) to comply with Trade Waste Discharge parameters, servicing schedules must maintain operational efficiency of the trap. Scheduled servicing should be undertaken at a time that minimises the risk to health and safety and avoids Nuisance;

c) all servicing must be conducted by a WasteTRACK certified liquid waste operator who is in possession of a Trade Waste Consent should the Discharge be to a Council facility;

d) the Operator must retain satisfactory records of servicing of oil/grit interceptors and submit these to the Council for inspection annually; and

e) oil and grit interceptors for wash-down bays must be roofed or installed with a first flush system.

7.2.3 In addition to the requirements of Clause B.7.4 of the Bylaw all oil/grit separators must be regularly serviced and maintained to ensure the sediment layer in any trap does not exceed 20% of the depth of the volume of the trap.

7.2.4 Oil water separators must be inspected weekly and as soon as practical after any spillage occurs on the Premises. These devices should be serviced if there is any significant oily material (more than 3mm) or sediment (more than 150mm) in the device.

B.7.3 Commercial and Other Food Premises

7.3.1 Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Food Premises to the Public Wastewater System unless Approved.

7.3.2 The Council may require a permanent sink screen to be fitted to any sink (except hand washing basins) in a Food Premises to minimise the risk of food waste entering the grease interceptor or the Public Wastewater System.

B.8 Environmental Management Plans

B.8.1 Contents of Environmental Management Plans

8.1.1 The Council may require an Environmental Management Plan to be provided by the Operator. This must include but not be limited to:

a) a description of the operations and raw materials producing each Trade Waste stream;

b) hours per day, days per week and seasonality of processing and Discharges;

c) a description of Pre-treatment devices, their operation and maintenance;

d) expected Characteristics of the Trade Waste Discharge;

e) methods and procedures for monitoring of Trade Waste;

f) monitoring and control of Trade Waste flow;

g) methods to ensure compliance with the conditions of the Trade Waste Consent;

h) a description of maintenance procedures in place and any further proposed in respect to the operation producing the Trade Waste;

i) full drainage plans of the Premises;

j) domestic wastewater and how it will be separated from Trade Waste streams;

k) a list of Hazardous Substances stored on the Premises with steps outlined to prevent their entry into the Public Wastewater System and the Public Stormwater Network;

l) site water sources and uses;

m) site Stormwater receiving environments;

n) identify and manage risks to the Public Wastewater System, the Public

Stormwater Network and/or the environment;

o) processes, procedures, housekeeping and staff/contractor training;

p) Cleaner Production initiatives and planned system upgrades;

q) contingency management procedures.

8.1.2 Environmental Management Plans must follow the guide provided on the Council's website and contain all information required to satisfy the application requirements.

8.1.3 The Council must approve all Environmental Management Plans and may audit them.

8.1.4 A separate Trade Waste Management Plan may be submitted if an Environmental Management Plan already exists for the site if approval is obtained from Council.

B.8.2 Sampling and Monitoring of Trade Waste

8.2.1 The Council may require sampling, testing and monitoring to be undertaken to determine if a Discharge:

a) complies with the provisions of the Bylaw;

b) is to be classified as Permitted, Controlled, Conditional, or Prohibited; or

c) to calculate monthly trade waste charges using the Trade Waste Charging Model.

8.2.2 The taking, preservation, transportation, and analysis of the sample must be undertaken by an Authorised Officer, or the Operator, in accordance with accepted industry standard methods, or as otherwise Approved.

8.2.3 Sampling point configuration and other requirements are as provided in Council's Land Development and Subdivision Code of Practice and the Building Regulations 1992 Schedule 1 (New Zealand Building Code).

8.2.4 The Operator is responsible for all reasonable costs.

B.9 Trade Waste Pre-treatment

B.9.1 Pre-treatment Requirements and Guidelines

9.1.1 A number of these other categories will include for conditional Consent Discharges where that Discharge is greater than 5,000 L/day and/or exceeds the permitted Discharge criteria in Schedule A of this Administration Manual.

Table 1 - Trade Waste Discharges – Risks to the Public Wastewater System and Pre-treatment Requirements and Guidelines

Type of business activity	Risk to the waste water network	Pre-treatment required
Food premises	• FOG can clog the sewer network • Risk to the Wastewater treatment plant – toxic waste and waste with a high nutrient load is more difficult to treat and requires additional aeration • Emerging contaminants in cleaning chemicals pose a risk to the receiving environment and biosolids	• Grease trap • Sink screens
Dentists	• Amalgam from fillings contaminate the biosolids and should be recycled	• Amalgam trap
Hairdressers	• Hair can tangle around pumps in the pump station and assist in causing sewer blockages that can lead to sewer overflows	• Sink screens

Medical Facilities	• Risk to the Wastewater treatment plant – toxic waste is more difficult to treat and requires additional aeration • Emerging contaminants in cleaning chemicals pose a risk to the receiving environment and biosolids	• Sink screens and plaster arrestors
Car/truck washes	• Hydrocarbons/grit • High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Emerging contaminants in cleaning chemical pose a risk to the receiving environment and contaminate the biosolids • Solvents and used oil pose a risk to the Public Wastewater System if not stored correctly and requires to be collected for recycling purposes	• Oil/grit Interceptor
Automotive/mechanical	• Hydrocarbons, oil and other solvents • Solvents and used oil pose a risk to the Public Wastewater System if not stored correctly and requires to be collected for recycling purposes	• Oil / water interceptors
Laundries	• High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Emerging contaminants, i.e. surfactants in washing powder and microfibres from fabrics pose a risk to the receiving environment and contaminate the biosolids	• Lint screens
Septic tank waste	• Toxic waste can have a detrimental impact on the microbes that break down the waste in the wastewater treatment plant. •	• Management of septic tanks
Funeral Homes	• Wastewater from embalming process can be tapu and must be disposed of in alignment with cultural values of local Iwi	• Rakahore channel • Education • Cleaner Productior Initiatives
Laboratories	• Risk to the wastewater treatment plant – toxic waste is more difficult to treat and requires additional aeration • Emerging contaminants in chemicals pose a risk to the receiving environment and biosolids	• Disposal of toxic substances by othe means (not into the Public Wastewater System) • Proper manageme of mixing of substances when disposing
Hotels	• High instances of inappropriate substances being flushed into toilets. High loading on system which must be accounted for. • High loading from swimming pools, restaurants and on-site laundry services must be managed according to the Bylaw and this Admin manual	• Management of guests and wastewater system • Flow control for Discharges from swimming pool backwashes

		• Grease traps (for restaurants) • Lint screens (for laundries)
Swimming pools	• High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Diatomaceous Earth	• Flow control for Discharges from swimming pool backwashes • Settling tank

B.10 Cleaner Production

B.10.1 Cleaner Production Guidelines

10.1.1 Cleaner Production should, at a minimum, address the following:

a) an overall approach to pollution prevention;

b) the effective use of water;

c) opportunities for reducing the contamination potential of Wastewater and Trade Waste constituents that enter the Public Wastewater System (for example, by using alternative chemicals that are less toxic, point source separation and reuse/recycling of Trade Waste streams);

d) the effectiveness of material use and processes (by employing methodologies to minimise waste and the unnecessary consumption of materials, including water conservation);

e) the provision of Pre-treatment works to prevent Trade Waste containing Culturally Offensive Characteristics from entering the Public Wastewater System;

f) continuing efforts to educate site staff around the importance of water to Māori to and adoption of te mana me te mauri o te wai concepts;

g) consideration of, and where appropriate, adoption of, innovative solutions; and

h) the practice of good housekeeping (to prevent spoilage and contamination due to poor handling or storage).

Part C - Wastewater

These provisions supplement those in Part A “Requirements Common to all Water Services” (of this Administration Manual and the Bylaw) and Part C “Wastewater” of the Bylaw.

C.1 Discharge of Wastewater to the Public Wastewater System

C.1.1 Acceptable and Prohibited Characteristics

1.1.1 Wastewater Discharged to the Public Wastewater System must not exceed the contaminant limits in Schedule A of this Administration Manual.

1.1.2 Wastewater with the prohibited Characteristics in Schedule B of this Administration Manual must not be Discharged to the Public Wastewater System.

C.1.2 Domestic Swimming Pools and Spa Pool Water

1.2.1 Filter backwash water from a domestic swimming pool or spa pool draining facility must be Discharged to the Public Wastewater System.

1.2.2 Water from a swimming pool and spa pool, other than filter backwash water, may only be Discharged to the Public Wastewater System once the residual chorine level is less than 0.5 ppm and only in quantities associated with a standard backwash of filters.

1.2.3 If the reason for Discharge is due to a chemical imbalance, i.e. a pH<6 or >9, then the Council must be consulted before the Discharge occurs.

1.2.4 All Discharges other than backwash must be made after 8pm and before 7am. Discharges outside of the stipulated time requires Council approval. Council reserves the right to limit the rate and timing of the Discharge.

1.2.5 Discharges are not allowed less than two days after a rain event.

C.1.3 Campervan / Motorhome Wastewater

1.3.1 All campervan/motor home and similar Domestic Wastewater must be properly disposed of at a designated Dump Station facility.

C.1.4 Impervious yard run off

1.4.1 For large impervious areas, the provisions in the Council's Land Development and Subdivision Code of Practice will apply and specific provision will be made for a permanent barrier which will prevent water from outside the confines of the facility from entering the Public Wastewater System.

1.4.2 Where it is impractical to cover a large impervious area, consideration will be given to a system which detains run-off from the first flush for ultimate disposal to the Public Wastewater System, with subsequent run-off disposal as uncontaminated Stormwater into the Public Stormwater Network.

C.1.5 Cleaner Production

1.5.1 The principles and practices of Cleaner Production as may be appropriate to a Domestic Wastewater Discharge apply where appropriate.

C.2 Point of Discharge

C.2.1 Single Ownership

2.1.1 For single dwelling units the Point of Discharge is located 0.5 meters outside to the boundary as shown in Schedule D of this Administration Manual or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The Approval of other positions must be by the Council and recorded on the drainage plan

2.1.2 Where a Private Drain Discharges into a public sewer on that same Premises, the Point of Discharge is the upstream end of the pipe fitting which forms the junction with the public sewer, as shown in Schedule D of this Administration Manual.

C.2.2 Multiple Ownership

2.2.1 The Point of Discharge for the different forms of multiple ownership of Premises and/or land is as follows:

a) For company share/block scheme (body corporate) – as for single ownership;

b) For leasehold/tenancy in common scheme (cross lease), Strata Title, and Unit Title (body corporate). Where practicable each owner must have an individual drain with the Point of Discharge determined by agreement with the Council. If not practicable there must be a common private drain which must be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual Approval.

2.2.2 Each Owner's Point of Discharge must be approved by the Council and recorded on the drainage plan. Other arrangements will be considered only where there are advantages to the Council.

C.2.3 Common Private Drains

2.3.1 Common Private Drains are not preferred, but may be approved on exceptional circumstances on application.

Schedule A Permitted Discharge Characteristics

The nature and levels of the Characteristics of any Trade Waste and Wastewater Discharged to the Council's Public Wastewater Network System must comply at all times with the following requirements, except where the nature and levels of such Characteristics are varied by Council Approval as part of a Consent to Discharge a Trade Waste.

Physical Characteristics

Table 2 – Physical Characteristics

Bylaw Requirements	Commentary from NZ Standard 9201: 2004 Part 23 Model General Bylaws – Trade Waste
Flow	
The 24-hour flow volume must be less than 5,000 L (5 m^3). The maximum instantaneous flow rate must be less than 2.0L/s.	Flows larger than the Guideline values should be Conditional Trade Waste Consent. Conditional Consents will be dependent on the Contaminant concentration/mass load.
Temperature	
The temperature must not exceed 40 °C.	Higher temperatures: • Cause increased damage to Sewer structures; • Increase the potential for anaerobic conditions to form in the Wastewater; • Promote the release of gases such as H_2S and NH_3 (can adversely affect the safety of operations and maintenance personnel); and • Reflect poor energy efficiency. It should be noted that this temperature has been

	reduced from 50°C to come into line with the ARMCANZ/ANZECC Guidelines for Sewerage systems. A lower maximum temperature may be require for large volume Discharges.
Solids	
Non-faecal gross solids must have a maximum dimension that must not exceed 15 mm. The suspended solids content of any Trade Waste must have a Maximum concentration that must not exceed 2000 g/m^3. For significant industry this may be reduced to 600 g/m^3. The settleable solids content of any Trade Waste must not exceed 50mL/L. The total dissolved solids concentration in any Trade Waste must be subject to the approval of QLDC, having regard to the volume of the waste to be Discharged, and the suitability of the Public Wastewater System and the wastewater treatment plant to accept such waste. At no time must the sediment layer in any trap exceed 20% of the depth or volume of the trap. Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the Public Wastewater System or wastewater treatment plant must not be present.	Gross solids can cause Sewer blockages. In case of Conditional Consents, fine screening may be appropriate. High suspended solids contents can cause Sewer blockages and overload the treatment processes. Where potential for such problems is confirmed, a lower limit appropriate to the risk may be set. A lower limit may be set between 600 g/m^3 and 2000 g/m^3. The ANZECC Guidelines recommend a limit of 600 g/m^3. High total dissolved solids reduce effluent disposal options and may contribute to soil salinity. Where potential for such problems exists, a limit of 10,000 g/m^3 may be used as a guideline.
Oil and Grease	
There must be no free or floating layer. Fat, oil or grease must not exceed 100 g/m^3. At no time must the fat, oil or grease layer exceed 20% of the depth or volume of the trap	Oil and grease can cause Sewer blockages, may adversely affect the treatment process, and may impair the aesthetics of the receiving water. Where the Wastewater treatment plant Discharges to a sensitive receiving water, lower values should be considered. If the Council only has screening and/or primary treatment prior to Discharge, it is recommended that oil and grease be reduced to 100 g/m^3. If quick break detergents are being used, it should be ensured that proper separation systems are being used by the Consent Holder. If not, oil will reappear in drainage systems as a free layer.

Solvents and other liquids	
There must be no free layer (whether floating or settled) of solvents or organic liquids.	Some organic liquids are denser than water and will settle in Sewers and traps.
Emulsions of paint, latex, adhesive, rubber, plastic	
Where such emulsions are not treatable these may be Discharged into the Public Wastewater System subject to the total suspended solids not exceeding 1000 g/m3 or the concentration agreed with the Council. The Council may determine that the need exists for Pre-treatment of such emulsions if they consider that Trade Waste containing emulsions unreasonably interferes with the operation of the wastewater treatment plant, e.g. reduces % UVT (ultra violet transmission). Such emulsions of both treatable and non-treatable types, must be Discharged to the Public Wastewater System only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the Public Wastewater System.	'Treatable' in relation to emulsion Wastewater, means the Total Organic Carbon content of the waste decreases by 90% or more when the Wastewater is subjected to a simulated Wastewater treatment process that matches the Council treatment system. Emulsions vary considerably in their properties and local treatment works may need additional restrictions depending on the experience of the specific treatment plant and the quantity of emulsion to be treated. Emulsion may colour the Council wastewater treatment plant influent such that % UVT is unacceptably reduced. Emulsions will coagulate when unstable and can sometimes cause Sewer blockage. Emulsions are stable when dilute or in the correct pH range.
Radioactivity	
Radioactivity levels must not exceed, the Office of Radiation Safety Code of Practice CSPI for the use of Unsealed Radioactive Material.	Refer Office of Radiation Safety Code of Practice (as referenced) for the use of unsealed radioactive materials NRL C1
Colour	
No waste must have colour or a colouring substance that causes the Discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the Council's ability to comply with its legal requirements.	Colour may cause aesthetic impairment of receiving waters, and adverse effects on ultra-violet disinfection. Where potential for such problems exists, a level of colour that is rendered not noticeable after 100 dilutions may be used as a Guideline. Where UV disinfection is used special conditions may apply.

Chemical Characteristics

Table 3 - Chemical Characteristics

Bylaw Requirements	Commentary from NZ Standard 9201: 2004 Part 23 Model General Bylaws – Trade Waste
pH value	
The pH must be between 6.0 and 10.0 at all times.	Extremes in pH: • Can adversely affect biological treatment processes; • Can adversely affect the safety of operations and/or maintenance personnel; • Cause corrosion of Sewer structures; and

	• Increase the potential for the release of toxic gases such as H2S and HCN. Relaxation of these limits to 5.5 and 11.0 is acceptable for low pressure Premises which Discharge into a large flow. Significant industries may need to be restricted to limits between 6.0 and 9.0.
Organic Strength	
Where there is no Council treatment system for organic removal the BOD5 must not exceed 1000 g/m³. For significant industry this may be reduced to 600 g/m³.	The loading on a treatment plant is affected by Biochemical Oxygen Demand BOD5 rather than Chemical Oxygen Demand (COD). For any particular waste type there is a fixed ratio between COD and BOD5. For Domestic Wastewater it is about 2.5:1 (COD: BOD5), but can range from 1:1 to 100:1 for Trade Waste. Therefore BOD5 is important for the treatment process and charging, but because of the time taken for testing, it is often preferable to use COD for monitoring. However, the use of COD testing must be balanced by the possible environmental effects of undertaking such tests due to the production of chromium and mercury wastes. Where a consistent relationship between BOD5 and COD can be established the Discharge may be monitored using the COD test. If the treatment plant BOD5 capacity is not limited, and sulphides are unlikely to cause problems, there may be no need to limit BOD5. High COD may increase the potential for the generation of sulphides in the Wastewater. A BOD5 limit which is too stringent may require
Maximum concentrations	
The Maximum concentrations permissible for the chemical characteristics of an Acceptable Discharge are set out in the following tables: Table 4 Table 5 Table 6	Where appropriate, maximum daily limits (kg/day) for Mass limit Permitted Discharges may also be given.

Table 4 – General Chemical Characteristics

(Mass limits may be imposed, refer to Clause B.4.6 of this Administration Manual)

Characteristic	**Maximum concentration (g/m³)**	**Mass Limits (kg/day)**	**Reason for limit**
MBAS (Methylene blue active substances)	500	1.5	MBAS is a measure of anionic surfactants. High MBAS can: • Adversely affect the

			efficiency of activated Wastewater sludge plants; and • Impair the aesthetics of receiving waters. For Wastewater treatment plants that suffer from the effects of surfactants the Maximum Concentration could be reduced significantly, e.g. Sydney Water utilize a level of 100 g/m3.
Ammonia (measured as N)			High ammonia: • May adversely affect the safety of operations and maintenance personnel; and • May significantly contribute to the nutrient load to the receiving environment.
Free ammonia (measured as ammoniacal nitrogen)	50	0.25	
Ammonium salts	200	1.0	
Kjeldahl nitrogen	150	1.0	High Kjeldahl nitrogen may significantly contribute to the nutrient load of the receiving environment. A value of 50 g/m3 should be used as a guideline for sensitive receiving waters.
Total phosphorus (as P)	50	0.75	High phosphorus nitrogen may significantly contribute to the nutrient load of the receiving environment. A value of 10 g/m3 should be used as a guideline for sensitive receiving waters.
Sulphate (measured as SO4)	500 1500 (with good mixing)	2.5	Sulphate: • May adversely affect the Public Wastewater System; and • May increase the potential for the generation of sulphides in the Wastewater if the Public Wastewater System is prone to becoming anaerobic.
Sulphite (measured as SO2)	15	0.075	Sulphite has potential to release SO2 gas and thus adversely affect the safety of operations and maintenance personnel.

			It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the Wastewater.
Sulphide—as H2S on acidification	5	0.025	Sulphides in Wastewater may: • Cause corrosion of the Public Wastewater System, particularly the top non- wetted part of a Sewer; • Generate odours in Sewers which could cause public nuisance; and • Release the toxic H2S gas that could adversely affect the safety of operations and maintenance personnel. Under some of the conditions above sulphide should be <2.0 g/m3.
Chlorine (measured as Cl2) Free chlorine Hypochlorite	3 30	0.015 0.15	Chlorine: • Can adversely affect the safety of operations and maintenance personnel; and • Can cause corrosion of the Public Wastewater System. ARMCANZ/ANZECC Guidelines for sewerage systems utilise a figure of 10 g/m3.
Dissolved aluminium	100	1.5	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate on a scale that may cause a Sewer blockage.
Dissolved iron	100	1.5	Iron salts may precipitate and cause a Sewer blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Boron (as B)	25	0.125	Boron is not removed by conventional treatment. High

			concentration in Wastewater may restrict irrigation applications. Final Wastewater use and limits should be taken into account.
Bromine (as Br2)	5	0.025	High concentrations of bromine may adversely affect the safety of operations and maintenance personnel.
Fluoride (as F)	30	0.15	Fluoride is not removed by conventional Wastewater treatment, however Pre-treatment can easily and economically reduce concentrations to below 20 g/m3.
Cyanide — weak acid dissociable (as CN)	5	0.005	Cyanide may produce toxic atmosphere in the Sewer and adversely affect the safety of operations and maintenance personnel.

Table 5 – Heavy Metals

Metal	**Maximum concentration (g/m^3)**	**Mass Limits (kg/day)**	**Metal**	**Maximum concentration (g/m^3)**	**Mass Limits (kg/day)**
Antimony	10.0	0.025	Manganese	10.0	0.025
Arsenic	5.0	0.025	Mercury	0.05	0.0001
Barium	10.0	0.025	Molybdenum	10.0	0.025
Beryllium	0.005	0.0001	Nickel	10.0	0.050
Cadmium	0.5	0.001	Selenium	10.0	0.025
Chromium	5.0	0.050	Silver	2.0	0.010
Cobalt	10.0	0.025	Thallium	10.0	0.025
Copper	10.0	0.050	Tin	10.0	0.025
Lead	10.0	0.025	Zinc	10.0	0.050

Note:
Heavy metals have the potential to:

- Impair the treatment process;
- Impact on the receiving environment; and
- Limit their use of Wastewater sludge and effluent.

Where any of these factors are critical it is important that local acceptance limits should be developed.

The concentration of chromium includes all valent forms of the element. Chromium (VI) is considered to be more toxic than chromium (III), and for a Discharge where chromium (III) makes up a large proportion of the characteristic, higher concentration limits may be acceptable. Specialist advice should be sought.

Metals will be tested as total, not dissolved. If sludge is used as a biosolid then metal concentration/mass are important such that the biosolids Guidelines are met.

Table 6 – Organic compounds and pesticides

Compound	Maximum concentration (g/m^3)	Mass Limits (kg/day)	Reason for limit
Formaldehyde (as HCHO)	50	0.25	Formaldehyde in the Sewer atmosphere can adversely affect the safety of operations and maintenance personnel.
Phenolic compounds (as phenols) excluding chlorinated phenols	50	0.25	Phenols may adversely affect biological treatment processes. They may not be completely removed by conventional treatment and subsequently impact on the environment.
Chlorinated phenols	0.02	0.001	Chlorinated phenols can adversely affect biological treatment process and impair the quality of the receiving environment.
Petroleum hydrocarbons	30	0.15	Petroleum hydrocarbons may adversely affect the safety of operations and maintenance personnel.
Halogenated aliphatic compounds	1	0.001	Because of their stability and chemical properties these compounds may: • Adversely affect the treatment process; • Impair the quality of the receiving environment; and • Adversely affect the safety of operations and maintenance personnel.
Monocyclic aromatic hydrocarbons	5	0.025	These compounds (also known as benzeneseries) are relatively insoluble in water, and are normally not a problem in Trade Waste. They may be carcinogenic and may adversely affect the safety of operations maintenance personnel.
Polycyclic (or polynuclear) aromatic hydrocarbons	0.05	0.001	Many of these substances have been demonstrated to have an

(PAHs) Including specifically: dibenzo [a,h] anthracene benzo [a] anthracene benzo[a] pyrene benzo [b] fluoranthene benzo [k] fluoranthene chrysene indeno [a,2,3-cd] pyrene			adverse effect on the health of animals. Some are also persistent and are not degraded by conventional treatment processes.
Halogenated aromatic hydrocarbons (HAHs)	0.002	0.0001	Because of their stability, persistence and ability to bioaccumulate in animal tissue these compounds have been severely restricted by health and environmental Regulators.
Polychlorinated biphenyls (PCBs) Polybrominated biphenyls (PBBs) Including specifically the following congeners using the IUPAC nomenclature: PCB-28 PCB-52 PCB-77 PCB-81 PCB-101PCB-105 PCB-114 PCB-118 PCB-123 PCB-126 PCB-138 PCB-153 PCB-156 PCB-157 PCB-167 PCB-169 PCB-180 PCB-189	0.002	0.0001	Because of their stability, persistence and ability to bioaccumulate in animal tissue these compounds have been severely restricted by health and environmental Regulators.
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.002 each 0.2 in total	0.0001	Pesticides: • May adversely affect the treatment processes; • May impair the quality of the receiving environment; and • May adversely affect the safety of operations and maintenance personnel.
Organophosphate pesticides excludes pesticides not registered for use in New Zealand. These compounds must be accepted up to the given maximum concentration only when specifically Approved.	0.1	0.0001	

Inhibitor Chemicals

No waste being diluted at a ratio of 100 to 1 of Wastewater may inhibit the performance of the Wastewater treatment process, such that the Council is significantly at risk, or prevented from achieving its environmental statutory requirements.

After dilution with de-chlorinated water, at a ratio of 15 to 1 of Wastewater, a Discharge which has an acute result when subjected to the Whole Effluent Toxicity Testing, will be deemed to have inhibitory chemicals. Whole Effluent Toxicity Testing will be undertaken using organisms selected by Council.

Schedule B Prohibited Discharge Characteristics

SB.1 Prohibited Effects

Any Discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination or mixture of such matters, which by themselves or in combination with any other matters, will immediately or in the course of time:

a) interfere with the free flow of Wastewater in the Public Wastewater System;
b) damage any part of the Public Wastewater System;
c) in any way, directly or indirectly, cause the quality of the treated Wastewater or residual biosolids and other solids from any Wastewater treatment plant in the catchment to which the waste was Discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
d) prejudice the occupational health and safety risks faced by Wastewater workers;
e) after treatment be toxic to fish, animals or plant life in the receiving waters;
f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a Nuisance; or
g) have a colour or colouring substance that causes the Discharge from any Wastewater treatment plant to receiving waters to be coloured.

SB.2 Prohibited Characteristics

The Discharge has a prohibited Characteristic if it has any amount of:

a) harmful solids, including dry solid wastes and materials that combine with water to form a cemented mass;
b) liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule A of this Bylaw), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Wastewater;
c) asbestos;
d) the following organo-metal compounds;
    i. Tin (as tributyl tin and other organotin compounds);
    ii. Any organochlorine pesticides;
    iii. Genetic wastes, as follows: All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the HSNO. The material concerned may be from Premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
    iv. Any health care waste prohibited for Discharge to the Public Wastewater Systemby NZS 4304 or any pathological or histological wastes; or
    v. radioactivity levels in excess of the National Radiation Laboratory Guidelines;
e) cytotoxic waste, liquid antibiotics or any pharmaceutical waste;
f) perfluorooctane sulfonate (PFOS), Perfluorooctanoic acid (PFOA), Perfluorooctanoic sulfonic acid (PFHxS)

Advice Note - Substance Mass limit yet to be determined

g) flushable wipes
h) Construction Debris

Prohibited Tanker Waste Streams:

a) Grease waste
b) Oil Interceptor Waste

Schedule C Fees and Charges – Methodology

Trade waste charging mechanism – methodology

The Trade Waste Charging Model is designed to be a true user pays mechanism for industrial and commercial Dischargers to the Public Wastewater System (including the Wastewater treatment plant). The following parameters are used to allocate charges:

- Average daily flow (m^3/d)
- Peak instantaneous flow (l/s)
- Five day Biochemical Oxygen Demand (BOD_5) (mg/l)
- Chemical Oxygen Demand (COD) (mg/l)
- Suspended Solids (SS) (mg/l)
- Total Kjeldahl Nitrogen (TKN) (mg/l)
- Fat Oil & Grease (FOG) (mg/l)

Major Dischargers – Monthly Billing

The charges are based on the share of each parameter contributed by each major Discharger. Capital repayments and depreciation costs are assessed separately from operating costs. Operating cost charges are based on the actual monthly Discharge of each Operator. The capital charges are based on the reserved peak requested for each parameter by each Operator on a yearly basis.

The Public Wastewater System and Wastewater treatment plant are split into cost centres on the basis of how capital and operating costs are dependent on the measured parameters of the Wastewater. For example, the capital cost of screening is determined predominantly by the peak flow rate it must deal, with a small dependency on the amount of suspended solids loaded to it. The operating costs of screening are determined by the average daily flow and the amount of suspended solids in the Wastewater. Other parameters such as BOD_5, TKN etc. are not part of the charge assessment for that cost centre as they do not affect operation of the screens.

Capital and depreciation repayments and operating costs are split across the cost centres either directly or as a proportion for more general costs such as security and automation & control. Proportions of relevant parameters were allocated to each cost centre by a panel of expert Council Officers using a 5-scale rating system.

The amount a Discharger pays towards a single cost centre is based on their share of each relevant parameter compared to the total of that parameter for that cost centre. The resulting charges for each are then added to give the total capital or operating cost parameter for the relevant Operator. Operators are not charged for parts of the council Wastewater assets that they do not use.

Minor Dischargers – Quarterly/Annual Billing

Minor Dischargers will be charged a flat fee based on the costs of the commercial sector calculated by the model, and apportioned based on flow.

A small-scale Discharger on a fixed value may only pay quarterly or annually according to

their preference.

Administrative Charges
Fees and charges are reviewed and set annually by Council as part of its Annual Plan process and can be found at https://www.napier.govt.nz/our-council/fees-and-costs/current/ under 'Wastewater'.

Schedule D Point of Discharge

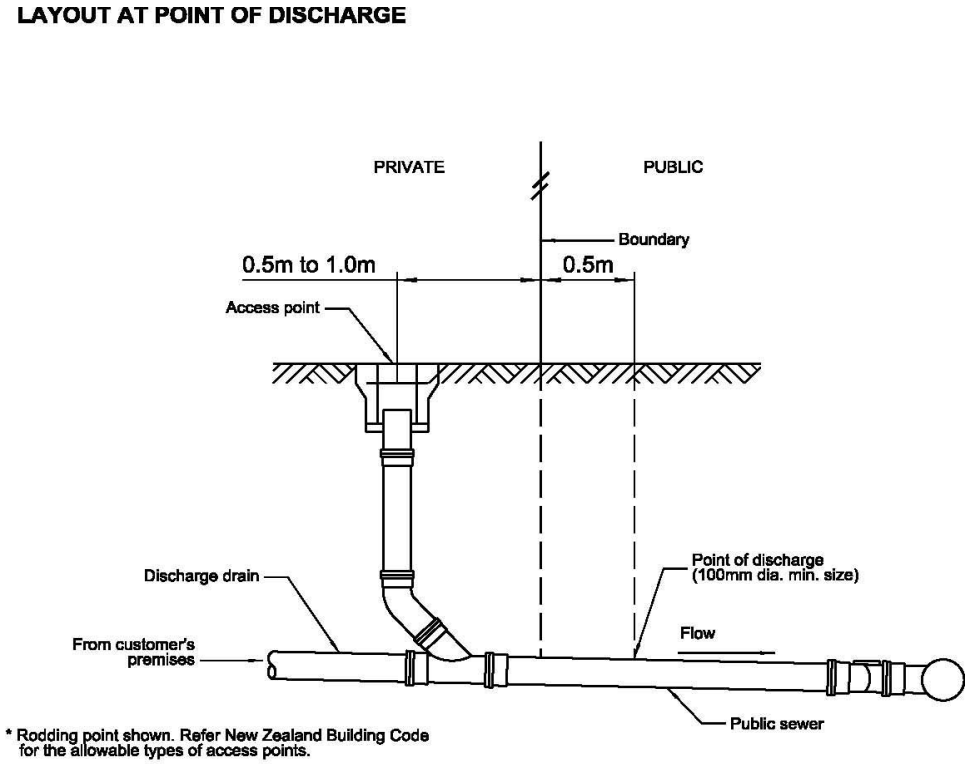
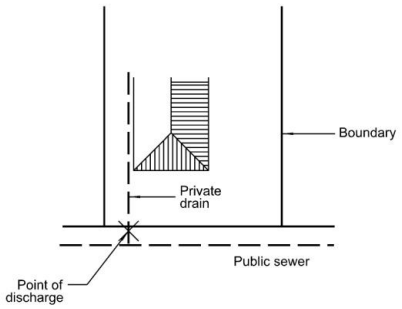
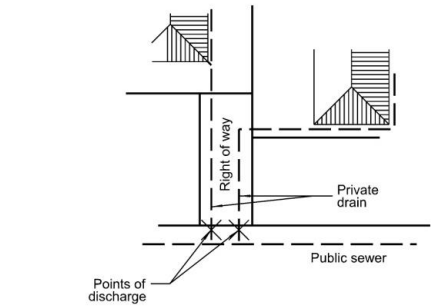


Figure 1 - Layout at Point of Discharge

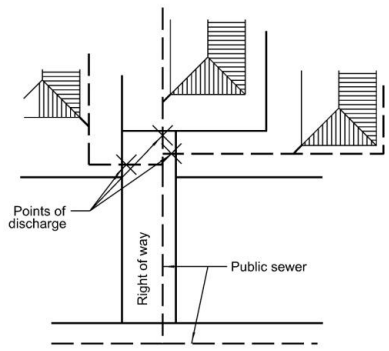
POINT OF DISCHARGE LOCATION



WITH STREET FRONTAGE



REAR LOTS ON RIGHT OF WAY (up to 2 customers)



REAR LOTS ON RIGHT OF WAY (up to 3 customers)

Figure 2 – Point of Discharge Location

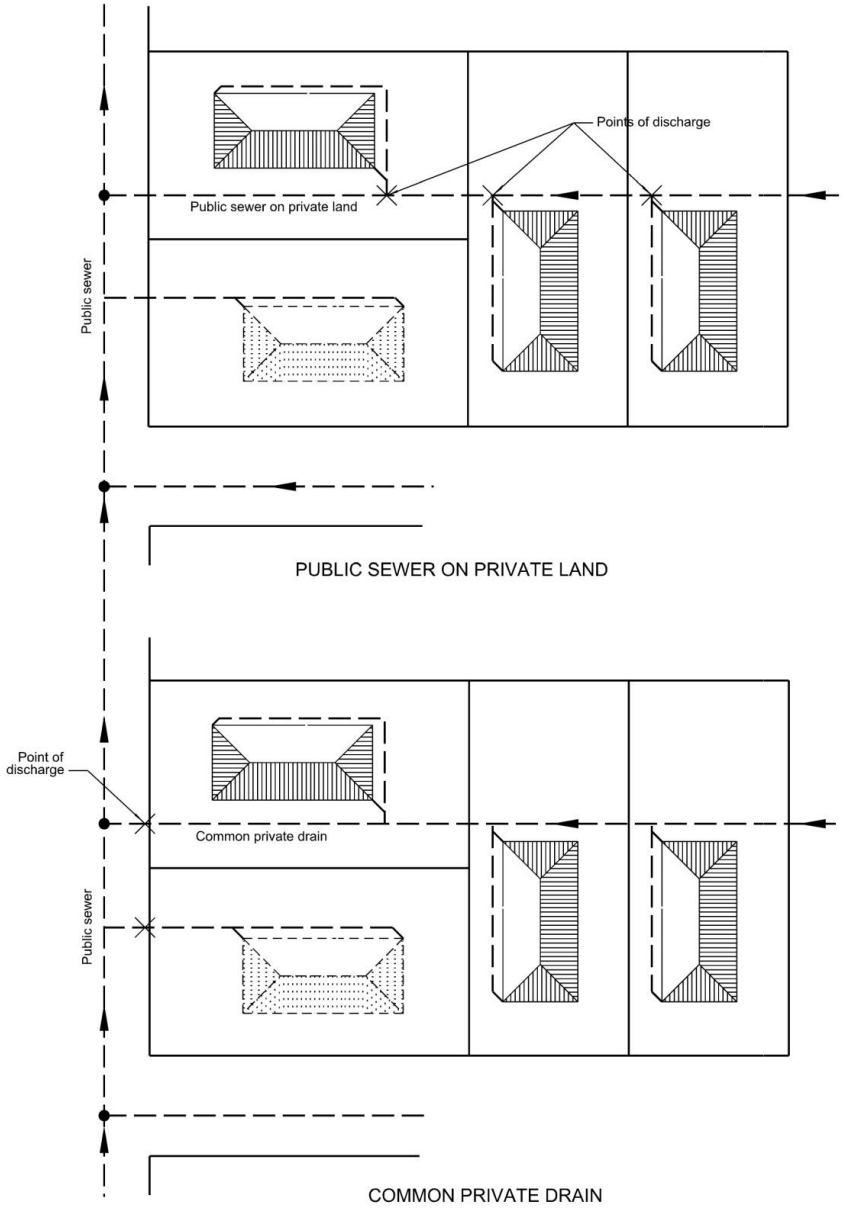


Figure 3 – Public Sewer on Private Land and Common Private Drain

Trade Waste Bylaw Review – Gap Analysis Report

Introduction

Purpose of Gap Analysis

This report presents findings on the operation of the Napier City Council's (**the Council**) Trade Waste Bylaw 2014 (**Bylaw**).

The Bylaw was adopted on 16 December 2015 and came into force on 23 December 2015. The Bylaw will be automatically revoked in December 2022 in accordance with s 160A of the Local Government Act 2002 (**LGA**), therefore the Council is now required to replace the Bylaw with a new bylaw addressing trade waste issues in the City.

Given that trade waste is discharged into the wastewater system, the Council has also considered the advantages of incorporating the Wastewater Bylaw (which is also due to be replaced) and this Bylaw into one comprehensive document will allow council to take an integrated and consistent approach to the management of its network.

Scope of the Gap Analysis

The gap analysis covers the Bylaw but not the Wastewater Bylaw. A separate report covers the gap analysis for the Wastewater Bylaw. Problems with the current Bylaw have been identified and options are discussed at the end of the report.

Background

Wastewater is the liquid waste that has water as the largest component, along with various types of impurities like human waste and used water from premises including houses, offices, factories, schools, hospitals, and industrial sites. The discharges from industrial sites that contain used water, solids (except that from toilets or bathrooms) and chemicals are called trade waste.

Trade waste is any liquid that is discharged from a business process or trade premises to the wastewater network.

Trade waste comprises a significant part of the wastewater that is conveyed, treated and discharged into Hawke Bay by the Council, both in terms of volume and loads of contaminants, which are detrimental to the environment and can damage infrastructure. Industries contributing significantly to trade waste in Napier include meatworks, tanneries, rendering plants, wool industries, juice/beer/wine manufacturing, meat and fish processing, galvanizing, fat processing, swimming pools and car washes.

Trade waste is regulated differently to domestic wastewater. This is because compared to domestic wastewater, trade waste may contain higher concentrations of substances which could harm people's health or the environment, corrode and/or block wastewater pipes and other wastewater facilities, create odours or place extra demands on the City's wastewater treatment plant and result in non-compliance with the Council's own discharge consent. Some

trade waste is separated from the domestic streams and undergoes less treatment at the Council facility, so must be pre-treated if it contains high levels of contaminants.

Although approximately 20% of the flow through the Council's Wastewater Treatment Plant (WWTP) comes from industries, the loading of contaminants attributable to trade waste relative to domestic waste is at a much higher proportion.

The current bylaw includes a consenting regime for premises discharging trade waste to the Council network. Parts 3 and 4 of the current Bylaw outline how the council will consider applications for consent and the conditions that may be imposed on the consent holder, especially for "conditional" trade waste discharges. It is proposed that the new Bylaw should also incorporate a consenting regime, but that this should be improved to incorporate a wider range of businesses / industries and to include a charging system that fairly recovers costs from industries for use of the network.

The Bylaw

The purpose of the current Bylaw is to:

- Protect the water quality in Hawke's Bay.
- Give effect to the Council's obligations under National Environmental Standards and Regional Plan rules, and achieve compliance with the Council's resource consents to discharge wastewater into the environment.
- Protect the health, safety and wellbeing of people within the Napier district.
- Ensure that the Council can meet its obligations under the Resource Management Act 1991 (RMA) and the LGA.
- Protect the wastewater network (including the treatment plant) from substances that have a detrimental effect on its operation and asset life.
- Optimise the capacity of the Council's wastewater infrastructure and treatment assets.
- Ensure compliance with the Council's resource consent conditions.
- Provide a basis for monitoring discharges from industrial and trade premises.
- Encourage waste minimisation, cleaner production and water conservation.
- Allow for fair cost recovery from industries for use of the network.
- Achieve a holistic and efficient approach to regulating the wastewater network.

These purposes are consistent with the objectives in the New Zealand Model General Bylaws NZS9201: Part 23:2004 (referred to below).

Protecting the Wastewater Infrastructure

The Bylaw helps to protect the pipes, pumps, and all other assets which are crucial for removing, conveying and treating wastewater. This assists in avoiding blockages, overflows and failures which could cause pollution of the Ahuriri Estuary and is a priority for the community. Managing this system better may also result in a significant reduction in maintenance costs (e.g. a reduction in the time drainage staff spend flushing CBD sewers, which they currently do every weekend, and clearing blockages of industrial screens at the WWTP – often at weekends).

The WWTP is designed for a certain loading, and problems are caused when the different components are overloaded with certain contaminants.

Trade waste contaminants can have a detrimental effect on the microbial population of the plants resulting in effluent discharge from the treatment plant that does not comply with resource consent conditions, designed to protect the receiving environment. Once these microbes have been affected by toxic contaminants they may take several weeks to regain organic strength, i.e. Biological Oxygen Demand (BOD) and be able to treat wastewater to an acceptable level again.

Trade waste discharges that exceed the limits for BOD and fats oil and grease (FOG) may also have the following effect on the wastewater network:

- block wastewater pipes
- damage pumps
- cause odours and accelerated corrosion of the wastewater network
- overload treatment plants
- block milliscreens
- more costly to treat than domestic wastewater.

The table below presents more information about businesses which are not currently consented under the Bylaw, the risks that they can pose to the wastewater network and the pre-treatment options available to minimise their impact.

Type of business activity	**Risk to the waste water network**	**Pre-treatment required**
Food premises	• FOG can clog the sewer network • Risk to the Wastewater treatment plant – toxic waste and waste with a high nutrient load is more difficult to treat and requires additional aeration • Emerging contaminants in cleaning chemicals pose a risk to the receiving environment and biosolids	• Grease trap • Sink screens
Dentists	• Amalgam from fillings contaminate the biosolids and should be recycled	• Amalgam trap
Hairdressers	• Hair can tangle around pumps in the pump station and assist in causing sewer blockages that can lead to sewer overflows	• Sink screens
Medical Facilities	• Risk to the Wastewater treatment plant – toxic waste is more difficult to treat and requires additional aeration • Emerging contaminants in cleaning chemicals pose a risk to the receiving environment and biosolids	• Sink screens and plaster arrestors

Car/truck washes	• Hydrocarbons/grit • High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Emerging contaminants in cleaning chemical pose a risk to the receiving environment and contaminate the biosolids • Solvents and used oil pose a risk to the Public Wastewater System if not stored correctly and requires to be collected for recycling purposes	• Oil/grit Interceptor
Automotive/mechanical	• Hydrocarbons, oil and other solvents • Solvents and used oil pose a risk to the Public Wastewater System if not stored correctly and requires to be collected for recycling purposes	• Oil / water interceptors
Laundries	• High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Emerging contaminants, i.e. surfactants in washing powder and microfibres from fabrics pose a risk to the receiving environment and contaminate the biosolids	• Lint screens
Septic tank waste	• Toxic waste can have a detrimental impact on the microbes that break down the waste in the wastewater treatment plant.	• Management of septic tanks
Funeral Homes	• Wastewater from embalming process can be tapu and must be disposed of in alignment with cultural values of local Iwi	• Rakahore channel • Education • Cleaner Productior Initiatives
Laboratories	• Risk to the wastewater treatment plant – toxic waste is more difficult to treat and requires additional aeration • Emerging contaminants in chemicals pose a risk to the receiving environment and biosolids	• Disposal of toxic substances by othe means (not into the Public Wastewater System) • Proper managemer of mixing of substances when disposing
Hotels	• High instances of inappropriate substances being flushed into toilets. High loading on system which must be accounted for. • High loading from swimming pools, restaurants and on-site laundry services must be managed according to the Bylaw and this Admin manual	• Management of guests and wastewater system • Flow control for Discharges from swimming pool backwashes • Grease traps (for restaurants) • Lint screens (for laundries)
Swimming pools	• High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather • Diatomaceous Earth	• Flow control for Discharges from swimming pool backwashes • Settling tank

Legislative Framework

Section 146(a) (iii) of the LGA gives the Council the power to make bylaws for the regulation of trade waste. Section 148 sets out the requirements for making bylaws relating to trade waste.

The RMA and associated regulations, including the National Policy Statement for Freshwater Management 2020 point to increasingly stringent water quality standards.

The National Policy Statement for Freshwater Management (NPSFM) introduces the concept of Te Mana o te Wai. This refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. The NPSFM 2020 directs the Hawkes's Bay Regional Council to establish objectives which describes how the management of freshwater in the region will give effect to Te Mana o te Wai.

The Hawke's Bay Regional Council's Regional Resources Management Plan (RMP) promotes the disposal of wastewater in a manner that avoids remedies or mitigates the adverse effects of contaminants entering surface waterbodies or coastal water, and includes standards and limits for the water quality of surface water bodies receiving contaminants, to prevent further degradation to water quality and promote improvements.

Napier City Council conveys, treats and discharges wastewater from the city into the Ocean, which is managed with a consent held with Hawke's Bay Regional Council. The *Coastal Permit to discharge domestic sewage and industrial waste water into Hawke Bay at Awatoto via a marine outfall (AUTH-118503-02)* contains various conditions which Council must comply with, including limits on contaminants and monitoring requirements at the outfall and in the wastewater treatment plans. The consent was initially granted in 2011 and granted by the Environment Court in 2012. It was reviewed in 2019 when QRMA conditions were added. It is due for renewal in 2036, but this may be brought forward if changes are made to the outfall pipe and pumping station.

The NZS 9201.23:2004 Model general bylaw - Trade waste provides a model for local authorities to use as the basis of a bylaw to regulate trade waste.

Problems with current trade waste management

In recent years, during monitoring and enforcement undertaken by Council officers, a number of problems with the current Bylaw have been identified:

- Limits are generic and only expressed in concentrations – this means that water conservation is currently penalised if it results in trade waste becoming more concentrated. It also means that there could be over-allocation of loading that the treatment plans can accept and that each discharge consent allows for. The lack of control over load allocations also makes it difficult for the Council to plan for peak loading times, seasonal variations and potential future upgrades.

- The bylaw currently provides no ability for the Council to have oversight of industries that, despite being lower risk may still adversely affect the network (i.e. those listed in the Table above). These may include industries whose contaminants are not measured or regulated yet, but may contain emerging contaminants (see section below).
- The main regulatory tool available to the Council is enforcement action, which has not been used to date, therefore confidence in the process is low. The fining provision has never been used and there are frequent breaches of trade waste consents with little consequences. The Council has preferred to take an educative approach rather than these heavy-handed options. Reasonable time periods have been granted to industries that need to improve pre-treatment, and the Covid-19 pandemic has also caused delays.
- Trade waste charges are low relative to the rest of New Zealand and the justification for these charges is unknown. It is very cheap to dump contaminants down the drain as trade waste and there are no real incentives to invest in better pre-treatment. It is likely that the Council is not accurately recovering the cost to convey and treat trade waste from businesses and therefore the ratepayers may be subsidising this. Businesses (that are not currently consent holders) in the same areas pay very similar or the same rates for wastewater, regardless of how much they discharge into the network, and how much Pre-treatment they do.Separate Bylaws control trade waste and wastewater, despite these waste streams both being managed by the same network and regulated by the same regional resource consent (CD090514Wa). The Wastewater Bylaw mostly duplicates information which is also covered in the Code of Practice. It is not considered to be an effective tool for regulating domestic wastewater and so is under-utilised.
- During heavy rainfall, the wastewater network can become inundated with rain water due to high levels of infiltration and inflow. In the short term, all flows into the wastewater network must be reduced as much as possible. Most industries reduce flows and even temporarily stop production when asked, but this needs to be mandated to help prevent serious flooding and damage to properties, both commercial and residential.

Additionally, a number of emergent issues have arisen that the Bylaw in its current form is ineffective at addressing, such as:

Emerging Organic Contaminants

While water quality investigations usually focus on nutrients, bacteria, heavy metals and priority contaminants (compounds with known health effects), recent research has identified the occurrence of many organic contaminants in wastewater that have impacted urban surface waters. These organic compounds are collectively referred to as Emerging Organic Contaminants (EOC's) and include compound classes, i.e. human and veterinary pharmaceuticals, hormones, antibiotics, surfactants, endocrine disruptors, x-ray contrast media, pesticides and metabolites, disinfectant byproducts and taste-and-odour compounds.

EOCs originate from products that that are used in relatively small amounts. However, as they are used by many differ individuals/businesses on multiple occasions, the cumulative amount released into the environment becomes significant.

EOCs are present in recently developed industrial compounds that have been newly introduced to the environment and other compounds that are commonly used, but their harmful eco-toxicological effects have only recently been determined. The toxic significance of these EOC's are difficult to assess and their accepted concentrations in drinking water and discharge limits for wastewater effluent have not yet been determined .

A recent paper by the Department of Internal Affairs has proposed that the current national water policy review set policy for EOC and related contaminants.

Besides discharges from chemical industries, the main source of EOCs released to the environment is from wastewater treatment plant effluents. A wide variety of EOCs are collected in the wastewater steam but not fully degraded and /or removed from the waste steam by traditional primary and secondary wastewater treatment systems. Biosolids and effluent from municipal wastewater treatment plants have been identified as the major source.

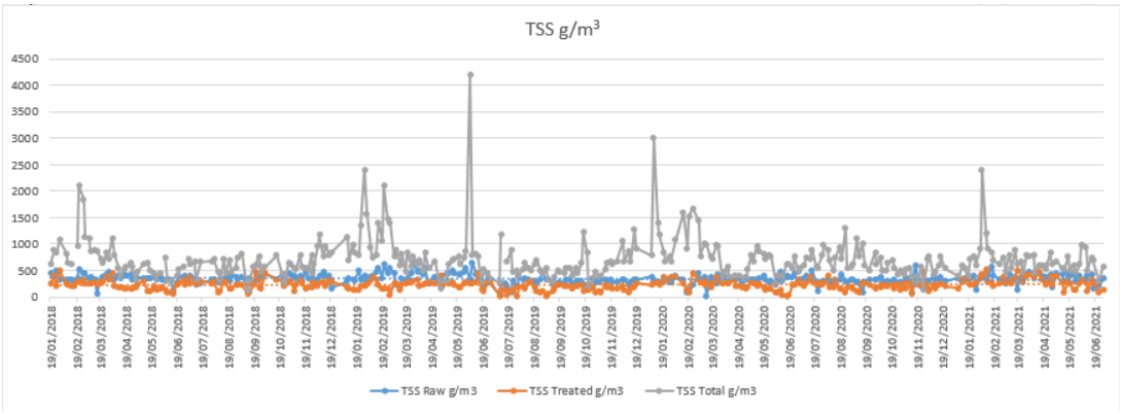
The Bylaw must allow for better regulation of EOCs to align with developments in the field.

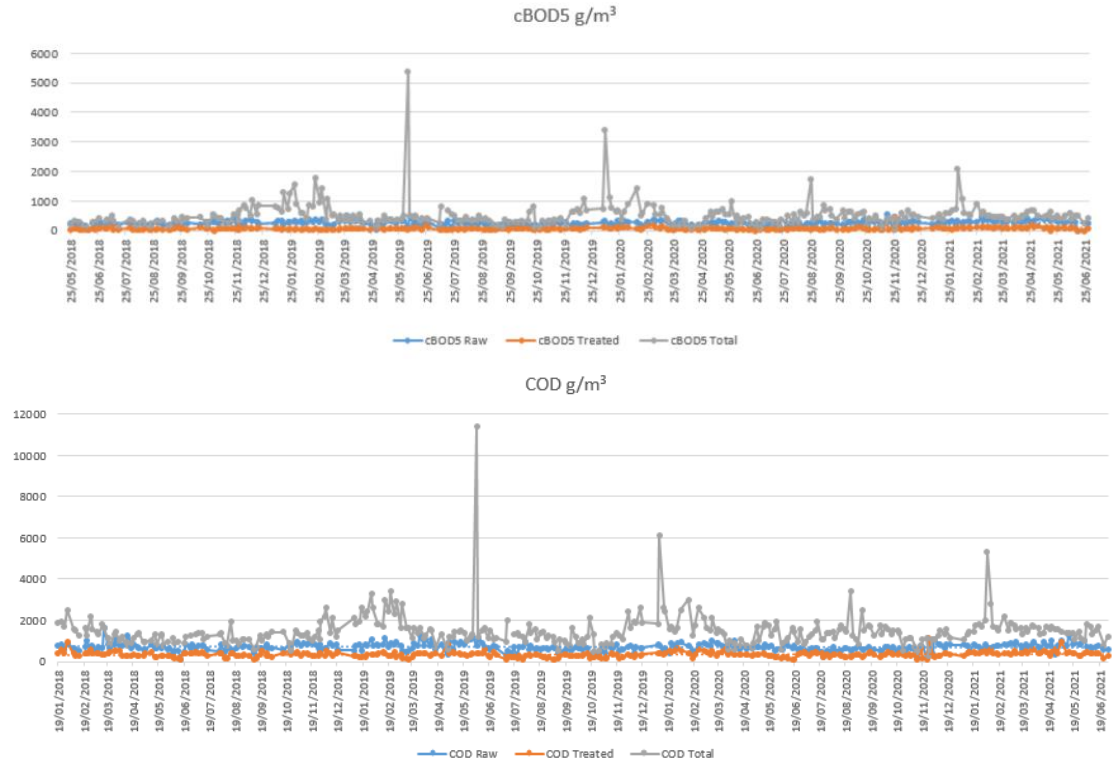
Consent Compliance

The Council holds a consent to discharge treated waste water into Hawke Bay from the Hawke's Bay Regional Council.

Shown below are graphs of Total Suspended Solids, carbonaceous Biochemical Oxygen Demand, and Chemical Oxygen Demand taken from the Napier City Council Waste Water Treatment Plant. 'Raw' denotes samples taken from the incoming effluent on the domestic line, 'Treated' denotes samples taken after the domestic stream has been treated by millicreen and Biological Trickling Filter, and 'Total' denotes the total combined stream of treated domestic plus industrial flows (currently only Awatoto industrial).

The difference between the Total line (grey) and the Treated line (orange) shows the contribution from Awatoto industries. It is clear that the peaks are coming from industrial flows. The Bylaw does not allow for sufficient management of this as no load limits are applied and provisions are not made for seasonal or daily peaks. A model being developed by consultants BPO would assist this, and the Bylaw must be simplified and allow for its use in allocation, charging and compliance monitoring.





SLR Consulting NZ Ltd have recently completed an independent performance review of the WWTP and noted the following key issues:

- The volume of wastewater being discharged is within consented limits, however the annual average amount of organic material (expressed as cBOD5) in what arrives at the Biological Trickling Filters, which treat the waste water by removing nutrients therefore reducing the cBOD5, exceeds consented limits.
- Industrial flows from the Awatoto Industrial Zone are contributing to this while the Pandora Trade Waste Pipe remains offline.
- Levels of ammonia and zinc in the wastewater are above consented limits.
- It is difficult to understand the exact source of these chemicals without testing every wastewater connection. However, the elevated ammonia and zinc likely comes from industrial sites in Pandora.
- The levels of suspended solids have consistently exceeded consented limits.
- The amount of FOG in the discharged wastewater occasionally exceeded consented limits.

More control over the quality of trade waste arriving at the WWTP will help to reduce these levels, but also allow the Council to assess whether any upgrades or expansion at the WWTP is required to meet consent conditions.

Pandora Industrial Pipeline

Trade waste from sites connected to the Pandora Industrial Pipeline is currently being diverted into the domestic stream as the pipe is blocked. Work is underway to unblock and recommission this pipeline, which will result in reduced treatment of this trade waste and may increase concentrations of the Total (grey line) levels on the graphs.

Various reports about the Pandora Industrial Pipeline by consultants Stantec in 2017 and then Beca in 2020 identify the need to improve the quality of trade waste being discharged into it. Control over trade waste quality and allocation of plant loading must be significantly improved before this pipeline is recommissioned to enable the Council to comply with its resource consent conditions.

Media Interest

Since July 2020, there has been considerable media interest in Trade Waste compliance, initially in Napier then on the wider national situation. The first article identified companies in Napier that had breached consent limits in the 12 months prior to the journalist's request. The second article focused on the whole of New Zealand, with data provided by 11 Councils initially, and more material was published after additional Councils released information due to involvement from the Ombudsman. The second RNZ article poses the question: "*How many have been slapped with fines?* This reply follows: *None. A legal loophole means Councils have no power to issue them, so are instead forced to take an "educative" approach with errant firms*". The issue with trade waste management is highlighted by spokespeople for the New Zealand Trade and Industrial Waters Forum, who claim that Bylaws and the legislation they sit under are not strong enough to properly enforce rules.

Liquid Waste (Tanker) Operators

A number of liquid waste (tanker) operators truck waste water and trade waste in Napier. Currently there is a paper docket tracking system at the WWTP but no information is taken or recorded about the contents of the loads being dumped. The septic tank disposal area discharges into the domestic stream and over the BTFs. There is risk that a tanker could dump a load that is toxic for the organisms in the BTFs and cause failure in the plant. There is also the risk that some operators are dumping illegally into areas of the network around the City. Service Requests have been received by the Council officers from members of the public observing suspicious behaviour of trucks. In other areas of the country, Liquid Waste Operators are issued their own trade waste consents and held responsible for the loads they convey and dump. There is also a national tracking system WasteTRACK, which ensures all tankers are code compliant and tracks their operations, introducing a level of automation for Council's monitoring. This allows better regulation and control, and helps to prevent illegal dumping which could cause issues in the waste water network or pollution events if dumped into stormwater.

Grease Traps

Industries and commercial properties that discharge high levels of fat, oil and grease (FOG) to the waste water network present significant risk of blockages and overflows. Currently, the CBD is flushed every weekend by the City Services Team to prevent build-up of fat bergs and potential overflows due to the fast build-up of high levels of FOG on a weekly basis. This presents significant cost to Council and significant risk to infrastructure and the environment. Premises discharging FOG should be classed in a trade waste category as pre-treatment is required, usually in the form of a grease trap. This would allow the Council more oversight and regulatory control, as well as the ability to recover costs incurred which does not currently happen. Grease traps must be correctly sized and maintained in order to work well, so

regulations, guidelines and monitoring is needed to prevent the Public Wastewater System being overloaded with these contaminants.

Early Consultation Completed

Industry – Current Consent Holders
Three workshops have been held in October 2021 with current consent holders to initiate conversations about prospective changes, including detail about the charging model that consultants BPO have been engaged to create. 18 attendees representing 16 sites holding current trade waste consents attended the workshops, with general agreement and support for the proposed changes. Some industries have previously voiced concerns about issues such as lack of incentives and rewards for good practise, lack of ability to allow for water conservation if trade waste is consequently concentrated, and inability to have large capital projects for pre-treatment upgrades approved due to the low trade waste charges.

Councillors
An introductory workshop was held with the Council Councillors on 5 October 2021. The topic of trade waste and high level issues with the current Bylaw were discussed. A paper was submitted to Nga Manukanuka o te Iwi (Māori Committee) on 30 September 2021, and presented on 25 February 2022.

A detailed workshop will be held with Councillors on the 17 March prior to the Sustainable Napier Committee meeting on 24 March 2022.

Mana whenua
The process of engagement with Māori groups began on 15th July 2021, when Te Waka Rangapu (the Council Māori Directorate) were briefed on the project and asked for assistance with consultation with all appropriate Iwi and mana whenua groups. Another meeting was held on 6 October 2021, after the workshop with the Napier City Councillors to discuss potential attendance at a board meeting of Mana Ahuriri. A representative from Mana Ahuriri attended a meeting on 5 November 2021 and was briefed on the trade waste bylaw, trade waste management issues and potential changes. Members of Mana Ahuriri have been invited to the Awatoto Waste Water Treatment Plant with the date to be confirmed. Tapu waste water generated at funeral homes was discussed as a particular point of interest.

In March 2022 Te Waka Rangapu assisted with providing background information about the significance of water to Māori and how modern Wastewater management does not align with this. Through the Bylaw, Council can advocate for increased education around the cultural values of all water, and continuous improvement of Wastewater management to work towards better outcomes which incorporate ‘te mana me te mauri o te wai’.

Funeral Homes
All four funeral homes in the City have been visited by the Council officers in an initial meeting to inform them that the Bylaw review was taking place, and collect some information about current practices at each site. Two out of three have Rakahore Channels installed and operational, containing blessed rocks which are intended to restore mauri (life force) back into the waste water as it passes over them. The third site indicated they would accept any new

regulations and do what was required to comply. One funeral home voiced concerns about the logistics of pumping trade waste into tanks to irrigate over ground. They argue this creates other cultural, logistical and financial problems.

The fourth funeral home, and the only one that is Māori owned and operated, does not currently embalm at their Napier site, but is looking to do so in future.

Council Communications
A member of the Council Communications Team has developed a Consultation Plan and assisted with all consultation. Documentation such as a one-pager and explanatory notes for the Council's Wastewater consent held with HBRC has been developed and circulated with relevant stakeholders.

Hawkes Bay Regional Council
Hawkes Bay Regional Council have had some minor involvement in trade waste management due to occasional high levels of contaminants at the WWTP, including cBOD, OAG, ammonia and Zinc. They have indicated that more control over trade waste quality is a requirement for the Council's ongoing compliance with their WW consent and obligations. A meeting was held with a representative from Hawkes Bay Regional Council on Thursday 28th October to update on the Bylaw review and progress with the charging model. It was indicated that in future, resource consents may have increased focus on nitrates and phosphates. It was agreed that HBRC would be kept involved and shown a copy of any reviewed Bylaw in draft.

Objectives and advantages of an Integrated Trade Waste and Wastewater Bylaw

It is considered that there are a wide range of advantages to taking an integrated approach to the regulation and management of trade waste and wastewater in the district. These include:

- 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.
- Provides a common framework that enables the council to control discharges into the wastewater network which ultimately protects the receiving environment, public health and those people working on the networks, as well as ensures an integrated approach to ensuring compliance with the Council's own discharge consent.
- Provides clear regulatory direction for council's role in decision making on what is discharged into the Council wastewater network, regardless of the source.
- Allows for a 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 affecting the wastewater network.
- Ensures a consistent and holistic approach to the promotion of sustainable behaviours and activities including water conservation, waste minimisation, cleaner production and on-site pre-treatment of wastewater.
- Fosters education focused on the interaction between all types of wastewater discharges, the network, the natural water cycle and the receiving environment.

Recommended changes to the Bylaw

In light of the findings above, the following changes to the current Bylaw are recommended:

- Consolidation of the Trade Waste and Wastewater Bylaws
- Clear and robust definitions, and records kept of reasons for Bylaw conditions with intentions for rollout.
- A simplified Bylaw with detail in Administration Manual and trade waste consents
- Review of trade waste classifications and the addition of a fourth category as follows:
    - Permitted (under flow and volume triggers, meets quality criteria without pre-treatment)
    - Controlled (under flow and volume triggers, requires pre-treatment to meet quality criteria)
    - Conditional (over flow and volume triggers, may require pre-treatment to meet quality criteria)
    - Prohibited (contains any substances listed as prohibited)
- A clearer and simpler registration/application process
- A solution for cultural issues such as tapu trade waste from funeral homes through engagement with Mana Ahuriri, (which has begun with a meeting and presentation).
- Ability to refuse trade waste flows during emergencies (e.g. heavy rainfall, emergency maintenance)
- More technical detail to be contained in the Administration Manual and in trade waste consents, with a technical review of the current specifications in the Bylaw
- Review of charges and development of charging model
- Better regulation of FOGs and EOCs
- Ability to use asset, financial and monitoring data annually to calculate and control trade waste loadings and charges
- Potential to certify liquid waste operators (tankers and sucker trucks), issue consents and manage through WasteTRACK.

Administrative Manual

It is proposed that the Bylaw will be accompanied by an Administration Manual. The purpose of the Administration Manual is to provide material complementary to the integrated Trade Waste and Wastewater Bylaw by bringing together those aspects which are of a more administrative nature and which may need regular review and updating. For example, a schedule referenced in the bylaw outlining methods for the control of contaminants that is likely to need updating regularly or public guidance documents. In taking this approach, it will simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw.
Management of the Administration Manual would be conducted under delegated authority of the Bylaw, and will govern the implementation and operation of the bylaw. The Administration Manual will be a public document and available on the council's website alongside the bylaw.

In addition to making the bylaw simpler and more streamlined, the inclusion of an Administration Manual is intended to make amendments simpler and more responsive to change. Amendments to the Administration Manual can be made by council resolution, with

appropriate community engagement, and would not require the use of the Special Consultative Procedure, making decision-making more cost-effective and timely.

Charging model

A charging model has been developed by consultants BPO, who are experienced in the trade waste industry. The charging model uses asset and financial data provided by Council to calculate the costs of specific parts of the network according to what it is affected by, and is designed to:

- provide the real costs of treating major trade waste customers' waste;
- provide positive feedback and reward customers that practice waste minimisation and/or waste pre-treatment;
- provide operators with predictive charging options so that they can make intelligent decisions about the financial return of improvements to their discharge;
- equitably charge for the use of the wastewater treatment plant and the associated infrastructure based on the discharger's share of the peak and average loads to the plant;
- both incentivise waste reduction and is fair;
- ensure operators pay for their share of the operating and capital cost of the wastewater treatment plant based on a sophisticated breakdown of the waste components and allocation of appropriate cost for the component's treatment; and
- be issued as a "black box" to each industry allowing them to determine the benefit of any spend on waste minimisation.

It will allow for the allocation of loadings of certain contaminants the Council can accept at the WWTP and discharge in accordance with its resource consent. The most important change this will bring is financial incentive for businesses to comply with rules and improve pre-treatment.

Wastewater Drainage Bylaw Review – Gap Analysis Report

Introduction

Purpose of Gap Analysis

This report presents findings on the operation of Napier City Council's (**the Council**) Wastewater Drainage 2014 (**Bylaw**).

The Bylaw was automatically revoked in December 2021 in accordance with s 160A of the Local Government Act 2002 (**LGA**), therefore the Council is now required to replace the Bylaw with a new bylaw addressing wastewater drainage issues in the City.

Given that both trade waste and wastewater are discharged into the wastewater system, the Council has considered the advantages of incorporating the Trade Waste Bylaw (which is also due to be replaced) and this Bylaw into one comprehensive document will allow the Council to take an integrated and consistent approach to the management of its network.

Scope of the Gap Analysis

This gap analysis covers the Bylaw but not the Trade Waste Bylaw. A separate report covers the gap analysis for the Trade Waste Bylaw. Problems with the Bylaw have been identified and options are discussed at the end of the report.

Background

Wastewater is the liquid waste that has water as the largest component, along with various types of impurities like human waste and used water from premises including houses, offices, factories, schools, hospitals, and industrial sites.

Domestic wastewater is generally comprised of toilet waste, household grey water (i.e. from kitchens, bathrooms and laundries) and waste from domestic pools and spa pools.

Liquid wastes produced by commercial and industrial businesses known as trade waste. Issues relating to trade waste are separately addressed by the Trade Waste Bylaw.

Rainwater is able to penetrate the wastewater network through manholes, inappropriately constructed drains and illegal connections which could cause the network to become hydraulically overloaded during heavy rain fall events and for overflows to occur.

Council's Wastewater Infrastructure

The Council's wastewater scheme serves 26,151 properties, roughly 97% of the population. The scheme comprises 392 km of wastewater mains, 49 wastewater pumping stations, a treatment facility located at Awatoto, and a 1.5km long marine outfall.

Approximately 64% of the network mains identified with condition rating from Moderate to Very Poor while approximately 73% percentage of pipe material belongs to non-plastic nature. Thus it is important to revise and implement the bylaw to achieve its purpose and objectives to sustain the operation and services as network protection and sustenance of operation is inevitable.

The current Bylaw

The purpose of the current Bylaw is to:

- Prevent the misuse of the Council's wastewater drainage system;
- Ensure the protection of wastewater authority (WWA) personnel and the general public;
- Protect the ability of the WWA to meet the requirements of legislation;
- Protect investment in the existing and any future infrastructure, treatment plant and disposal facilities.

Compliance with the current Bylaw should be achieved through:

- Resource consenting
- During Building inspection and certification,
- Compliance; monitoring the quality/quantity of discharge into the network, and
- Enforcement systems.

However, in practice the Bylaw had proved challenging to implement and enforce, for reasons including that much of the information contained in the bylaw is duplicated in the Council's Subdivision Code of Practice and is therefore redundant.

Legislative Framework

The 1974 and 2002 Local Government Acts give the Council general powers for the management of council assets, including the wastewater network.

The RMA and associated regulations, including the National Policy Statement for Freshwater Management 2020 (NPSFM) point to increasingly stringent water quality standards. In particular, the NPSFM introduces the concept of Te Mana o te Wai. This refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. The NPSFM directs the Hawkes's Bay Regional Council to establish objectives which describes how the management of freshwater in the region will give effect to Te Mana o te Wai.

The Hawke's Bay Regional Council's Regional Resources Management Plan (RMP) promotes the disposal of wastewater in a manner that avoids remedies or mitigates the adverse effects of contaminants entering surface waterbodies or coastal water, and includes standards and limits for the water quality of surface water bodies receiving contaminants, to prevent further degradation to water quality and promote improvements.

The Council conveys, treats and discharges wastewater from the city into the Ocean, which is managed with a consent held with Hawke's Bay Regional Council.

The *Coastal Permit to discharge domestic sewage and industrial waste water into Hawke Bay at Awatoto via a marine outfall (AUTH-118503-02)* contains various conditions which Council must comply with, including limits on contaminants and monitoring requirements at the outfall and in the wastewater treatment plans. The consent was initially granted in 2011 and granted by the Environment Court in 2012. It was reviewed in 2019 when QRMA conditions were added. It is due for renewal in 2036, but this may be brought forward if changes are made to the outfall pipe and pumping station.

Problems with current wastewater drainage management

As a result of observations made by Three Waters staff during operations and strategic planning, a number of problems with the current Bylaw have been identified:

- The Bylaw does not clearly distinguish between trade waste that enters the separated trade waste network and trade waste that is able to enter the domestic wastewater network.
- The Bylaw currently treats a number of waste streams as stormwater that are more appropriately categorised as wastewater (including water generated from the draining of domestic swimming and spa pools).
- Cooling and condensing water should also be treated as wastewater and not discharged into the stormwater network. Any discharge from domestic activities which would be a breach of the Stormwater Bylaw (2020) should be considered to be allowed as a wastewater discharge, as long as it would not cause damage to the network or compromise Council's ability to comply with its resource consents.
- Large private networks such as those at the new retirement villages (Summerset, BUPA etc.) should be required to install flow meters and telemetry to allow Council to have better control over the network downstream and adequately plan for capacity and maintenance.
- The Bylaw is overly complicated and lengthy and is lacking a number of important defined terms.
- There is a need for the Council to push some responsibility upstream to the network users in order to ensure compliance with its consent, and to protect infrastructure in the network and at the wastewater treatment plans. This is in conjunction with operational monitoring of the plant and planned upgrades to meet development requirements and any new conditions imposed by HBRC when the consent is updated or renewed.
- Some of the defined terms used in the Bylaw require the reader to reference an external document (the Napier City Introductory Bylaw).
- Separate Bylaws control trade waste and wastewater, despite these waste streams both being managed by the same network and regulated by the same regional resource consent (CD090514Wa). The Wastewater Bylaw mostly duplicates information which is also covered in the Code of Practice. It is not considered to be an effective tool for regulating domestic wastewater and so is under-utilised.

Additionally, a number of emergent issues have arisen that the Bylaw in its current form is ineffective at addressing, such as:

- Regular overflows of the wastewater network. These require significant resources to attend and resolve, and are often caused by blockages. There is a risk that overflows will enter the stormwater network, which is a breach of the Stormwater Bylaw (2020), and could ultimately enter the environment, in breach of the Resource Management Act 1991. The Wastewater Bylaw should aim to eliminate the sources of blockages which may come from domestic activities, as the Trade Waste Bylaw deals with commercial and industrial sources.
- The current Bylaw does not allow for low pressure sewers. The Bylaw will be reviewed/updated once the low pressure sewer system is adopted, the Engineering Code of Practice is updated and system added to the network.

Wastewater Management Objectives

The following core objectives have been identified for the new Bylaw to ensure for the provision of an effective and efficient public wastewater network and to align the outcomes of the council's investigation with its long term strategies for the district and key legislative requirements.

- To protect the wastewater network from damage, misuse and interference.
- To enable the Council to meet relevant legislative requirements, objectives, policies, standards and resource consents for discharges from the wastewater network.
- To protect the land, structures and infrastructure of the wastewater network, and to protect investment in the existing and any future infrastructure, treatment plant and disposal facilities.
- To protect public health and safety (including the health and safety of council personnel working on the wastewater network).
- To prohibit a range of contaminants (including stormwater and trade waste) being discharged to the wastewater network.
- To protect the environment from adverse effects of harmful substances discharged to the wastewater system.
- To ensure on-site wastewater systems and land application areas work efficiently and effectively.

Advantages of an Integrated Trade Waste and Wastewater Bylaw

It is considered that there are a wide range of advantages to taking an integrated approach to the regulation and management of trade waste and wastewater in the district. These include:

- 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
- Provides a common framework that enables the Council to control discharges into the wastewater network which ultimately protects the receiving environment, public health

and those people working on the networks, as well as ensures an integrated approach to ensuring compliance with the Council's own discharge consent.
- Provides clear regulatory direction for council's role in decision making on what is discharged into the Council wastewater network, regardless of the source.
- Allows for a 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 affecting the wastewater network.
- Ensures a consistent and holistic approach to the promotion of sustainable behaviours and activities including water conservation, waste minimisation, cleaner production and on-site pre-treatment of wastewater.
- Fosters education focused on the interaction between all types of wastewater discharges, the network, the natural water cycle and the receiving environment.

Administrative Manual

It is proposed that the integrated Bylaw will be accompanied by an Administrative Manual that will provide material complementary to the integrated Trade Waste and Wastewater Bylaw by bringing together those aspects which are of a more administrative nature and which may need regular review and updating.

For example, diagrams indicating the location of the Point of Discharge for different types of Domestic Premises could be included in the Manual rather than in the body of the Bylaw.

In taking this approach, it will simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw. Management of the Administration Manual would be conducted under delegated authority of the Bylaw, and will govern the implementation and operation of the bylaw. The Administration Manual will be a public document and available on the council's website alongside the bylaw.

In addition to making the bylaw simpler and more streamlined, the inclusion of an Administration Manual is intended to make amendments simpler and more responsive to change (including changes that may be made to the Council's Code of Practice for Land Use and Subdivision). Amendments to the Administration Manual can be made by council resolution, with appropriate community engagement, and would not require the use of the Special Consultative Procedure, making decision-making more cost-effective and timely.

Recommended changes to the Bylaw

In light of the findings above, the following changes to the Bylaw are recommended:
- Consolidate the Trade Waste and Wastewater Bylaws into a single Integrated Bylaw.
- Amend a number of existing definitions, and add new defined terms, to improve the clarity, usability, and enforceability of the Bylaw.
- Update legislative references and references to other external policy documents or regulations throughout the Bylaw.

- Incorporate various amendments to allow for low pressure sewers, specifically definitions and technical specifications.
- Reflect the new requirement that easements are obtained for all new sewers to ensure the ongoing protection of and access to the network, and incorporate an example of a standard wastewater easement.
- Insert cross references to the Napier City Council Code of Practice for Subdivision and Land Development where appropriate and remove unnecessary duplication of the Code of Practice requirements within the Bylaw.
- Update details about drainage plans and how they may be viewed by the public.
- Introduce further protections and obligations to avoid inflow and infiltration of the wastewater network by stormwater (including contaminated stormwater) and trade waste in a dedicated section about inflow and infiltration.
- Simplify the Bylaw and include more detail as to the Bylaw’s implementation in the Administration Manual.

High Level Engagement Plan – Integrated Trade Waste and Wastewater Bylaw

The Project

The Napier City Council administers a Trade Waste Bylaw to protect the City's wastewater infrastructure and regulate the treatment and disposal of trade waste. The Council also administers a Wastewater Drainage Bylaw which covers disposal of wastewater not captured by the Trade Waste Bylaw. Trade Waste covers any liquid discharged from a business, trade or industrial premises into the Council's wastewater network. A separate regime of monitoring Trade Waste recognises that discharges from businesses and industrial users are likely to place a higher burden per capita on the Council's wastewater network.

The Council's Environmental Solutions and Three Waters teams are in the process of reviewing the bylaws with a view to consolidating the two. Several opportunities and areas for improvement have been identified and the bylaw review process seeks to capture these. These ideas will be developed with key stakeholders and will inform the content of the proposed Bylaw.

The proposed Bylaw seeks to promote good environmental outcomes and protect our local waterways. It also looks to promote a greater level of user responsibility and more equitably distribute the cost of treatment and network maintenance.

Significance and Engagement Policy

The proposed Bylaw will be developed in consultation with Mana Whenua, key stakeholders and affected parties. The review of a bylaw requires Council to use a Special Consultative Procedure as per the Local Government Act 2002. This means that a statement of proposal will be made widely available and the opportunity for hearings will be provided.

The proposed Bylaw is likely to be of low interest to the wider community but will be of moderate to high interest for affected businesses and key stakeholders. The primary impact of the changes being suggested in the proposed Bylaw falls on commercial and industrial ratepayers.

Purpose of Consultation and Engagement

The objectives of this consultation process on the proposed Trade Waste and Wastewater Bylaw are to:

- Ensure information about the bylaw is accessible, understandable, and relevant
- Engage with key stakeholders to discuss current issues and gather input on the direction of the proposed Bylaw
- Provide a range of opportunities for key stakeholders, affected parties, and the community to learn about the bylaw and provide feedback
- Inform key stakeholders, affected parties, and the community about how the proposed Bylaw relates to other work being done to improve environmental outcomes and water quality.

Approach

Consultation and engagement on the proposed Bylaw will occur over two stages:

Stage one – pre-engagement (August 2021 – March 2022)
Key stakeholders, mana whenua and trade waste consent holders will be given the opportunity to provide input into the initial discussion of issues and the likely direction the bylaw will take. This will take place through a series of workshops and meetings with identified parties. Feedback from these sessions will be used to assist the drafting of the bylaw.

Key stakeholders who will be engaged with during this time include Napier City Business Inc. current consent holders and local businesses. The focus will on ensuring that adequate information is provided and key concerns are captured. All commercial and industrial properties in Napier will be provided with advance notice of the bylaw review and provided with ample time to prepare a submission.

Stage two – public consultation (March 2022 – May 2022)
Previously involved stakeholders, additional interest groups and the wider community will be invited to provide feedback on the draft bylaw. A range of promotional tools will be used to raise awareness on what the bylaw is about and encourage people to make a submission. Public events such as tours of the Wastewater Treatment Plant will be run to provide interested parties an opportunity to find out more and have their questions answered. An opportunity to speak at a Council hearing will be provided. Hearings are scheduled for late June 2022.

Communication & Engagement Tools

The following tools will be used during the consultation period:

- Workshops and meetings (with key stakeholders and affected parties)
- Drop in sessions
- Wastewater Treatment Plant tours
- Advertising including digital, print and social media
- Signage
- Media releases
- Direct emails and letters
- Presentations to various interest groups.

A detailed project plan will be implemented across the two phases.

2. WATER SUPPLY BYLAW STATEMENT OF PROPOSAL

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1441447
Reporting Officer/s & Unit:	Russell Bond, Manager Water Strategy Lance Groves, Water Planning Lead

2.1 Purpose of Report

The purpose of this report is to:

1) Outline a proposal to re-promulgate the Napier City Water Supply Bylaw that was revoked pursuant to s 160A of the Local Government Act 2002 (LGA) on 26 June 2019 (the proposal); and
2) To recommend that the Napier City Council (the Council) commence the special consultative procedure in accordance with s 83(1) of the LGA in relation to the proposal.

Officer's Recommendation

The Sustainable Napier Committee:

a. Make a **DECISION OF COUNCIL** under delegated authority to enable public consultation to occur at the same time as the Trade Waste and Wastewater Bylaw public consultation.
b. Endorse the content of this report (including Attachment 1 *Statement of Proposal*).
c. Endorse that pursuant to ss 155(2)(b) and 155(3) of the LGA, the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).
d. Adopt the proposal and the proposed Water Supply Bylaw for the purposes of public consultation.
e. Approve the commencement of the special consultative procedure in accordance with s 83(1) of the LGA in relation to the proposal.

2.2 Background Summary

The Proposal

The Council's Water Supply Bylaw regulates Napier's drinking water network and provides Council with the ability to protect critical water infrastructure from damage or inappropriate use. The proposed Bylaw covers such as issues as taking water from fire hydrants, water quality and standards for new connections and water infrastructure.

The previous Water Supply Bylaw was adopted in 2012 and created a framework that was successfully used for a number of years. The Water Supply Bylaw has been reviewed and a copy of the full proposal and proposed bylaw can be found attached to this report, titled Attachment 1 – Statement of Proposal. Proposed amendments to the 2012 Bylaw are shown in tracked changes.

Making a new bylaw: The process

The LGA establishes the statutory process that the Council must follow in order to make a new bylaw. Broadly speaking, this involves two key steps:

1. The Council must make the determinations required by s155 of the LGA; and
2. The Council must consult with the public and affected parties in the manner prescribed by the LGA.

Section 155: Determination of whether the bylaw is appropriate

Having undertaken an assessment, in accordance with s155 of the LGA, Officers are satisfied that the Water Supply Bylaw that is proposed to be re-made is still appropriate and necessary. The full assessment of the bylaw under s155 of the LGA can be found at Schedule 2 to the Statement of Proposal at ***Attachment 1*** and includes:

- problem identification and assessment for the bylaw being re-made;
- council's assessment of whether the proposed bylaw is the most appropriate way of addressing the perceived problem;
- an assessment of whether the proposed bylaw gives rise to implications under NZBORA; and
- the proposal in respect of the bylaw.

In accordance with s77(1) of the LGA, Officers have also undertaken an assessment of all reasonably practicable options that may be available to achieve the Council's objectives, and have considered the advantages and disadvantages of each option.

Public consultation

Once it has made the determinations required under s155 of the LGA, the Council must consult with the community on the proposal in a manner that is consistent with the consultative procedure required by the LGA.

Under s156 of the LGA, if the Council agrees with the recommended option to make a new Water Supply Bylaw, it must use the special consultative procedure if the bylaw concerns a matter identified in the Council's Significance and Engagement Policy as being of significant interest to the public, or if the Council considers there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes.

The proposal is considered to be of high significance, as determined by reference to the Council's Significance and Engagement Policy for reasons including that:

- it is likely to have a small impact on a large proportion of the City's residents or ratepayers (namely all water supply customers);
- It engages issues of interest to Māori;
- it affects strategic Council assets, specifically the Council's water supply distribution systems, including reservoirs, pump stations and reticulation network, and the delivery of associated council services; and
- the regulation of the water supply network impacts public health and wellbeing as well as the receiving environment.

However, it is unclear how much public interest there will be in this review as the changes being proposed are minor and bring the bylaw into alignment with current operational practices. It is acknowledged that mana whenua partners have an extra interest in this consultation, as will a limited number of key stakeholders.

Targeted engagement with mana whenua will occur in consultation with Te Waka Rangapū to ascertain where areas of cultural sensitivity may be addressed through the

proposed Bylaw. There will be opportunities for the public to learn more about the review and have their questions answered, however public events during the consultation will look to leverage the existing opportunities planned for in the Trade Waste and Wastewater Bylaw.

Public consultation on the proposed Water Supply Bylaw will occur in parallel with the Trade Waste and Wastewater Bylaw over a two month period from 28 March to 28 May 2022. It is acknowledged that this consultation will also partially overlap with consultation on the draft Annual Plan and efforts will be made where feasible to promote the active consultations as a group. The proposed consultation process for the bylaw is as follows:

1. Public consultation to commence on 28 March 2022. This will involve:
    a. Targeted consultation with mana whenua through Te Waka Rangapū.
    b. Community drop-in sessions. These will allow interested members of the community to learn more about the bylaw and have their questions answered by relevant council officers.
    c. Advertising across digital, social and print media to ensure public awareness and participation in the review.
    d. Online and hard copy submission forms that will be available at Council's libraries and Customer Service Centre
2. Submissions on the proposal will close at midday on 25 May 2022.
3. Submissions on the proposal will be heard by Councillors on 22 and 23 June 2022.

The Council will consider the outcome of the consultation and hearing process and make a decision on the proposal on 14 July 2022.

2.3 Issues

Bayview Water Supply connections have historically been billed via a volumetric targeted rate. The rating structure differed to the rest of the Napier Water Supply to reflect the loans required for the extension of the Council network to include the community into the City supply. The term of these loans have now expired. The change in the Water Supply Bylaw now reflects this change and the Rural and Urban connections now respectively align with the other connection types in the Napier City Water Supply.

Consideration has been given to fairness of water billing between Commercial and Domestic users. Targeted Volumetric Water Rate differences between these users has consistently been raised, by our community, as an issue with Napier's pricing structure. The setting of these rates is not determined as part of the function of this bylaw and will be addressed through the financial fees and charges during the Annual Plan process. It is proposed to remove the two charges and have a single volumetric rate for these users.

2.4 Significance and Engagement

As noted above, the relevant Council officers have undertaken an assessment of the proposed bylaws against the Napier City Significance and Engagement Policy and determined that this matter is of high significance, therefore consultation is to occur in accordance with the special consultative procedure prescribed by s 83 of the LGA.

2.5 Implications

Financial

Current budgets are sufficient to re-make and implement the proposed bylaw.

Social & Policy

N/A

Risk

There is unlikely to be any significant risk to the bylaws process or to the public as it is proposed that the bylaw continue with limited changes.

Council can rely on primary legislation to regulate any issues that arise for the period that the bylaw will not be in effect.

2.6 Options

The options available to Council are as follows:

1. Do not have a bylaw which regulate water supply
2. Have a bylaw which regulates water supply on similar terms to the 2012 Bylaw
3. Make a new Water Supply Bylaw on substantially different term to the 2012 Bylaw

A full assessment of all reasonably practicable options is included in **Schedule 2** of the Statement of Proposal at **Attachment 1**.

2.7 Development of Preferred Option

That the Council:

1) Resolve to consult with the public in accordance with s 83 of the LGA on the proposal to re-make the Water Supply Bylaw 2012 on largely the same terms as the 2012 Bylaw.

The bylaw is considered appropriate and necessary to manage issues within Napier City, and the recommended option will ensure that the bylaw continues until such time that it is next reviewed in accordance with s 158 of the LGA.

Accordingly it is recommended that The Sustainable Napier Committee:

a. Endorse the content of this report (including *Attachment 1 Statement of Proposal*)

b. Agree that pursuant to s155(2)(b) and s155(3) of the LGA, the proposed bylaw is not inconsistent with NZBORA.

c. Adopt the proposal and the proposed bylaw for the purposes of public consultation.

d. Approve the commencement of the special consultative procedure in relation to the proposal in accordance with s83(1) of the LGA.

e. Appoint Councillors to hear and consider the submissions on the proposal and make recommendations to the Council on the adoption of the proposed bylaw.

2.8 Attachments

1 Water Supply Bylaw Statement of Proposal March 2022 ⇩

NAPIER CITY COUNCIL
WATER SUPPLY BYLAW

STATEMENT OF PROPOSAL
MARCH 2022

The Napier City Council (**the Council**) is seeking public feedback on its proposal to make a new water supply bylaw for Napier City (**City**) on largely the same terms as the Napier City Council Water Supply Bylaw 2012.

What is a bylaw?

Bylaws are rules or regulations made by local authorities under national legislation that are created to control specific activities of potential concern within the boundaries of a particular district or region. They allow a local authority to address local problems with local solutions.

The Local Government Act 2002 (**LGA**) enables local authorities to adopt bylaws for the following general reasons:

- To protect the public from nuisance (section 145(a));
- To protect, promote and maintain public health and safety (section 145(b)); and
- To minimise the potential for offensive behaviour in public places (section 145(b)).

Section 158 of the LGA requires local authorities to review all bylaws within five (5) years of the date on which they were first made. After a bylaw has been reviewed in accordance with section 158, it can then be reviewed every 10 years thereafter. Bylaws that are not reviewed within the statutory timeframes are then revoked under section 160A of the LGA.

The proposal

The Council's Water Supply Bylaw regulates Napier's drinking water network and provides Council with the ability to protect critical water infrastructure from damage or inappropriate use. The proposed Bylaw covers such as issues as taking water from fire hydrants, water quality and standards for new connections and water infrastructure.

The previous Water Supply Bylaw was adopted in 2012 and created a framework that was successfully used for a number of years. However, the Council's Water Supply Bylaw 2012 was revoked on 26 June 2019 pursuant to s 160A of the LGA.

As the Bylaw has been revoked (i.e. is no longer in force), Council staff have needed to review it and analyse what improvements need to be made to create a new bylaw. The Council officers consider that the framework of the Water Supply Bylaw remains sound and only needs some minor updates to capture legislative and policy changes and reflect new operational practices, such as changes to hydrant access. It is therefore proposed that it be replaced with a new bylaw that is made on largely the same terms as the 2012 Water Supply Bylaw, with only minor changes to:

- Resolve typographical and formatting errors;
- Update dates;
- Modernise and simplify the language used;
- Incorporate amendments for consistency with other relevant Napier City Bylaws; and
- Update or remove references to primary legislation, standards, and codes.

Making new bylaws

To make new bylaws, the Council is required by section 155 of the LGA to determine whether a bylaw is the most appropriate way of addressing the perceived problem and, if so, whether the proposed form of bylaw is appropriate and whether there are any implications under the New Zealand Bill of Rights Act 1990 (**NZBORA**).

The Council has undertaken these assessments and considers that the Water Supply Bylaw is appropriate and necessary, for the reasons set out in **Schedule 1** to this Statement of Proposal.

The Council has also undertaken an assessment under section 77(1) of the LGA to identify all reasonably practicable options that may be available to achieve the Council's objectives. An assessment of the advantages and disadvantages of each option can be found at **Schedule 2** to this Statement of Proposal.

Consultation process

The proposal to make the Water Supply Bylaw must follow the special consultative procedure in the LGA.

Proposed bylaw

A copy of the proposed bylaw can be found at **Schedule 3** to this proposal, with the proposed changes to the Water Supply Bylaw 2012 shown in tracked changes.

Print copies of the proposed bylaw may be inspected from **28 March to 25 May 2022** at the following places during normal office and library hours:

[locations]

Electronic copies are available on Council's website: [link]

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Right to make a submission and be heard

The Council is now seeking your views and wants to hear from any person, group or business that would like to make submissions with respect to the proposed Water Supply Bylaw.

Any person or organisation has a right to be heard in regard to this Statement of 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 Statement of Proposal.

Parties intending to make a submission are encouraged to set those submissions out in writing and submit them to the Council by:

- Online form: [link]
- Post to: [address]
- Delivery to: [address]

All submissions must be made in writing (hardcopy or electronic) and received at [location] by midday on **Wednesday, 25 May 2022**.

Making an effective submission

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

Hearing

After submissions have been received, the Council will convene hearings on **22 and 23 June 2022**. Any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

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.

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.

Consultation timeline

The key dates in the Council's consultation programme are set out below:

1. Public consultation to commence on **28 March 2022**. This will involve:
    a. Targeted consultation with mana whenua through Te Waka Rangapū.

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b. Community drop-in sessions. These will allow interested members of the community to learn more about the Bylaw and have their questions answered by relevant council officers.
c. Advertising across digital, social and print media to ensure public awareness and participation in the review.
d. Online and hard copy submission forms that will be available at Council's libraries and Customer Service Centre

2. Submissions on the proposal will close at midday on **25 May 2022**.
3. Submissions will be heard by Councillors on **22 and 23 June 2022.**
4. The Council will consider the outcome of the consultation and hearing process and make a decision on the proposal on **14 July 2022**.

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Schedule 1

Section 155 determinations

Section 155 of the LGA requires that the Council assess whether a bylaw is the most appropriate way of addressing the perceived problem and, if so:

- whether the proposed form of bylaw is appropriate; and
- whether the proposal gives rise to any implications under the NZBORA.

Those assessments are set out below.

Problem identification and assessment

The public water supply network is core infrastructure managed by the Council, and provides for safe drinking water, reliable and adequate pressure and flow, compliance with the Fire Fighting Standard FW2 for all areas, and ensures that water is used and allocated efficiently within the City by minimising losses and excessive water consumption.

Perceived problems

In addressing the risks associated with the operation of the public water supply network the Council has identified the need to:

- allow only Council authorised contractors to connect or disconnect from the water supply;
- ensure appropriate standards for any new infrastructure under Council's control;
- enable Council to refuse connections where there is insufficient network capacity;
- protect the quality of the water supply, assisting compliance with the drinking water standards;
- protect the water supply network from damage;
- manage work near the water supply network;
- allow for restricting the water supply to maintain enough drinking water, in the event of drought or other emergency; and
- prohibit taking of water from a hydrant except for fire-fighting purposes.

Is a bylaw the most appropriate way of assessing the perceived problems?

There is an identified need for Council to continue to regulate water supply in the City. The Council considers that a bylaw is the most appropriate way to address these issues, as a bylaw allows the Council to effectively regulate behaviours that affect water management and the use of water supply systems in the City (including by using the enforcement powers provided under the LGA).

The purposes of the former Water Supply Bylaw 2012 included:

- Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;

- Protecting the water supply and water supply system from pollution and contamination;
- Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply system; and
- Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

The Council considers that the purposes of the bylaw remain important and that the most appropriate way to respond to the perceived problems described above is through replacing the existing bylaw with a bylaw on largely the same terms, so that the Council can continue to regulate water supply in the City via the proposed bylaw.

Is the proposed bylaw the most appropriate form of bylaw?

The previous Water Supply Bylaw was adopted in 2012 and created a framework that was successfully used for a number of years. The proposed bylaw has only minor changes due to its operational effectiveness to date in managing the water supply infrastructure and level of services requirements. No complaints on the use of the Water Supply Bylaw 2012 have be received since its time of adoption.

In coming to this conclusion, the Council officers have undertaken an assessment of a range of options pursuant to section 77 of the LGA, which are summarised in **Schedule 2** below.

NZBORA implications

The Council considers that the proposed Bylaw does not give rise to any implications under the NZBORA.

Determinations

For the reasons given above the Council determines that:

- A bylaw is the most appropriate way to address the perceived problem, pursuant to section 155(1) of the LGA;
- The proposed bylaw is the most appropriate form of bylaw, pursuant to section 155(2)(a) of the LGA; and
- The proposed bylaw does not give rise to any implications under the NZBORA, pursuant to section 155(2)(b) of the LGA.

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Schedule 2

Section 77(1) assessment of all reasonably practicable options

Option(s)	Advantages and disadvantages
Option 1 Do not have a bylaw which regulates water supply	**Advantages** As part of this review, the Council has considered the option of not replacing the 2012 bylaw and instead regulating the water supply network using other means. This option would require the Council to rely on existing legislation and an educative approach to ensure its network was not compromised. Costs associated with setting up and implementing a new bylaw could be allocated to other Council projects and to increasing awareness to change behaviour using a programme of educational outreach, industry guidelines and targeted programmes to improve outcomes. **Disadvantages** The disadvantages with this option are that high risk activities and behaviours cannot be monitored and investigated to provide control. The Council runs the risk of not taking all practical steps to protect, promote and maintain public health and safety and the natural environment. The Council also runs the risk of not meeting environmental standards, not protecting public health and safety and not protecting its water supply infrastructure. There is a risk that a purely educative approach will not be as successful as immediate or readily enforceable measures provided under a bylaw. **Conclusion** Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.

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Option 2 Have a bylaw which regulates water supply on similar terms to the 2012 Bylaw.	**Advantages** The previous Water Supply Bylaw was adopted in 2012 and created a framework that was successfully used for a number of years. During the period that the Water Supply Bylaw 2012 was in force, there were no operational issues with enforcing control or risk mitigation in managing Council water supply infrastructure, therefore no major change is considered to be required to the Water Supply Bylaw 2012 terms and framework. A new bylaw will have the same advantages of the 2012 bylaw. The cost of establishing the new bylaw would be minimal in this case as it would be replaced on largely the same terms as the 2012 bylaw. Under this option Council will be seen as continuing to actively protect the City's water supply network, including maintaining public health and safety. There is no statutory reason why the terms of the 2012 bylaw should be significantly amended. **Disadvantages** The cost of setting up the bylaw. However the cost of establishing the new bylaw is minimal in this case as it is proposed that the bylaw be replaced on the same terms as the current bylaw. **Conclusion** The Council has considered the options available to address the problems identified in respect of water supply and determined that promulgating a new Water Supply Bylaw on similar terms to the 2012 bylaw is the most appropriate form of bylaw for addressing the identified issues.
Option 3	**Advantages**

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Make a new Water Supply Bylaw on substantially different terms to the 2012 bylaw.	This option would allow the Council to revisit the 2012 bylaw framework and make improvements or amendments to the bylaw. Under this option Council will also be seen as continuing to actively protect the City's water supply network, including maintaining public health and safety. **Disadvantages** Community resistance to increased levels of regulatory management and the costs associated with adopting a Bylaw on new terms. The previous Water Supply Bylaw was adopted in 2012 and created a framework that was successfully used for a number of years. During the period that the Water Supply Bylaw 2012 was in force, there were no operational issues with enforcing control or risk mitigation in managing Council water supply infrastructure, therefore no major change is considered to be required to the Water Supply Bylaw 2012 terms and framework. **Conclusion** Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.

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Schedule 3

Proposed Bylaw

JJM-100095-70-78-V2

Adopted on [date] 2022

CITY OF NAPIER

NAPIER CITY

Water Supply Bylaw 2022

Last amended 15 June 2022
JJM-100095-70-78-V2

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NAPIER CITY WATER SUPPLY BYLAW 2022

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1. Title

1.1 This Bylaw is the "Water Supply Bylaw 2022".

2. Commencement

2.2 This Bylaw comes into force on [date] 2022.

3. Application of Bylaw

3.3 This Bylaw applies to the district of the Napier City Council.

4. Scope

4.4 This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its Customers by the Water Supply Authority (WSA). The supply and sale of water by the WSA is subject to:

(a) Statutory Acts and Regulations, including, but not limited to:

(i) Building Act 2004;
(ii) Fire and Emergency New Zealand Act 2017;
(iii) Health Act 1956;
(iv) Local Government Act 2002;
(v) Local Government (Rating) Act 2002;
(vi) Resource Management Act 1991; and

(b) Relevant Codes and Standards, including, but not limited to:

(i) Drinking Water Standards for New Zealand 2005 (revised 2018)
(ii) SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice
(iii) New Zealand Water and Wastes Association (NZWWA) Backflow Code of Practice 2006
(iv) NZWWA Water Meter Code of Practice 2003
(v) Napier City Council Code of Practice for Subdivision and Land Development; and

(c) So far as they are applicable, and are not contrary to the application of this Bylaw, the provisions of the Council's Introductory Bylaw are incorporated into and form part of this Bylaw.

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(d) Any reference in this Bylaw to repealed legislation, bylaws, regulations or standards, is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation, bylaw, regulation or standard, repealed.

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5. Definitions

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply (if the definitions are not covered within the following refer to the Council's Introductory Bylaw 2021):

Approved	Approved in writing by the WSA, either by resolution of the Council or by any authorised officer of the WSA
Backflow	The unplanned reversal of flow of water or mixingof water and contaminants into the water supply system from other sources
Buried Service	means all Water Supply System features, and other underground utilities under the responsibility of the Council, in public or private land
Council	The Napier City Council or any authorised officer
Code of Practice for Subdivision and Land Development	The Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.
Customer	A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA
Detector check valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply
Extraordinary supply	A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations
Fees and charges	The list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002
Level of service	The measurable performance standards on which the WSA undertakes to supply water to its Customers
On demand supply	A supply which is available on demand directly from the Point of Supply subject to the agreed level of service

Ordinary supply	A category of on demand supply used solely for domestic purposes
Point of Supply	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the Customer and the WSA, irrespective of property boundaries
Potable	Water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand
Premises	Premises include the following: (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent hasbeen or may be issued; or (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or (c) Land held in public ownership (e.g. reserve) for a particular purpose
Restricted flow supply	A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the Customer to cater for the Customer's demand fluctuations
Restrictor	A flow control device fitted to the service pipe to limit the flow rate of water to a Customer's premises
Roading authority	A territorial authority or Waka Kotahi NZ Transport Agency
Rural water supply area	An area formally designated by a WSA as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability
Service pipe	The section of water pipe between a water main and the Point of Supply
Service valve (Toby)	The valve at the Customer end of the service pipe
Storage tank	Any tank having a free water surface

Supply pipe	The section of pipe between the Point of Supply and the Customer's premises through which water is conveyed to the premises
Urban water supplyarea	An area formally designated by a WSA as an area serviced by a reticulated water supply system with a firefighting capability, that is intended to supply water to Customers via on demand supplies
Water supply authority (WSA)	The operational unit of the Council responsible for the supply of water
Water supply system	All those components of the network between the point of abstraction from the natural environment and the Point of Supply. This includes but is not limited to: wells, bores, falling mains, treatment plants, treated waterreservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.
Water unit	The basis of measurement for a restricted flow supply and equal to a volume of 365 m^3 delivered at the rate of 1 m^3 per day

6. Protection of Water Supply System

6.1 Access to system

No person other than the WSA may access any part of the water supply system, except to connect to the Point of Supply, subject to 7.1, and to operate the service valve.

6.2 No person to connect to, or interfere with a water supply system

Except as set out in 6.1, 6.3 and 6.4, no person may connect to, or otherwise interfere with, any part of the water supply system.

6.3 Fire Hydrants

Only the attending Fire Service/s may access, and draw water from, fire hydrants for the purpose of fighting fires, training, and testing.

NOTE – Use of the fire hydrants by untrained personnel can result in damage to the water supply system.

6.4 Other uses

The right to access, and draw water from, the water supply system for uses other than firefighting (for example, flow testing or pipe flushing) is restricted to:

- WSA
- Or other emergency services

Without prejudice to other remedies available, the WSA may remove and hold any equipment used to gain access to, or draw water from a fire hydrant or any other part of the water supply system.

6.5 Working around buried services

The WSA will keep accurate permanent records ('as-builts') of the location of its buried services. This information will be available for inspection. Charges may be levied to cover the costs of providing copies of thisinformation.

Any person proposing to carry out excavation work may view the as-built information to establish whether or not WSA services are located in the vicinity. Notice in writing must be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate the WSA will mark out to within ±0.5 m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.

When excavating and working around buried services due care must be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WSA specification.

Any damage which occurs to a WSA service must be reported to the WSA immediately.

The person causing the damage must reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

All Buried Services must be protected by easement as detailed in the Code of Practice for Subdivision and Land Development, where the owner of that Buried Service is not the property owner. Every Person proposing to carry out excavation work must first:

i. Establish whether Buried Services are located in the vicinity of the proposed excavation. Plans showing the location of Buried Services can be accessed via the Council's utilities maps, before Udig database; and

ii. Identify whether the area is listed as Waahi Tapu. If a site is listed as Waahi Tapu or an unknown archaeological site is discovered, the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be adhered to.

No Person may excavate, or carry out piling or similar work closer than:

i. Five (5) metres from the centre line of Buried Services, or

ii. Two (2) metres from the centre line of Buried Services, without Council approval. Such approval may impose conditions on the carrying out of any work near the Buried Services.

At least five (5) Working Days' written notice must be given to the Council before any excavation or physical works close to Buried Services commence. Where appropriate the Council may mark out to within 1m on the ground the location of any Buried Services, and may impose reasonable restrictions on the work it considers necessary to protect the Buried Services.

No Person may cause the crushing load imposed on any Buried Services to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined in the NZ Transport Agency Bridge Manual).

No Person may place any additional material over or near Buried Services without Council approval. Removal of any covering material will be at the Customer's expense.

When excavating and working around Buried Services due care musr be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

Excavation within a road reserve is also subject to the permit process of the Council and/or roading authority.

No building foundations or structures may be built over Buried Services,

iii. within the easement for the Buried Service or

iv. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development.

No Person may allow trees or shrubs to be planted over a Buried Service

i. within the easement for the Buried Service or

ii. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development.

NOTE – Excavation within roadways is also subject to the permit process of the appropriate roading authority.

7. Conditions of supply

7.1 Application for supply

7.1.1 Initial application

Every application for a supply of water must be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant must provide all the details required by the WSA.

On receipt of an application the WSA will, after consideration of the matters in 7.4 and 7.5, either:

(a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or

(b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the WSA will determine the sizes of all pipes, fittings and any other equipment, up to the Point of Supply. The WSA may at applicant's cost supply and install the service pipe up to the Point of Supply or allow the supply and installation of the Service Pipe or Supply Pipe to be carried out by approved contractors.

An applicant must have the authority to act on behalf of the owner of thepremises for which the supply is sought, and must produce written evidence of thisif required.

An approved application for supply which is not actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges may be at the discretion of the WSA.

7.1.2 Change of use

Where a Customer seeks a change in the level of service or end use of water supplied to Premises, and/or the supply changes from an ordinary to an extraordinary type (see 7.4) or vice versa, a new application for supply must be submitted by the Customer.

7.1.3 Prescribed charges

Charges applicable at the time of connection may include:

(a) The cost of the physical works required to providethe connection;

(b) A development contribution under the LocalGovernment Act 2002;

(c) A financial contribution under the ResourceManagement Act 1991.

7.2 Point of Supply

7.2.1 Responsibility for maintenance

The WSA owns and maintains the Service Pipe or Supply Pipe and fittings up to the Point of Supply. The Customer owns and maintains the pipe beyond the Point of Supply.

7.2.2 Single ownership

For individual Customers the Point of Supply is as shown in the Code of Practice for Subdivision and Land Development, as close as possible. Other positions will require specific approval.

Each individual Customer has only one Point of Supply, unless otherwise approved by the WSA.

The typical layout at a Point of Supply is shown in figure 2.

The WSA does not guarantee the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the service valve and theCCustomer stopcock, the Customer may use the service valve to isolate the supply. However the WSA reserves the right to charge for maintenance of this valve if damaged by the Customer.

Figure 1 – Point of Supply location – Individual Customers

Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.

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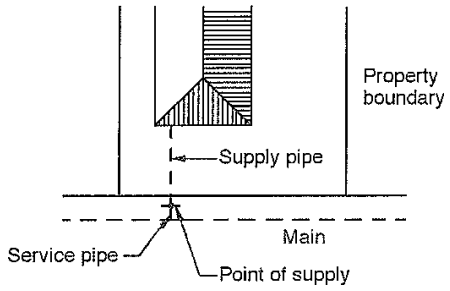
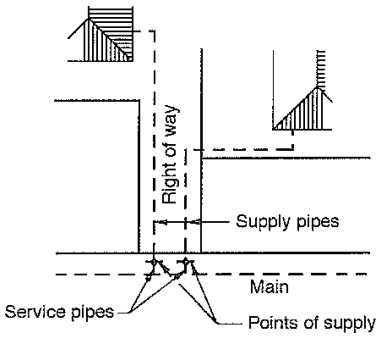
<tr><td> 
</td><td> 
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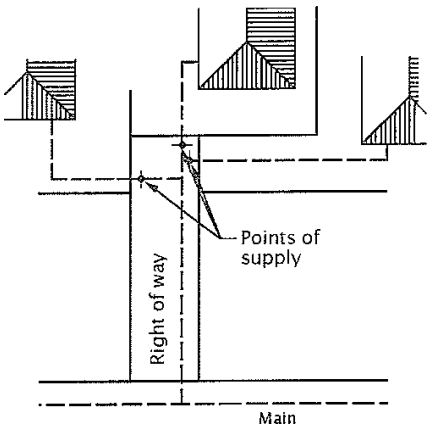
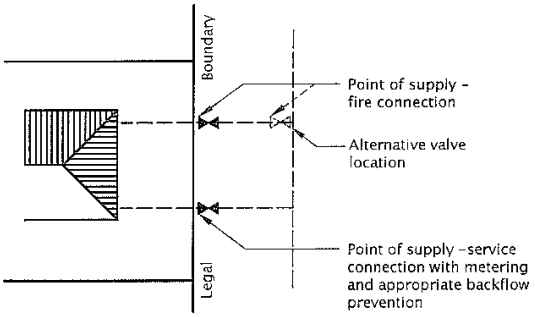
<tr><td>Properties with street frontage</td><td>Rear lots on right of way (up to 3 CCustomers)</td></tr>
<tr><td> 
</td><td> 
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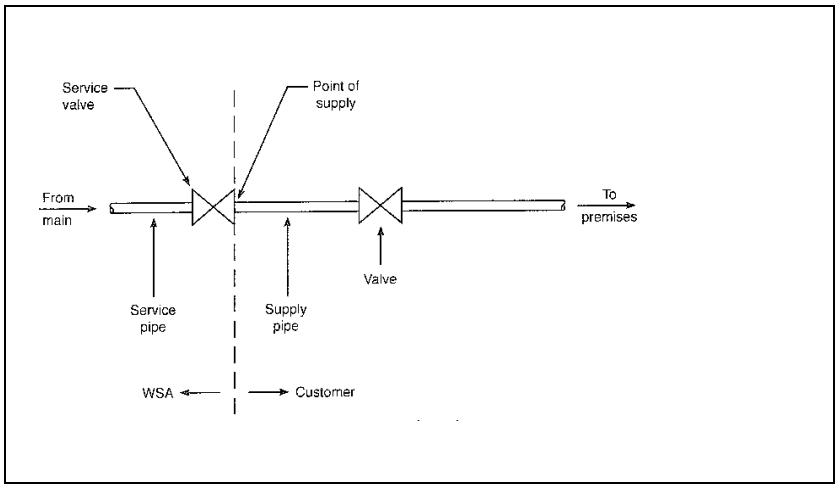
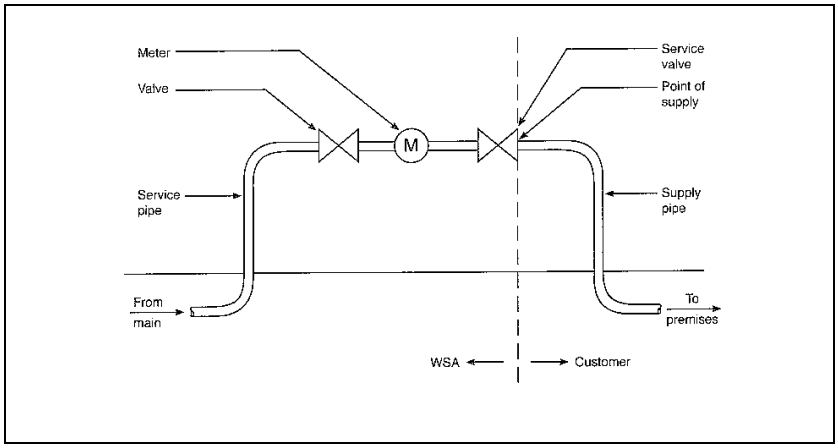
Rear lots on right of way (more than 3 CCustomers)	Industrial, commercial and domestic fire collections

Figure 2 – Typical layout at Point of Supply

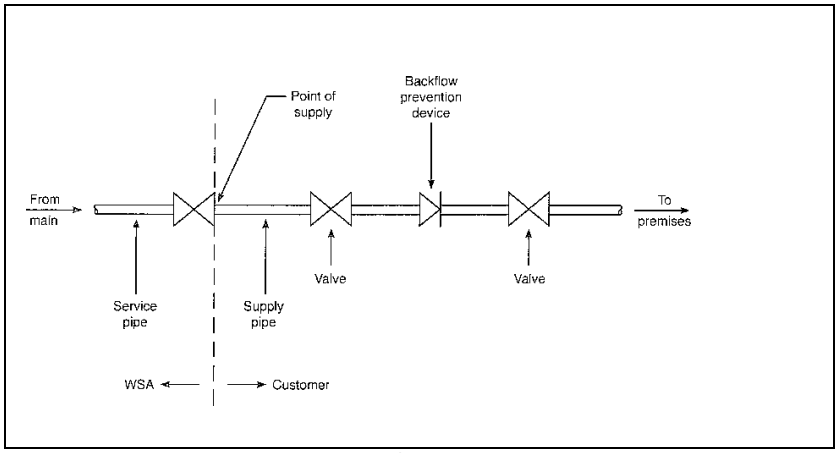
Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.



Domestic unmetered supply



Domestic metered supply



Unmetered supply with backflow prevention device owned by the CCustomer

7.2.3 Multiple ownership

The Point of Supply for the different forms of multiple ownership of premises and/or land is:

(a) For Company Share/Block Scheme (Body Corporate) – as for single ownership;

(b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each Customer must have an individual supply with the Point of Supply determined by agreement with the WSA. Other arrangements may be acceptable, subject to WSA approval.

For a multiple ownership supply in existence prior to this Bylaw coming into effect, the Point of Supply will be the arrangement existing at that time, or as determined by agreement with the WSA.

7.3 Access to, and about Point of Supply

7.3.1 Rights of access

Where the Point of Supply is on private property the Customer must provide the WSA access to the Point of Supply between 7.30 am and 6 pm on any day for:

(a) Meter reading without notice; or

(b) Checking, testing and maintenance work, with notice being given whenever possible.

Outside these hours (such as for night time leak detection) the WSA will give notice to the Customer.

Where access is not provided during the above times and a return visit is required by the WSA, a rate may be charged for 'Meter reading by appointment'.

Under emergency conditions the Customer must provide the WSA free access to the Point of Supply at any hour.

7.3.2 Maintenance of access

The Customer must maintain the area around the Point of Supply, keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

7.4 Types of Supply

7.4.1 General

Water supply are classified as either 'on demand' or 'restricted flow' and the use of water from the supply will be either 'ordinary' or 'extraordinary'.

7.4.2 On demand supply

Every premises is entitled to an ordinary supply of water subject to the following conditions:

(a) The premises is within an urban water supply area;

(b) The exclusion of its use for garden watering under any restrictions made bythe WSA under 7.7.3;

(c) Payment of the appropriate charges in respect of the premises;

(d) Any other charges or costs associated with subdivisional development; and

(e) Any other relevant conditions in section 9 of this Bylaw.

The WSA is under no obligation to provide an extraordinary supply of water (see also the provisions of 7.7 and 7.9.2).

7.4.3 Restricted Flow Supply

Restricted flow supply is available to premises within a designated area only, or under special conditions set by the WSA.

The water supply will be restricted so as to deliver the agreed number of water units at a steady flow rate.

The WSA will charge for the restricted flow supply based on:

(a) The volume passing through a meter; or

(b) The agreed number of water units.

7.4.4 Ordinary use

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517:2010 Fire sprinkler systems for houses (NZS 4517)) and includes:

(a) Washing down a car, boat, or similar;

(b) Garden watering by hand; and

(c) Garden watering by a portable sprinkler (subject to the provisions of 7.7.3)

NOTE – For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the Customershould comply with the conditions set under 7.9.1

7.4.5 Extraordinary use

Extraordinary use includes:

(a) Domestic – spa or swimming pool in excess of 10m^3 capacity, fixed garden irrigation systems;

(b) Construction use;

(c) Commercial and business;

(d) Industrial;

(e) Agricultural;

(f) Horticultural;

(g) Viticultural;

(h) Lifestyle blocks (peri-urban or small rural residential);

(i) Fire protection systems other than sprinkler systems installed to complywith NZS 4517;

(j) Out of district (supply to, or within another local authority); and

(k) Temporary supply.

7.5 Metering

7.5.1 Napier Urban (including Bay View Urban) Water Supply Area

In the Napier Urban Water Supply Area, an ordinary use of water will not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it

considers water use is excessive, or at the Customer's Napier City Water Supply Bylaw 2022 request). The cost of such use will be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use will normally be metered and charged for in accordance with 7.15. Where the extraordinary use is for fire protection only, this supply will not normally be metered.

7.5.2 Napier Rural (including Bay View Rural) Water Supply Areas

Extraordinary uses of water will normally be metered and levied as rates, as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

7.6 Level of Service

The WSA will provide water in accordance with the level of service contained in the Council's Long Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), the WSA will make every reasonable attempt to achieve the specified value(s).

7.7 Continuity of supply

7.7.1 Supply

Due to practical and physical limitations the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but will do its best to meet the continuity of supply levels of 7.6, subject to the exemptions contained in 7.7.3 and 7.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA will consult with, or give notice to all known Customers likely to be substantially affected.

7.7.2 Uninterrupted service

If a Customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it is the responsibility of that Customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

7.7.3 Demand management

The Customer must comply with any restrictions imposed by the WSA to manage high seasonal or other demands. Customers will be advised on such restrictions by public notice on digital, social and/or print media as appropriate.

Notwithstanding any such restrictions the WSA will take all practicable steps to ensure an adequate supply for domestic purposes.

7.7.4 Emergency restrictions

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its Customers. Such restrictions will be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, will be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

7.7.5 Maintenance and repair

Wherever practical the WSA will make every reasonable attempt to notify the Customer of a scheduled maintenance shutdown of the supply before the work

commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

7.8 Liability

The WSA will endeavour to meet the level of service requirements of 7.6, but isnot liable for any loss, damage or inconvenience which the Customer or any person using the supply sustains as a result of deficiencies in, or interruptions to, the water supply.

The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

7.9 Fire protection connection

7.9.1 Connection application

Any proposed connection for fire protection must be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection must be subject to the conditions specified by the WSA.

7.9.2 Design

It is the Customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

7.9.3 Fire protection connection metering

Where the supply of water to any premises is metered the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:

(a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or

(b) A WSA approved detector check valve and meter has been fitted.

Any unmetered connection provided to supply water to a fire protection system must not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

7.9.4 Fire hose reels

Where the supply of water to any premises is metered, fire hose reels must be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels must comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.

7.9.5 Charges

Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA will estimate the quantity of water so used, and credit to the Customer's account an amount based on that estimate.

7.9.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, must obtain the prior approval of the WSA. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

7.10 Backflow prevention

7.10.1 Customer responsibility

It is the Customer's responsibility (including under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the Customer's side of the Point of Supply to prevent water that has been drawn from the WSA's water supply from returning to that supply.

Such measures may include:

(a) Backflow prevention either by providing an adequate air gap, or by the useof an appropriate backflow prevention device;

(b) The prevention of any cross-connection between the WSA water supply and:

(i) Any other water supply (potable or non-potable)
(ii) Any other water source
(iii) Any storage tank
(iv) Any other pipe, fixture or equipment containing chemicals, liquids,gases, or other non-potable substances.

NOTE – Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or astorage tank or fire pump that operates at a pressure in excess of the WSA's normal minimum operating pressure.

7.10.2 Unmanaged risk

Notwithstanding 7.10.1 the WSA may fit a backflow prevention device on the WSA side of the Point of Supply where the Customer cannot demonstrate that the risk of backflow is adequately managed, at the Customer's cost, and charge accordingly.

7.11 WSA equipment and inspection

7.11.1 Care of Water Supply System

The Customer must take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

7.11.2 Inspection

Subject to the provisions of the Local Government Act 2002, the Customer must allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

7.12 Meters and flow Restrictors

7.12.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, willbe supplied, installed and maintained by the WSA, and will remain the property ofthe WSA. Where on demand supplies are not universally metered, the WSA where it

considers water use is unusually high, reserves the right to fit a meter at the Customer's cost, and charge accordingly.

7.12.2 Location

Meters and restrictors must be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the Point of Supply, Refer to the Code of Practice for Land Development and Subdivision.

7.12.3 Accuracy

Meters will be tested as and when required by the WSA or as prescribed in the International Organisation of Legal Metrology Standard OIML R49 *Water meters intended for the metering of cold potable water* (OIML R49). The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is ±2%, for temperatures from 0.3˚C to 30˚C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is ±5%. This accuracy will be applied to all water meters with $Q < 100m^3/h$ and may be applied to water meters with values of $>100m^3/h$.

The flow restrictors must be accurate to within ±10% of their rated

capacity.NOTE – Where Q is the flow rate:

Q_1 is the minimum flow rate;

Q_2 is the transitional flow rate;

Q_3 is the permanent flow rate; and

Q_4 is the overload flow rate as defined in OIML R49-1

Any Customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the Customer will not be charged for the test. If the test shows compliance, the Customer will pay a fee in accordance with the WSA current fees and charges.

Meters will be tested as prescribed in OIML R 49-2 and the test report will be made available as prescribed in OIML R 49-3.

The variation in the error curve must not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, will apply.

The curves must not exceed a maximum error of ±6% for flow rates in the lower zones and ±2.5% for flow rates in the upper zones.

Restrictors will be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at the expected minimum operating pressure. A copy of independent certification of the test result will be made available to the Customer on request.

7.12.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the actual quantity of water passed through the meter, the WSA will adjust the readings in accordance with the test, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the Customer will pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the WSA reserves

the right to charge for the actual amount of water used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the WSA will make appropriate adjustments to the Customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

7.12.5 Estimating consumption

If any meter is out of repair, ceases to register, or is removed, the WSA will estimate the consumption for the period since the previous reading of that meter, based on the average of the previous four billing periods charged to the Customer and the Customer will pay according to that estimate. If, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Customer will pay according to that estimate.

If metering shows a significant increase in consumption for a premises, and the increase is established as being caused by a previously unknown leak, the WSA may estimate consumption as above, providing that the Customer repairs the leak with due diligence.

Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

7.12.6 Incorrect accounts

Where a situation occurs, other than as provided for in 7.12.5, where the recorded consumption does not accurately represent the actual consumption on a premises, the account must be adjusted using the best information available to the WSA. This includes, but is not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies. Where an adjustment is required, in favour of the WSA or the Customer, this will not be backdated more than 12 months from the date the error was detected.

7.13 Plumbing system

Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service must not be used on any piping beyond the Point of Supply, except where approved in special circumstances by the WSA.

In accordance with the Building Regulations 1992 the plumbing system must be compatible with the water supply. Specific features of the WSA supply which need to be taken into account are contained in table 1.

Table 1 – Compatibility features

Feature	Value
Maximum pressure	90 metres head
Normal operating pressure	15 to 45 metres head

7.14 Prevention of waste

The Customer must not intentionally allow water to run to waste from any pipe, tap, or other fitting, or allow the condition of the plumbing within a premises to deteriorate to the point where leakage or wastage occurs.

The WSA provides water for consumptive use not as an energy source. The Customer must not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA.

The Customer must not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the WSA.

7.15 Payment

The Customer is liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.

The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

7.16 Transfer of rights and responsibilities

The Customer must not transfer to any other party its rights and responsibilities under this Bylaw.

A supply pipe must serve only one Customer, and must not extend by hose or any other pipe beyond that Customer's premises.

Without limiting the above, any water which the Customer draws from the water supply system must not be provided to any other party without approval of the WSA.

7.17 Change of ownership

If a premises changes ownership the WSA will record the new owneras being the Customer at that premises. Where a premises is metered the outgoing Customer must give the WSA five working days' notice to arrange a final meter reading.

7.18 Disconnection at the Customer's request

The Customer must give 20 working days' notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection will be at the Customer's cost.

8. Breaches and infringement Offences

8.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water and constitute an offence against this Bylaw:

(a) An incorrect application for supply which fundamentally affects the conditions of supply (section 7);

(b) Failure by the Customer to meet and comply with the conditions of supply;

(c) Failure to meet any obligation placed on the Customer under any current Acts or Regulations specified in section 4.4 (a) and elsewhere within this Bylaw;

(d) Frustration of the WSA's ability to adequately and effectively carry out its obligations;

(e) Any other act or omission in breach of this Bylaw including but not limited to any of the following:

(i) Failure to pay the appropriate charges by the due date;

(ii) Failure to repair a leak, or in any way willfully allowing water to runto

waste, or to be misused;

(iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations within the water supply system, or compromise the ability of the WSA to maintain its levels of service (subject to 7.13);

(iv) Failure to prevent backflow (see 7.10);

(v) Failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose;

(vi) Using water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA;

(vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved by the WSA;

(viii) Extending by hose or any other pipe a private water supply beyond that Customer's premises; and/or

(ix) Providing water drawn from the water supply system to any other party without approval of the WSA.

In the event of a breach of this Bylaw the WSA will serve notice on the Customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the Customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the Customer without notice. In such an event the full service of the supply will be re-established only after payment of the appropriate fee andremedy of the breach to the satisfaction of the WSA.

In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

8.2 Interference with equipment

Any tampering or interfering with WSA equipment, either directly or indirectly, constitutes a breach of this Bylaw. Without prejudice to its other rights and remedies, the WSA is entitled to estimate (in accordance with 7.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

8.3 Offences and penalties

A person who is convicted of an offence against this Bylaw is liable under sections 239 and 242 of the Local Government Act 2002 to a fine not exceeding $20,000.

A person who is alleged to have committed an infringement, as specified in regulations made under the Local Government Act 2002, by breaching the Bylaw, may be served with an infringement notice in accordance with section 245 of the Local Government Act 2002.

This Bylaw was made by the Napier City Council by resolution at a Council meeting on [date] 2022.

Sealed with the Common Seal of the NAPIER CITY COUNCIL

in the presence of:

Mayor

Chief Executive

JJM-100095-70-78-V2

3. REPORT ON THREE WATERS REFORM PROGRAMME

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1442095
Reporting Officer/s & Unit:	Rebecca Huckle, Three Waters Reform Programme Manager Russell Bond, Manager Water Strategy

3.1 Purpose of Report

To inform the Council on the progress of the Three Waters Reform Programme within Napier.

Officer's Recommendation

The Sustainable Napier Committee:

a. Endorse the report on the Three Waters Reform Programme.

3.2 Background Summary

Three Waters Reform Programme was launched by Central Government to reform the delivery of Local Government's three waters (Water Supply, Wastewater and Stormwater) alongside the appointment of a new regulator.

Napier City Council has undertaken a programme of work in readiness for this reform with funding support from the Department of Internal Affairs (DIA) in the order of $12.51m over a period of 20 months (November 2020- June 2022).

The goal for Council over this timeframe is to catch up on operational work that has not been prioritised in the past and to ensure that the assets, services, the data and the people are in the best state possible moving as the reform process progresses.

The key principles of Napier City Council's programme are:

- Improved capacity and capability to accelerate infrastructure projects
- Preparation of the team and local industry for upcoming standards as part of reform process
- Improving safety and quality of drinking water by fast tracking delivery of low manganese water to reduce dirty water events and address fire-flow issues
- Improving Māori/iwi and community engagement
- Upgrades to the three waters asset management system and maintenance management transformation programme

3.3 Issues

There are no issues associated with this report.

3.4 Significance and Engagement

This programme is engaging with mana whenua through the *Iwi engagement on Three Waters and Cultural Values Assessments* programme of work. This piece of work aims to

extend the Council's capacity and capability for engaging with Māori, including development of a cultural values assessment.

Council engaged with residents during the 2020/2021 summer break around what the community saw as key issues. Three Waters concerns were highlighted by this consultation, noting that some of the projects in the reform programme are going some way to addressing these concerns in combination with "business as usual" work.

3.5 Implications

Financial

Council has been given $12.51m by the DIA to undertake a programme of work in addition to business-as-usual programmes. Detailed financial reporting on this spend is required quarterly to the DIA as part of a Memorandum of Understanding between the agencies. This includes hours spent by staff on each activity. Council has supplied co-funding for some of the projects, with the total anticipated spend for this programme at $19.5m

To date the committed spend against all projects is $17.132m, with $2.3m yet to be committed. Actual Spend to end of February 2022 is $11.715m

The attached report indicates current progress on the programme of work.

The projects and associated DIA spend are as follows:

COUNCIL	PROJECT	VALUE
Napier Total - $12.51m	**Capital Projects:** • **Alternative Water Supply** – address dirty water issues • **Water Safety Plan** - delivery of improvement items • **Fire Flow Network Upgrades** to meet levels of service • **Scoping Three Waters Master Plan Projects –** additional resources to assist with the delivery of the current and reform capital plan • **Te Awa Structure Plan – Three Waters -** additional funding to develop water infrastructure in Te Awa • **Pandora Industrial Waste –** works associated with trade waste and understanding flow and composition • **Review of private water supplies –** provide upgraded supply for the Meeanee School hall	$8.45m
	Planning and Asset Management Projects: • **Parks Water Bores Investigation and Implementation** – assessment of bores and commence consenting process for water conservation • **Essential Service Planning and Contributions Policy** – ensure that three waters programmes are funded appropriately to develop the networks • **Maintenance Management Practices** - Develop maintenance management practices and workflows and integrate these into the Asset Management System • **Delivery Improvement Review** – systems and process development • **Asset Management Systems & Data Collection** • **Three Water Models & Masterplans –** peer review of models, additional calibration, and peer review of master plans	$3.16m
	Collaborative Projects: • **Iwi engagement on Three Waters and Cultural Values Assessments –** extending the capacity and capability for engaging with Māori, including development of a cultural values assessment • **Regional Water Projects**	$900k

Progress

Significant progress has been made in the last quarter (Oct-Dec 2021)

All capital projects have progressed either to or past the tender stage with most now having contractors on site. Operational projects are also progressing. Key capital projects are more advanced than operational projects.

Water Quality Improvement is progressing with the completion of the A3 bore at Meeanee Road. Work is now starting on the new bore (T8) at Guppy Road, Taradale with a temporary drilling pad and accessway being constructed.

Fireflow Network Upgrades in nearing completion with commissioning taking place in the first three weeks of March.

The Parks and Reserves Water Bores work has been completed, with designs received for the Anderson Park splash pad project alongside a new bore on site, as well as the remediation of the reticulation system at the Botanic Gardens.

Asset Management Systems and Data Collection continues with the upgrade of the current system, with contractors engaged and on board. Significant progress is anticipated over the next two months.

Delivery Improvement Review work targeting carbon zero and climate risk & maturity continues under the stewardship of Councils Senior Policy Analyst – Climate Resilience for both Carbon Reduction and combined Environmental Maturity & Risk. Reports from consultants undertaking the work are expected by March 2022. Council-wide engagement is taking place.

Iwi Engagement continues with the support of Te Waka Rangapū. Work with Ngati Pārau continues with the first of a series of wānanga taking place on 11 March 2022. A full work plan has been received for this work going forward. An underspend against the full project is anticipated at this point, however as with Regional Collaboration Projects above there is an opportunity to offset some co-funding against other projects.

Regional Collaboration Projects have also fallen behind. After discussion with the Programme Manager for this piece of work, NCC's portion of the underspend, including the portion for the contestable fund will be returned to Council for reallocation.

A meeting was held with Crown Infrastructure Partners (CIP) who manage the reform projects for the DIA. They highlighted that underspend in projects can be used as a priority with CIP funds needing to be spent before the 30 June 2022.

Social & Policy

There are no social and/or policy implications associated with this report.

Risk

The major risks to the programme:

1. Risk:

   There is a risk that the programme of work will not be completed by the revised date of 30 June 2022 (Previously 31 March 2022), leading to an underspend of funds. This is due to other competing priorities for key staff at the beginning of the programme such as the Long-Term Plan, the knock-on effects of the flooding event in November 2020 and constraints due to Covid-19 including supply chain issues as well as staffing. There is also a risk that internal or external resources are not available to deliver parts of the programme when required.

Mitigation:

In order to mitigate these risks officers are engaging with suppliers in advance of needing any physical assets and have instructed that these are held for us until required if possible. Where this is not possible, we are working in an agile way to keep work going while awaiting delivery. We are also engaging with consultancies to ensure we can maintain levels of service in the form of staffing from them ahead of time. We have supplemented permanent staff where needed with contract staff in order to progress the projects where necessary.

2. Risk:

There is currently some minor programming concern with the progress within the Water Safety Plan Improvements project, the contractor (Trility) is showing delays in the manufacture and delivery of instrument cabinets. This item is part of the critical path and has an effect on the completion date of the project for the delivery of all of the units. This delay is on a small portion of the Water Quality Monitoring project and will not impact the practical completion of the Water Treatment Plants.

Mitigation:

The programming of this critical path has been highlighted with the project team and the contractor to ensure the cabinets are delivered fabricated to ensure that they are able to be installed as soon as they arrive on site. This will minimise any delays to a small number of sites for the water quality project.

3.6 Options

The options available to Council are as follows:

1. To endorse this report on Implementation of the Three Waters Reform Project

3.7 Development of Preferred Option

This report is for information purposes only.

3.8 Attachments

1 Three Waters Reform Progress Sustainable Napier March 2022 ⇩

NAPIER CITY COUNCIL
Te Kaunihera o Ahuriri

3 Waters Reform Program 2021 - March 2022

Total Budget: $19.51m

Committed: $17.13m

This Report: 8-Mar-22

Total Expenditure: $11.72m

Total Upfront Payment: $6.13m

Additional Payments $1.5m Next Payment March 2022

Key:

On Track- Good Progress

Behnd Plan- Progress needs to be made

The stage(s) complete

No.	Project	Description	Value	Committed to Date	Sponsor	Key Lead/ Project Manager	Progress	Financial	Stage					Progress Comments	Project Risks & Issues.
									Scoping	Procurement	Project Underway	Final Review/ Commissioning	Project Complete		
1	Water Quality Improvement Project	Low Manganese water (reduce water quality issues for the city thorugh alternative supplies)	$5.8m	$4.86.m	R Huckle	Iain Sutherland (Beca)								A2 bore drilling complete, A3 due to complete within the week. Testing of A3 has indicated low managnese and iron. Commissioning will proceed.T8 bore due to commence in the next 4-6 weeks. Tenders have been let, containerised treatment plants being produced as per Water Safety Plan Delivery reported below. Due to extended scope, cofunding has been provided from LTP budget. Programme on-track	Consenting - highest risk Timeliness Procurement of physical assets is a challenge with Covid related shortages, now compounded by extended international delivery times due to Ukraine crisis.
2	Water Safety Plan Delivery of Improvement Items	Water Safety Plan Delivery of improvement items (provide network monitoring to manage quality and safety of the water supply and deliver other network improvements.	$1m	$1.32m	R Huckle / T Garrett	Tom Garrett (Beca)								Design and build has commenced, with EA approval currently being sought. Materials are being procured ahead of time where possible	There has been some slippage in the delivery schedule which could push completion date out near to 30 June deadliine. PM working with Trility to try and mitigate, however some key staff now being affected by Covid.
3	Fire Flow Network Upgrades to meet Levels of Service	FW-2 (Address urgent fireflow issues across the network as identified from recent model and master plan project outcomes)	$2.7m	$2.372m	R Huckle / T Garrett	Karlton Karangaroa								Onehunga Rd 95% complete and awaiting commissioning. Franklin Road is 80% complete and awaiting connections to be added before commissioning, Le Quesne is 40% complete. Financials on track at this point.	Previous cost overrun risk mitigated by the PM, with a small underspend anticipated. Cost Overruns
4	Parks Water Bores Investigation and Implementation	Parks Water bores Investigation and implementation (Increase resilience and improve water conservation)	$0.37m	$0.416m	R Huckle	Mike Alebardi								Final report for decomissioned bores expected within the next two weeks. This will be the last piece of work to complete this project	
5	Review of Private Water Supplies	Review of Private Water Supplies (Provide upgraded supply for the Meaane school and hall)	$0.41	$0.115m	R Huckle / T Garrett	Tom Garrett (Beca)								The project has been tied in with the Awatoto Industrial water supply. Now progressing with D&B option, tender process beginning.	Completion at risk due to contractor panel delays. Mitigation by looking at combined Design & Build option and procurement of physical assets ahead of time
6	Peer Review 3 Waters Models & Master plans	Peer review - 3 Water models & Master plans (Continue with the master planning process by undertaking peer reviews of models, additional calibration and peer review of master plans	$0.35m	$0.1m	R Huckle	T Garrett (Beca)								Peer review of modelling went to tender with preference for all three waters to be reviewed by the same consultants. There was no appetite by consultants to review all three. PM now taken this to contractor panel who are responding with preferred models to review	Appetite by consultants to provide the reviews- due to lack of resource is still an issue, however this is being mitigated by the use of the new contractor panel.
7	Scoping Three waters Master Plan projects	Engineering expertise to assist with the upfront work to deliver the $449m of Three Waters capital works coining up in the I0 year plan	$0.69m	$0.504m	R Huckle / T Garrett	3W team								Additional Resources engaged and underway with scoping and managing the water programme. Good progress being made.	
8	Te Awa Structure Plan and 3 Waters Infrastructure	Te Awa Structure Plan - 3 Waters (Enable growth and address affordability issues)	$5.4m	$5.372m	R Huckle	Jamie Goodsir								Project Back on track now with 3 contractors on site. Have transfered total to the project budget from this code to the project code.	Further delays to the project from scope changes
9	Pandora Industrial Wastewater Pipe	Back up project replacing the WW outfall chamber as this was already repaired. Updated project will be used to install flow meters on tradewaste customers.	$0.28m	$0.148m	R Huckle	Matt Johnston (Beca)								Design and build phases now underway with design nearing completion and EA approval sought. Flow meters adn sampling stations have been identified and will be procured within the next 4 weeks.	There is a risk that the lead time for the meters and samplers could cause to project to come close to project deadlines. PM finding shipping timelines and sources of these parts domestically
10	Asset Management Systems & Data Collection	Data Collection - EAM (Fully implement an upgraded enterprise asset management system for 3W team, undertake asset data condition assessments and upgrade information	$.5m	$0.319m	R Huckle	Andrew Hartrick								The project manager has engaged with software firms and the project is now gathering pace including the investigation of viable new options for the asset management system.	Software companies not delivering on promised upgrades. Increase in costs is a risk.
11	Delivery Improvement Review	Delivery improvement review (integrate Project Management Framework, contract management. , procurement, design, PMO etc. to Improve our project management and delivery capability	$0.3m	$0.244m	R Huckle	R Huckle								Consultant engaged to assist with asset management improvements. Carbon reduction project for 3W is well underway with analysis being undertaken by consultant. Climate Change roadmap for 3W started with council-wide engagement taking place	Buy-in and support from Council staff due to capacity.
12	Maintenance Management Practices	Extend MMTP (Deliver Maintenance Management Transformation Programme faster and equip our internal service provider to be more competitive in preparation for the reform whilst improving asset data and operational processes	$0.18m	$0.128m	R Huckle	AMIT/ 3W teams								Stantec currently working on the P&IDs (Piping & Instrumentation Diagrams) for all pump stations. Anticipated to complete these by 30 March. If extra budget available by March end, we will look to expand to other areas.	Availability of other teams to assist.
13	Waters Essential Services Plan and structure plans	Essential Services Plans and FC/DC Policy review (Ensure that 3W programmes are funded appropriate ly and that our FC/DC policy is upto-date and robust to enable capture of funds to develop the networks)	$0.29m	$0.170m	R Huckle / T Garrett	Develop-ment & Stds Team								Structure plans budget is being used in conjunction with City Strategy, with all remaining budget to be spent	There is a risk of overspend, however this could be mitigated by tansferring of funds from an underspent project
14	Iwi Engagement on 3 Waters & Cultural Values Assessment	Iwi Engagement on 3 Waters (Extending the capacity and capability for engaging with Maori and mana whenua, including development of a cultural values assessment	$0.40m	$0.297m	R Huckle	Te Waka Rangapū / R Huckle								Ngāti Pārau are now fully engaged with NCC, providing a plan for their engagement around 3 waters. Engagement with other Iwi is ongoing, with assistance and guidance provided by Te Waka Rangapū	There is a risk that Iwi will not engage with NCC and underspend will continue.
15	Regional Projects	Regional Projects (a $500,000 allowance has been made to work on Regional Projects. The local suppliers have worked together to develop a shared regional programme of work, valued at $1.4m		$0.213m	Toni Goodlass	T Goodlass and external providers								Agreement has been reached with the Regional Programme Manager to remove any underspend, and apply to DIA to place this against NCC controlled projects. This will decrease NCC cofunding and increase the DIA spend by the same amount on the selected project	There will be an underspend based on current reporting from Regional Projects.
		Three Waters Reform Programme RFI		$0.754m	AMIT Team	Various								Project largely completed, some remaining questions coming from DIA and WICS.	
		Regional Private Supplier Assessment		$0.3m	Toni Goodlass	Various								RFP scoped and DIA involved in finalising scope. Calls to private suppliers underway	
		Regional Contestable Fund for private - scheme assistance and support.												scoping discussions underway	
		Regional Engineering code of practice												Project no longer visible	
		Regional Audit of Asset Management/GIS systems												Project no longer visible	
		Regional Cadet and Operators Scheme												This project no longer a viable option	

4. DECORATIVE PAVING SHOP ENTRANCE POLICY

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1431134
Reporting Officer/s & Unit:	Robin Malley, Team Leader Transportation

4.1 Purpose of Report

To seek approval to withdraw the *Decorative Paving Shop Entrances Policy* which is considered by Officers to be surplus to requirements.

Officer's Recommendation

The Sustainable Napier Committee:

a. Approve the withdrawal of the *Decorative Paving Shop Entrances Policy*.

4.2 Background Summary

The *Decorative Paving Shop Entrances Policy* was introduced in 1991, relating to the redevelopment of Emerson Street to its current layout. The redevelopment included the installation of the brick pavers. Some decorative elements along shop fronts were included in the construction, ranging from simple geometric patterns to individual icons such as a dollar symbol and wine glass.

It is not clear whether the Policy originated in response to requests from businesses and landlords for custom paving to be included in the construction, or to control future requests once the 'new' paving had been installed.

There do not appear to have been any areas of decorative paving installed since the construction was completed in 1992.

The Policy provides criteria for the approval of any decorative paving requests, including the agreement of the 'coordinating architect' and minimum skid resistance levels for the pavers. It also provides a set of conditions providing Council with the ability to remove or replace the paving.

4.3 Issues

No issues.

4.4 Significance and Engagement

N/A

4.5 Implications

Financial

None

Social & Policy

None

Risk

None

4.6 Options

The options available to Council are as follows:

a. Retain the *Decorative Paving Shop Entrances Policy.*
b. Withdraw the *Decorative Paving Shop Entrances Policy.* This is the preferred option.

4.7 Development of Preferred Option

The controls provided for in the Policy are within the powers afforded to Council under the Local Government Act 1974 as road controlling authority. With or without the Policy in place, Council would need to approve any proposed works within the road reserve corridor. Further, the right to make changes to any paving already installed remains with Council.

The Policy as currently adopted applies only to Emerson Street. Other than in the context of the 1992 upgrade works, there is little reason to have a specific policy for Emerson Street which does not apply consistently across the whole CBD.

From a search of digitised Council records, there have been no applications made under the Policy for at least 15 years.

There is no risk of uncontrolled modification of public space or assets if the Policy is withdrawn.

4.8 Attachments

1 Decorative Paving Shop Entrances Policy (2017) ⇩

Decorative Paving Shop Entrances Policy *(policy being discarded)*

Approved by:	Council		
Department:	Infrastructure Services		
Date Approved:	29 July 1991	**Reviewed:**	27 March 2017
Next Review Date:	N/A	**DOC ID:**	346195
Relevant Legislation:	N/A		
NCC Documents referenced:	C35-0007		

Policy

1.1. Emerson Street businesses are permitted to have customised pavers/tiles of their choice, limited to that area outside their shop entrance.

1.2. The co-ordinating architect must approve Design/layout.

1.3. Pavers must have coefficient of friction of 0.6/greater as measured by the Tortus method.

1.4. Non standard blocks are to be laid by the Council's contractor at the cost of the business.

1.5. Council has the right to lift & re pave non-standard blocks for future maintenance.

1.6. Council has the right to replace non-standard with standard blocks if a similar replacement cannot be found.

5. CAPITAL PROGRAMME DELIVERY

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1440069
Reporting Officer/s & Unit:	Jon Kingsford, Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the 2021 Long Term Plan Capital Programme and initiatives underway to improve Capital Programme Delivery.

Officer's Recommendation

The Sustainable Napier Committee:

a. Receive the report titled "Capital Programme Delivery".

1.2 Background Summary

Situational update

The Omicron variant of Covid-19 continues to present a clear risk to the delivery of Napier's capital programme.

Information on rapidly rising material costs has been provided by Council's contractors, for example the cost of PVC and PE pipes has increased 11% in the last 3 months, which combined with increases over the last 12 months equates to a 50+% increase in the cost of these materials. This puts pressure on materials acquisition at quoted prices, particularly for longer term contracts.

Council have already moved to payment on evidenced delivery of materials to a secure site and contractors are being encouraged to confirm and secure orders as soon as contracts are in place in order to manage price risk.

Capital Programme Summary

Currently the Design and Projects team have 36 projects in progress to the value of $20.5 million, with the balance of projects being managed within each activity to which they relate. These projects may have carry over funding associated with their delivery in the 2021/22 financial year.

Projects Going to Tender

The following notable projects are progressing through the tender in this reporting period:

- Pandora Industrial Pipeline Remediation
- Essex Street Playground Civil Works
- Maggies Way – Dolbel to Otatara
- Onslow Steps and Ramps
- Taradale Library Air Conditioning Upgrade

Projects nearing/at completion

The following notable projects are nearing completion of the construction phase in this reporting period:

- Centennial Hall Court Lighting
- FW2 Fire flows network upgrades
- Dedicated Hydrant Water Take – Thames Street – now operational
- HBRU game field lighting

The attached report **(Appendix 1)** further demonstrates progress of–notable projects currently underway.

Processes Undergoing Review

In order to improve programme delivery performance, a number of processes are being reviewed. The objective of these reviews is to ensure processes are fit for purpose and as efficient as possible with respect to the time to complete them. These work packages are summarised below:

Project Management Policy and Strategy

A review of the current Project Management Policy and Strategy is required to reflect the creation of the Programme Delivery Directorate and to identify the opportunities created by the new directory. The goal is to complete this work in time for the delivery of Project Management related training to ensure that Council direction on Programme Delivery is consistently communicated through this training.

Council's Project Management Framework

Council has formalised is approach to the consistent delivery of projects through the development of its Project Management Framework or **PMF**. This framework has been developed for small and large projects and is documented in Council's Sycle enterprise software solution.

Since the implementation of the PMF user experience has increased but also new people have joined Council and have not had the benefit of any formal training on the PMF and therefore are not very familiar with its intended purpose and how to use it.

The review team will engage with regular users of the PMF to identify what works well, what doesn't work well and what improvements should be considered. Council Officers involved in project work who use the PMF infrequently, are uncertain about the use of the PMF, or who do not use the PMF at all will also be engaged with in the review to identify opportunities to improve the uptake of the PMF.

The initial workshops with staff were impacted by COVID and large numbers of staff working from home requiring an online approach to gaining the engagement and feedback sought needed to be investigated. Although this work was developed as a standalone piece of work it aligns closely with the other initiatives currently underway and so will be integrated with those processes going forward.

The outcome of this review is likely modifications to the PMF in Sycle and the development and delivery of training material to project related staff across Council.

Project Financial Reporting

The current process available to staff to track project related spend is a very manual process is very inefficient and consumes significant staff time every month to complete.

Rather than continue to attempt to modify processes within the constraints of multiple existing systems, the review team will be taking a step back from the current process to reassess what level and detail of financial information is required to enable project teams to track spend on projects. The review team will then look to see if the revised information needs can be met by existing systems or whether different tools are required.

Programme and Project Reporting

There are multiple layers of reporting requirements associated with both individual projects and Council's programme of work. Sycle has a number of report templates that are intended for different audiences, some of which are not fit for purpose or are cumbersome to use.

Sycle now has a new reporting module that enables users to develop their own reports tailored to their own and stakeholder needs. Council will be reviewing this module to ascertain its ability to meet our reporting needs, with a view to rolling out to users in the near future.

The intention is to develop new reports that inform Council's current reporting processes (for example Sustainable Napier Capital Programme Report tables, Mega Projects Governance Group Reports and ideally A Programme Level dashboard).

NCC Project Management Manual

Together with the above packages of work, some of which will feed into this package of work, Council's existing project related manuals, documentation and templates is underway with the intention of developing a new Project Management Manual. This documentation will be complemented with training material that can be rolled by repeatedly to Council Officers and panel members involved in the development and delivery of Council projects.

While the manual is not intended to be a step by step process on project delivery, it will seek to cover asset and non-asset, operational and capital project related processes. The manual will also seek to provider a greater level of clarity of roles and responsibilities relating to the PMF throughout is multiple phases with a view to making a project's transition through the PMF and/or from one role holder to another more efficient.

In parallel to the manual, work has commenced on the development of project scoping templates so that better direction can be provided to Activity and Asset Managers as they work up project scopes for the Programme Delivery team. These templates will be included in the manual and training materials.

Procurement Opportunities

With a Procurement Lead now appointed, opportunities will be explored to further improve Council's procurement process and communicate out to and support staff involved in procurement.

Of particular interest are opportunities to bundle projects of like work to form packages of work that are more attractive in a construction industry that is at or beyond capacity.

Project Management Training

In addition to the training associated with the Project Management Manual now in development, introductory training on Project Management fundamentals is being investigated. This level of training is intended for new staff members and/or staff members new to projects that do not have a great deal of experience in developing or managing project of any size.

1.3 Issues

Industry Capacity

The construction industry, including professional service providers and contractors; is currently stretched beyond capacity. This is impacting on the Hawkes Bay and Napier City Council's programme delivery. The arrival of the Omicron variant of COVID-19 is likely to add additional pressures on workforce availability and supply chains.

1.4 Significance and Engagement

This report is for information purposes only.

1.5 Implications

Financial

The financial performance of individual projects does not form part of this report.

Social & Policy

There are no social and/or policy implications associated with this report.

Risk

Significant project risks are reported to Council separately via the Audit and Risk Committee.

1.6 Options

This report is for information purposes only.

1.7 Development of Preferred Option

This report is for information purposes only.

5.8 Attachments

1 Capital Programme report ⇩

PROJECT NAME	PROJECT PHASE	ASSET DISCLIPINE	PROJECT UPDATE	PROJECT PHASE	% OF PROJECT	FINANCIALS	SCHEDULE	REASON FOR RED OR AMBER STATUS	Completion Date
McLean Park Digital Screen	PLAN & EXEC	Business & Tourism	The screen is currently being manufactured by Daktarin and will be shipped to NZ. The expected time of arrival on site and commencement of install is late May / early June 2022. A structural report on the condition of the housing is due for completion by end of February 2022.	Initiate					Aug-22
Centennial Hall (RGCEC Floor and Lighting Replacement)	Initiate	BAM	main floor and lighting work completed. Atkins contracted to carry out the door, carpentry, vinyl and fover flooring.	Construction	59%				Jun-22
Doris Memorial	Initiate	Business & Tourism	**On hold** due to budget issues - sponsor to require funds of $178k	Initiate					
Marine Parade War Memorial	Initiate	Business & Tourism	Developed Design is currently being costed by QS. A final design for the floral clock is nearing completion.	Design	55%				Jan-23
Napier Aquatic Centre Expansion	Initiate	Sports & Recreation	report to be presented to Council March 2022.	Survey					
Swan Memorial Lamp Repair	PLAN & EXEC	Parks Reserves and Sportsgrounds	The project has been delayed by two months and is expected to be finished by end of May.	Procurement	82%			The reason for the delay is resource constraints experienced by the fabricators due to Covid.	May-22
Aquarium Reef Tank Diver Access Investigation	PLAN & EXEC	National Aquarium	Project is delayed by three months. Awaiting reports to be provided by the consultant.		57%			Delays due to supplier availability	
Essex Street Reserve Playground Renewal	Initiate	Parks Reserves and Sportsgrounds	Work progressing as per the approved revised scope, planned schedule and budget. Contract C2199 is awarded to Playco. Tender for civil works will be sent out by end of this week (ending 27 Feb).	Design	65%				Oct-22
Puketitiri Road Safety Improvements	Initiate	Transportation	Concept design completed. Information on Emerald Hilldevelopment is required to progress the design further.	Design	5%				
Dolbel to Otatara (Maggie's Way)	initiate	Parks Reserves and Sportsgrounds	Tender document is currently awaiting approval and will be out once approved. Scope to be finalised before tender process begins.	Tender	45%				Nov-22
Marewa Shops Improvements	PLAN & EXEC	Transportation	Roading layout provided on 11.02.2022 for review. Engineer's Estimate requested. Awaiting further instructions from project sponsor.	Design	55%			Project to be re-scoped. New budget.	
HBRU Game Field	PLAN & EXEC	Sportsgrounds	Delays in getting the lights livened. HBRU Subdivision to go ahead, as per Sponsor's advice (8000m2 land).	Construction	69%				**Jun-22**
Parklands Area 4	Initiate	Parklands	Currently programmed to complete construction in May 2022	Design	16%				May-22
Poraiti Road Corridor Improvements	PLAN & EXEC	Transportation	Project deferred. With Sponsor.	Programme	29%			With Sponsor	
Munroe Street WWPS	Execute	3 waters	EA issued 25/11/2021. Depot to complete construction. To by completed by July 2022.	EA	59%			Project budget to be confirmed. New GL to be determined post EA.	Jul-22
Parklands Area 3 Stages 8, 9, 10	PLAN & EXEC	Parklands	Downer are 44% complete overall. Stage 8 (Separable Portion A) is 70% complete. Project programmed for completion in July 2022. Project budget of $6M. 44% of contract value complete. Covid may impact completion dates.	Construction	88%				Jul-22
FW2 Fire Flow Network Upgrades	PLAN & EXEC	Transportation	The design is complete. New Eng Estimate needs to be generated to inform future budget. Project will then go on hold pending budget confirmation to proceed. Current Eng est is $400k.	EA	56%			Budget yet to be confirmed.	
Whakarire Ave Coastal	PLAN & EXEC	Reserves	Single tender received - higher than available budget. **Project on hold** pending Council decision.	Tender	63%			Current budget needs to be increased; the only tender submission $1.3M over Eng Est	
Latham Street Rising Main Valve Renewal	PLAN & EXEC	Waste Water	Project design currently at 100% stage ready for Engineering Approval grant. 3 PE pipes have been ordered and waiting for couplers to arrive at December 2021 to begin construction.	Plan & Execute	53%			At this stage budget is unclear as still waiting for prices for Gibaults. Depot to provide budgets for there works and materials in stock.	
Ellison St to Marine Parade Walking & Cycling Improvements	PLAN & EXEC	Transportation	Project still being re-scoped to meet MBIE $2.747M funding allocation. Additional funding agreed from 3Waters and Roading teams. Discussions with NBH resolved. Contract completion programmed for April 2022 (contractor behind schedule last month). Revised completion date negotiated with MBIE 30.06.2022	Construction	61%				
Eriksen / Kenny Rd Intersection Upgrade	PLAN & EXEC	Transportation	Project in construction phase. EA yet to be issued (with WSP). The project continues to increase in scope as adjoining developers signal their requests for points of connection. Current programme completion in June 2022.	Construction	63%			Large variations approved for EOT delays, methodology changes , extra TTM. Possibly additional contingency required.	
FW2 Fire Flow Network Upgrades	PLAN & EXEC	Water Supply	Minor issues with commissioning on Onehunga Rd resolved. Kiwi Rail approved for NCC to undertake the works under the rails. NZTA approved the works on Main Rd. The works on Main Rd have commenced.	Construction	68%			delays due to contract & COP clash	
Ocean Spa Upgrades (Sauna and Steam Room)	PLAN & EXEC	Parade Pools	Sauna equipment has been ordered and awaiting shipping from Finland to NZ. The changing rooms 10% design is underway.	Design	85%				
Kennedy Road Cycleway - Georges Dr to Wellesley Rd	PROGRAMME	Transportation	Design nearing completion at which point Project will be put on hold due to insufficient funding..	Design	61%			Insufficient budget to progress to tender	

Westshore to Ahuriri Walking & Cycling Connectivity	PLAN & EXEC	Transportation	Sponsor has sent design to an independent safety auditor for review. Draft tender document completed and awaiting final review.	Design	60%			Design delays
Ocean Spa - Changing Rooms Renewal	Initiate	Sports & Recreation	The designer is progressing in a detailed design to help the Sponsor complete scoping this project. GW1 & GW2 need approvals in Sycle.	Design	53%			
Steps and Ramps 2020/21 (Onslow Steps)	INITIATE	Transportation	The increased budget has been approved by Sponsor ($260,000.00). Tender awaiting the final design.	Design	71%			
Airport Sewer Pump Station Renewal	PLAN & EXEC	Waste Water	LPS largely completed and currently operating. Project on hold until we can dewater again. Options have been investigated, costed, and to be implemented in the week starting 28/02. It is highly likely more funding is required to replenish the likelihood of an exhausted contingency.	Design	87%			Increse in budget is likely. Delays due to the rainfall event.
Reservoir Inlets and Outlets Improvements	INITIATE	Water Supply	Lack of progress on scope confirmation and associated available budget means it is highly unlikely that this project will be able to be completed in the current FY.	Options review	56%			Scope change and related delays in approving design changes combined with low availability of resources are likely to have a negative impact on budget. No update on progress of Memo requesting increased budget.
Taradale Library Air Conditioning Upgrade	PLAN & EXEC	Libraries	The project is getting ready to proceed through the design acceptance and procurement planning phase and into tendering phase now that final design has been returned by Jacksons. There are a few minor confirmations required from Project Owner but the project team should be able to move forward reasonably quickly towards getting the documentation in place for going to market in March.	Procurement	78%			Additional budget required to ensure the project goes ahead. Design received 11 Feb.
Aquarium Sea Water Supply Pump	Initiate	National Aquarium	Project design has now been all but finalised, with only some minor control and instrumentation and non-return valve items to be finalised. This will enable initiation of the resource consenting process and cost estimation for project funds. Depot is assessing ability to resource as they might not be able to. PM and Project Owner to discuss procurement planning.		78%			Pending final estimate from Depot.
Ahuriri Regional Park Master Plan	Initiate	City Strategy	The Working Group met on 14th February 2022 to discuss governance structure options. Further discussion required with Mana Ahuriri	Initiate	5%			
Awatoto WWTP Upgrade - Additional Storage	Programme		Preliminary design phase for project completion targeted end of late April 2021 and detailed design phase completed mid June. Estimated construction begin date targeted for early August 2021.		77%			Schedule impacted due to Liner scope change. Schedule to be reset.
CBD - Stormwater upgrade	Initiate		Developing scope and concept plans		0%			
Dalton Street - Upgrade stormwater pump station	Initiate		Developing the project scope and concept plan		0%			
Eriksen Road / Kenny Road intersection upgrade	Plan and Execute		Construction has continued. We are 75% through the latest construction programme and have spent $5.38M of the $8.19M budget being tracked (65%).		65%			
FW2 Fire Flow Network Upgrades	Plan and Execute		- Design EA approved. - Onehunga Rd 95% completed - awaiting commissioning. - Franklin Rd 95% completed - awaiting commissioning - Le Quesne Rd 90% completed - awaiting kiwi rail pipe installation and commissioning - Main Rd 40% completed - awaiting pipe installation - Hill Rd 10% completed - awaiting pipe welding		68%			
Hospital Hill falling main	Initiate		Preliminary design and alignment of stage one.		0%			
Lagoon Farm Diversion	Initiate		The detailed investigation and preliminary design to start in 2021/22 and competition by June 2027		0%			
New Taradale - Rising & Falling Trunk Mains	Initiate		Preliminary design work being scoped and implemented with 148k carry over budget.		11%			
Reservoir Inlets and Outlets Improvements	Plan and Execute		Awaiting Design report approval of solution and funding confirmation prior to going to tender.		56%			Design report approval outstanding. Further delays may impact on material costs.
Standby Generators for Pumpstations/Reservoirs	Plan and Execute		Procurement Process underway		50%			
Thames/Tyne Property encroachment strategy.	Programme		Concept being developed.		33%			
Water Supply Network – Master Plan Peer Review	Execute		part single peer review contract to review both model and master plan. Reform Consultant assigned as PM as project funded by reform - to manage project execution.		50%			Availability of Consultants to undertake the work
Water Supply Network Hydraulic Model	Initiate		Water Model is in the final stages of calibration. and has been used to provide input into the master planning projects.		0%			
Water Supply Network Hydraulic Model – Model Peer Review	Execute		Model peer review templates underway and single Procurement Plan for all reviews to follow.		48%			Availability of Consultants to undertake the work
WS_Mataruahou (Napier Hill) Reservoir	Plan and Execute		Business Case on site selection completed. Project procurement strategy - completed. Procurement for a Project Manager (PM) - on-going. Dedicated PM acting on behalf of NCC identified as critical.		49%			
WW Outfall - Consenting	Programme		2021.08.02 Procurement plan is currently being developed.		25%			
WW_Pandora Industrial Tradewaste Treatment	Initiate		Tender process for remediation contract underway		16%			time taken to get to tender. Schedule to be reset.

TBC

Jul-22

Jun-22

Jun-27

6. LEASE OF RESERVE - DANISH DELIGHT

Type of Report:	Legal
Legal Reference:	Reserves Act 1977
Document ID:	1440552
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

6.1 Purpose of Report

To obtain approval to grant a new lease to Danish Delight HB Limited in the mid to southern end of the Marine Parade Foreshore Reserve for a three year term plus two rights of renewal of two years.

Officer's Recommendation

The Sustainable Napier Committee:

a. Agrees to grant a new lease, under Section 54(1)(d) of the Reserves Act 1977, for Danish Delight HB Limited to continue to occupy an area in the mid to southern end of the Marine Parade Foreshore for a three year term plus two rights of renewal of two years.

b. Notes that Council is acting under delegated authority from the Minister of Conservation in granting this lease.

6.2 Background Summary

The Danish Delights kiosk commenced operation many years ago on a site at the old boating lake on Marine Parade. With the closure of the boat lake, it moved to its present site in 2002 shown on the attached aerial plan with a pink star.

The business has been sold twice since then with the current lessee operating since March 2020.

The current lease is due to expire on 31 May 2022 at the end of the last renewal. It is therefore, necessary to obtain approval for a new lease.

The proposed term for the new lease is three years with two rights of renewal of two years.

Danish Delights trades in Danish waffles and ice cream. The sale of these confectioneries compliment and work well with neighbouring activities. The kiosk is adjacent to one of Council's car parks and outdoor seating areas as well as the Junior Bike Track.

6.3 Issues

While the kiosk is a commercial business operating on Reserve land, it is deemed to be for the convenience of the public using the marine Parade Foreshore Reserve and thus allowed under the Reserves Act.

6.4 Significance and Engagement

Not applicable.

6.5 Implications

Financial

There are no costs to Council with the lessee owning the building. The current monthly rental is 5% of gross income and it is proposed this continue. Payments are made on time and there is provision for Council to ascertain or check the amounts by requesting a copy of the annual audited accounts.

Social & Policy

Not applicable.

Risk

There is no risk to Council.

6.6 Options

The options available to Council are as follows:

a. To approve a new lease to Danish Delight HB Limited in the mid to southern end of the Marine Parade Foreshore Reserve for a three year term plus two rights of renewal of two years.
b. To decline a new lease to Danish Delight HB Limited.

6.7 Development of Preferred Option

Option (a) is the preferred option as it provides a service to those using or passing along Marine Parade.

6.8 Attachments

1 Danish Delights HB Ltd location map ⇩

Scale: 1:819
Original Sheet Size A4
Print Date: 4/03/2022

CITY OF NAPIER

NAPIERTheArtDecoCity

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PUBLIC EXCLUDED ITEMS

That the public be excluded from the following parts of the proceedings of this meeting, namely:

AGENDA ITEMS

1. Surplus land sale
2. Lease of Subsoil of Road

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

General subject of each matter to be considered.	**Reason for passing this resolution in relation to each matter**.	**Ground(s) under section 48(1) to the passing of this resolution.**
1. Surplus land sale	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Lease of Subsoil of Road	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

SUSTAINABLE NAPIER COMMITTEE
Open Minutes

Meeting Date:	Thursday 10 February 2022
Time:	9.00am – 10.15am
Venue	Via Zoom and livestreamed on Council's Facebook page

Present	Councillor Price (In the Chair), Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Simpson, Taylor and Wright
In Attendance	Chief Executive (Steph Rotarangi) Acting Director Infrastructure Services (Debra Stewart) Acting Director City Strategy (Rachael Horton) Director Programme Delivery (Jon Kingsford) Acting Director Corporate Services (Caroline Thomson) Director Community Services (Antoinette Campbell) Director City Services (Lance Titter) Manager Communications and Marketing (Julia Atkinson) Manager People and Capability (Sue Matkin) Pou Whakarae (Mōrehu Te Tomo) Chief Financial Officer (Caroline Thomson) Manager Property (Bryan Faulknor) Manager Environmental Solutions (Cameron Burton) Water Quality Lead (Anze Lencek) Team Leader Transportation (Robin Malley) Transportation Engineer (Sahar Pour) Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Beverley Kemp-Harmer) Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice) Team Leader Planning & Compliance (Luke Johnson)
Administration	Governance Team (Anna Eady and Carolyn Hunt)

Karakia

The meeting was opened with a karakia by the Chief Executive

Apologies

Councillors Wright / Mawson

That the apology from Councillor Tapine be accepted.

Carried

Conflicts of interest

Nil

Public forum

Juliet Greig - Latham Street Pedestrian Crossing Island Petition

Ms Greig thanked the Committee for their time, Councillor Boag for presenting the petition on her behalf to the Council and to Council's Transportation Engineer, Sahar Pour, for her report in reply to the petition.
Ms Greig's young children attend Nelson Park School. In December 2021 she organised a petition for a crossing on Latham Street South, near McLean Park Stadium, as she and many other parents at Nelson Park School are concerned about how dangerous crossing Latham Street is for their children; many parents will not let their children walk or scoot to school on their own because of having to cross this stretch of road. The petition has been signed by parents of the school, but also by residents who live in Nelson Crescent, McVay Street, Morris Street, Vigor Brown Street, McDonald Street and Ashridge Road. Ms Greig knocked on doors to discuss the petition and all but one household signed the petition.
One of the signers on the petition is the Principal of Nelson Park School, who agrees that a lot of parents will not let their children walk or scoot to school alone due to Latham Street.
Ms Greig knows of two families who would let their children walk to school alone if there was a proper crossing and is sure there would be more.
If it is not possible to install a formal pedestrian crossing any other solution provided to make crossing Latham street safer would be appreciated.

Announcements by the Mayor

This week is the first year anniversary of the Chief Executive (CE), Steph Rotarangi, starting at Council. The Mayor acknowledged that when the CE started she had to hit the ground running, and that having her support and guidance through the challenges of 2021 has been great.

Announcements by the Chairperson

Nil

Announcements by the management

The CE announced item five in the agenda is withdrawn and will be considered at an Extraordinary meeting of the Sustainable Napier Committee on Thursday 17 February 2022 at 3pm.

The Acting Director Infrastructure Services gave an update on five water projects:

- Low Manganese Drinking Water – Council is currently working on the new Awatoto bore, and over the next few weeks flow testing will occur. A new treatment plant is being constructed off-site and will be moved on-site soon. The bore is anticipated to be operational by June 2022. The bore and treatment plant in Taradale are in early stages of construction. Both of these bores are vital to provide low manganese water and eliminate the dirty water issues experienced by residents.
- Pandora Tradewaste Pipeline – This services industrial sites in Pandora and discharges to the wastewater treatment plant in Awatoto. Work is underway to unblock this pipeline. It has been out of service for a number of years due to a build-up on the inside wall. Once recommissioned it will be brought online and used to convey tradewaste to the wastewater treatment plant. The project contract and drawings are completed for the project; once approved the contract will go out for tender. A number of contractors have approached Council about this work since the Stuff news article prior to Christmas.
- Airport Pump Station – Council is replacing the wastewater pump station at the airport to improve levels of service, increase resilience of the network, and reduce the risk of wastewater overflowing into the Ahuriri Estuary. During the construction phase there may be elevated noise levels from site, fresh water being discharged onto the land and into the waterway, and at some stages during the project pumps could be operating 24 hours a day. Completion is anticipated by July 2022.
- Smart Manholes – Fifty manholes across the city are getting their own brains. Sensors are being installed inside manholes to let Council know when a drain is getting too full or reaching capacity. This can be an indicator of a blockage, a fault, or higher than usual flow. The sensors are relatively inexpensive and housed in boxes made in New Zealand with a 3D printer. They send signals to a satellite, which in turn sends a message to the monitoring system. Twenty have been installed already, and testing is taking place. A similar system has been trialled and installed in Tauranga and Taupō.
- Wastewater Plant Treatment Cells – The capacity of the wastewater treatment plant upstream and the pump station are restricted by the capacity of the outfall. This means during heavy rain the wastewater backs up in the system and overflows. The installation of new storage areas will mean temporary storage of wastewater is possible until there is capacity available in the system to discharge. It is not expected wastewater will be stored for more than three days at a time, and in this case the wastewater will be highly diluted. The temporary storage will also be used when repairs need to be carried out on parts of the wastewater treatment system.

Confirmation of minutes

Councillors Chrystal / Mawson

That the Minutes of the meeting held on 11 November 2021 were taken as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. PETITION - PEDESTRIAN CROSSING ISLAND, LATHAM STREET

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1418278
Reporting Officer/s & Unit:	Sahar Pour, Transportation Engineer Robin Malley, Team Leader Transportation

1.1 Purpose of Report

The purpose of this report is to inform the Council in regard to a petition received on 13 December 2021 from Juliet Greig on behalf of residents concerned about road safety in Latham Street. The petition (Doc ID 1426565) will be tabled at the meeting.

The Petitioners' Prayer reads as follows:

"We, the residents below, support the proposal for Napier City Council to install a pedestrian crossing island on Latham Street, Napier South to help children and families cross the road on the way to and from Nelson Park School (Petition organised by Juliet Greig, Napier South, December 2021)."

There are 52 signatories to the Petition.

At the Meeting

The Officer spoke to the report noting that due to timing the roading team have not been able to develop options for a crossing on Latham Street or cost them properly at this stage. Depending on Council's decision the team will then work with the Ward Councillors and petitioners to move to the next stage. It will take four to six weeks to get costings of preferred design options.

In response to questions from the Committee it was clarified:

- The preferred option would probably be installed on the McLean Park side of the intersection of Latham Street and Morris Street. There are fewer house frontages there. Also part of the investigation would be to look at putting a splitter island in a side street as they help to slow down traffic.
- The crossing that was installed on Gloucester Street Taradale, near Atawhai Resthome, a few years ago was a more complicated crossing as there was a bus stop near the location to take into account.
- The protected cycle lanes for the length of Latham Street was deprioritised due to the cost of the project. If the team were directed to look at this project this year available funding would need to be considered. Reprioritisation of the

capital spend is being worked on currently now big projects from 2021 have been completed.

- Once the four to six week period to carry out investigation, design and costing is compete, then the project would have to be added to the construction programme, but it is not possible to give a timeframe on when that construction could begin at this point in time.
- This project would qualify for Waka Kotahi funding, but only for investment support, which would be 51% of the total project cost. It would be classified as walking and cycling improvements and road safety improvements.
- Any roading project the Council undertakes follows accessibility guidance for limited mobility pedestrians. These are part of the design standards.
- Council has not carried out vehicle or cycle counts in this area. There is anecdotal evidence of the busyness of Latham Street. Counts can change quickly, especially around Intermediate Schools as the population totally changes every two years. With Nelson Park Primary School the road users will be in place for longer as the population is there for longer.

Committee's Recommendation

Mayor Wise / Councillor Boag

The Sustainable Napier Committee:

a. Receive the report titled “Petition for a Pedestrian Crossing Island, Latham Street, Napier South”.

b. Receive the tabled petition of 52 signatories from residents.

c. Support in principle the petition which seeks additional traffic calming and pedestrian crossing subject to detailed investigation including consultation

d. Instruct Officers to communicate findings and outcomes to the Lead Petitioner and Ward Councillors.

Carried

2. LEASE OF RESERVE - OMNI GYMNASTIC CENTRE INCORPORATED

Type of Report:	Contractual
Legal Reference:	Reserves Act 1977
Document ID:	1424320
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

2.1 Purpose of Report

To obtain Council approval to enter into a new ground lease with Omni Gymnastic Centre Incorporated at Onekawa Park for 15 years with one right of renewal. The proposed lease includes an additional area to accommodate a proposed extension to the existing facility.

At the Meeting

The Officer spoke to the report. There were no questions from the Committee.

Committee's Recommendation

Councillors McGrath / Brosnan

The Sustainable Napier Committee:

a. Resolve to grant a ground lease, pursuant to Section 54 of the Reserves Act 1977, to the Omni Gymnastic Centre Incorporated for land at Onekawa Park accommodating the existing facility plus including provision for a proposed extension.

b. Resolve that the term of the lease be for 15 years with one right of renewal.

c. Note that in granting the lease Council is merely acting in its capacity as a lessor and as owner of the land. Any such approval shall not imply the consent of Council as a regulatory authority and thus the proposed building extension is subject to the Centre obtaining all required regulatory consents.

Carried

3. REPORT ON NAPIER WATER SUPPLY STATUS END OF Q2 2021-2022

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1420222
Reporting Officer/s & Unit:	Anze Lencek, Water Quality Lead

3.1 Purpose of Report

To inform the Council on:

- the status of Napier Water Supply (NAP001) at the end of the second quarter (Q2) of 2021-2022 compliance year

At the Meeting

The Officer took the report as read, but provided an update on section 3.3 of the agenda item. Since the report had been compiled Taumata Arowai have released final drafts of

the Drinking Water Standards for New Zealand and the Compliance Operational Rules which are out for public consultation. The consultation closes on 28 March 2022. The Hawke's Bay Councils are considering doing a joint submission on these.

Committee's Recommendation

Councillors Simpson / Chrystal

The Sustainable Napier Committee:

a. Endorse the:
   i. Report on Napier Water Supply Status end of Q2 2021-2022.

Carried

4. CAPITAL PROGRAMME DELIVERY

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1425264
Reporting Officer/s & Unit:	Jon Kingsford, Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the 2021 Long Term Plan Capital Programme and initiatives underway to improve Capital Programme Delivery.

At the Meeting

The Officer spoke to the report. In response to questions from the Committee it was clarified:

- The Marewa shop project is being re-scoped as the original design was too complex and was going to be significantly over budget. The new design is aiming to bring the costs down.
- Kennedy Road, from Georges Drive to Wellesley Road, does not currently have an off-road cycleway. Council will have to break ground to construct this and it is a complex underground environment. Investigations about how to proceed are underway.
- Council will present the Kennedy Road Cycleway project to the Cycle Governance group, which meets on Monday.
- Centennial Hall now has a new floor and the project is now at the stage of replacing the lighting in the Hall. A contract has been signed for this work and it should take six to eight weeks, all things going well.
- The projects featured on the Capital Delivery Report are ones which are potentially higher risk and which are public facing. Council officers will

investigate if it is possible to add an estimated project completion date column to the report. Once contracts are secured for projects it is possible to estimate completion dates, but these would be subject to contract extensions and/or variations.
- The Morrison Lowe report contained in the agenda will be added to the Council website for public access. This will be helpful if there are questions to Elected Members from residents about project delays.

ACTION: The Director Programme Delivery to update the Committee:

- With further detail on the Kennedy Road Cycleway project underground complexities.
- If television will be able to operate in Centennial Hall once the new lighting is installed.
- If it is possible to add a projected completion date column to the Capital Delivery Report.
- That the Morrison Lowe Report has been added to the Council website.

Committee's recommendation

Councillors Price / Simpson

The Sustainable Napier Committee:

a. Receive the report titled “Capital Programme Delivery”.

Carried

The meeting adjourned at 9.50am and reconvened at 10.03am.

PUBLIC EXCLUDED ITEMS

Councillors Brosnan / Crown

That the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Whakarire Revetment Project Update

Carried

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

General subject of each matter to be considered.	**Reason for passing this resolution in relation to each matter.**	**Ground(s) under section 48(1) to the passing of this resolution.**
1. Whakarire Revetment Project Update	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

The meeting moved into Committee at 10.07am

Approved and adopted as a true and accurate record of the meeting.

Chairperson .....

Date of approval .....

EXTRAORDINARY SUSTAINABLE NAPIER COMMITTEE

Open Minutes

Meeting Date:	Thursday 17 February 2022
Time:	3.00pm – 4.57pm
Venue	Via Zoom (audio visual link) and livestreamed via Council's Facebook page

Present	Councillor Price (In the Chair), Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright
In Attendance	Chief Executive (Steph Rotarangi) Director City Services (Lance Titter) Director City Strategy (Richard Munneke) Director Community Services (Antoinette Campbell) Director Corporate Services (Adele Henderson) Director Programme Delivery (Jon Kingsford) Acting Director Infrastructure Services (Debra Stewart) Pou Whakarae (Mōrehu Te Tomo) Chief Financial Officer (Caroline Thomson) Manager Sport & Recreation (Glenn Lucas) Manager Community Strategies (Natasha Mackie) Communications Manager (Jess Soutar Barron) Senior Project Manager (Drew Brown) Team Leader Building Asset Management (Andrew Clibborn) Team Leader Governance (Helen Barbier) Senior Advisor Policy (Matt Adamson)
Also Present	Tonkin & Taylor (Jamie Yule) Deane & Quane (Ben Quane)
Administration	Governance Team (Anna Eady & Carolyn Hunt)

Karakia

The Chief Executive opened the meeting with a karakia.

Apologies

Councillors Mawson / Taylor

That the apology from Councillor Chrystal be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

AGENDA ITEMS

1. NAPIER AQUATIC CENTRE CAPITAL REVIEW PROGRAMME

Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1431044
Reporting Officer/s & Unit:	Glenn Lucas, Manager Sport & Recreation

1.1 Purpose of Report

The purpose of this report is to recommend the approach to address the capital and operating investment required for the Napier Aquatic Centre.

At the Meeting

The Council Officer spoke to the report. In response to questions from the Committee it was clarified that:

- If the recommended work goes ahead across the next two years some of the planned future works on the Aquatic Centre in the Long Term Plan (LTP) could be brought forward. It is likely that budgeted future renewal funding is no longer required, however this is dependent on whether further issues are uncovered at the facility once the project begins.
- The Jackson's Engineering report, which was part of the mechanical review, identified the Building Management System, which controls all the information around the Aquatic Centre, is at end of life and is no longer supported. The system has been identified as likely to fail in just over five years, and if that happened it would be a significant closure of the complex whilst an alternative was sourced and installed. The Heat pump for the Ivan Wilson complex was also identified as likely to fail within the next five years, and this would cause a closer of that pool for a significant period whilst a replacement was sourced and installed.
- This report is a high level overview of what is required to keep the Aquatic Centre functioning. Since writing the report other options for operating the facility have come to light. One of these is a run-to-failure model. Council has a legislative obligation to meet the levels of service outlined in its LTP and must have a sustainable plan to achieve that. If the run-to-failure model was preferred Community Consultation would be required, otherwise as parts of the facility failed and needed to be closed the Council would not be meeting the levels of service required.
- Within the Health & Safety/legislative compliance area suitable hoists are required for access to the pools. There is a hoist for one of the spa pools, but this has had long-standing operational issues and needs replacing; there is also a mobile hoist which can be moved to different areas in the facility and provides accessibility. A Barrier Free assessment was done and recommended more

hoists, and other ways to provide more dignity for people getting in and out of the pool than what is currently provided. The improvements being discussed today include budget to implement such elements.

- Of the critical plant needing to be replaced the heat pump can be designed to be installed externally so when a future development is built it could be transferred. Not much else would be salvageable.
- The internal wall design for the Ivan Wilson complex is based on a best practice concept design which is a different specification than what is currently there. It lifts the timber up and sits it on a concrete nib. This design will give longevity and assurance that the walls will not fail, as the timber will not be in contact with water, through cleaning and continued use. This will use the majority of the 3,417,742 needed for the internal wall remediation. There are other options which will cost less, but will not have the same longevity of use.
- The wall remediation would address the badly deteriorated timber framing under the cladding. As this deteriorates further the walls would move, but there would be no outward signs of degradation. Council does not have a timeframe of when this situation would become critical under Health & Safety, or other, legislation.
- In regards to the mould identified in the walls, the sampling is a point in time. Further sampling is problematic as it can release spores into the atmosphere. Ongoing on-site monitoring would be required however to make sure there is no dangerous mould present.
- The walls which are the worst affected by mould are not structural walls and are co-supported by the cladding. There are no immediate risks flagged or these would have been remediated straight away. There are structural wall brackets around the facility which have a recommendation for further investigation. If there was a seismic event it is anticipated the non-structural walls could move more than intended.
- Most of the walls in question are internal walls around offices and changing rooms. Some internal elements of the exterior walls are less-so affected. Modifications to the concrete in the courtyard outside of the complex has created new risks to the external walls of water ingress.
- To remove the building and operate the pools complex as an outdoor facility is a possibility, but the heat exchanges would need a redesign. It would change the amenity value of the complex, and could have an impact on swimming lessons in winter.
- Officers will need to do some further work on prioritising the different elements of the project, this will be dependent on market availability of materials and contractors, and also the decision on the future direction of the Aquatic Centre.
- The term of the Loan proposed for this project would be over ten years. This would be a 1.4% rates increase to complete the work required.
- Currently Council is projected to have paid off all loans over the next ten years, this borrowing may have an impact on that outcome, but there is time to work towards a balanced budget.
- Under the LGA if Council receives new information about an asset it can notify this, and the resulting consequence, in its next Annual Plan. If the information Council receives was known prior to the Annual Plan being set, and this could affect delivery of service, it would need to put the proposed change to the community for consultation.

- A run-to-failure model would mean the facility could close at short notice without a backup plan, which users could find unsettling.
- If the facility closed this would affect 30-35 Council positions. Council is obligated to take all practicable steps to retain the staff affected.
- The improvements required for Allan's pool are largely cosmetic. The funding requested for this pool, and for accessibility to it via Flanders Avenue, should ensure it remains functional for approximately ten years, as long as the plant and tank do not require major work. As a stand-alone pool, Allan's pool could continue to return positive outcomes for Council and the community, however a business case would be needed to confirm that.
- Demand on Napier aquatic facilities has not been met for a number of years. Currently there are approximately 500 to 600 learn to swim users at the facility, which without Covid setting disruptions can be as high as 900, along with additional aqua aerobic users, competitive swim training users and recreational users.

ACTION: Officers to seek advice on whether the more detailed information presented in this report is new information in terms of the 2021/22 Annual Plan. Also to clarify Council's obligations to the community if a run-to-failure model or closure of the facility is the preferred option.

Officer's Recommendation

The Sustainable Napier Committee:

a. Note the risks to ongoing service delivery at the Napier Aquatic Centre;
b. Note the interdependent relationship with the new aquatic development and the Napier Aquatic Centre capital expenditure requirements;
c. Endorse an additional $8,626,435 of capital funding over 2022/23 and 2023/24 to perform the recommended health and safety and service continuity capital improvements; and
d. Endorse an additional $80,000 of operational expenditure per year of the remaining life of the asset to enable repair and maintenance of end of life components.

Committee's Amended Recommendation

Mayor Wise / Councillor Mawson

The Sustainable Napier Committee:

a. Note the risks to ongoing service delivery at the Napier Aquatic Centre;
b. Note the interdependent relationship with the new aquatic development and the Napier Aquatic Centre capital expenditure requirements;
c. Endorse an additional $8,626,435 of capital funding (loan funded) be included in the Annual Plan 2022/23 over 2022/23 and 2023/24 to perform the recommended health and safety and service continuity capital improvements; and
d. Endorse an additional $80,000 of operational expenditure per year of the remaining life of the asset to enable repair and maintenance of end of life components (funded from existing budgets).

e. Direct officers to prepare a phased plan of the proposed detailed expenditure to bring back to Council for endorsement.

Carried

Councillors Browne, Simpson, and Wright voted against the motion

The meeting adjourned at 4.17pm and reconvened at 4.19pm

2. AQUATIC REDEVELOPMENT: OPTIONS FOR CONSULTATION

Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1429954
Reporting Officer/s & Unit:	Glenn Lucas, Manager Sport & Recreation

2.1 Purpose of Report

The purpose of this report is to recommend to Council the next steps for the new aquatic facility development process.

At the Meeting

Council Officers spoke to the report and showed a PowerPoint presentation (Doc ID: 1436205). It was noted by the Chief Executive that this report was not able to be presented at the Sustainable Napier Committee meeting held on the 10th of February due to the late arrival of important consultant reports.

In response to questions from the Committee it was clarified:

- The purpose of this report is to provide further information to inform a provisional decision on a way forward. This additional information is a geotech analysis of the Onekawa site, a possible site analysis, and a cost analysis. It is acknowledged this is a high interest item and that construction costs continue to rise, so officers will be proceeding with urgency.
- The cost of additional investigations, since the development of a new aquatic facility project was halted, has been $223,000.
- The Geoff Canham Consulting (GCC) analysis of a preferred aquatic site sought to weight the analysis equally; it is up to the Council to decide if that was the correct way to do the analysis and community feedback can inform that decision.
- Financial questions in regards to the two sites can be worked through in more detail at the 10 March 2022 Ordinary Council meeting, along with who is best to answer the questions Elected Members may have, whether that is council officers, consultants or the community.

- The Mitre 10 Sports Park 50 metre pool is due to be completed mid-2022, but this aims to cater for high performance sports and swim sports. It will not be a venue for recreational swimmers.
- The options for community consultation will not be decided on at this meeting; it will need to go through its own approvals process, and there are ways to structure consultation questions to incorporate more than one option at the Onekawa site.
- Three metres is not very deep for a landfill. Onekawa was not a landfill under the current landfill code and practices, it was more of an unregulated tip site.
- The Hornby pool and library in Christchurch project is on an old landfill. That project is more advanced, with an architectural masterplan and a large project team. Some key assumptions have had to be made for Onekawa's risk register, particularly around the level the pool lies. Hornby does not have the shallow ground water issue which Onekawa has, also Onekawa's soil profile has very low strength materials, which means there is very little strength in the soil. In Hornby steel piles were driven through into gravel, and this mitigates geotechnical risk. Onekawa does not have a solid gravel layer and therefore would require significant ground work to achieve the same ends so piling has not be considered at this point. Also the cost of steel is subject to significant price fluctuations.

ACTION – Elected Members to collate questions and send through to council officers to address.

Officer's Recommendation

The Sustainable Napier Committee:

a. Note the geotechnical and contamination reports and implications for potential aquatic redevelopment.
b. Note the independent multi-criteria site analysis results for the Onekawa and Prebensen sites.
c. Note the interdependent relationship with the new aquatic development and the work required to extend the life of the existing facility.
d. Note the impact of increasing construction costs.
e. Direct Council Officers to prepare further information for community consultation.

Committee's Amended Recommendation

Councillors Brosnan / Crown

The Sustainable Napier Committee:

a. Note the geotechnical and contamination reports and implications for potential aquatic redevelopment.
b. Note the independent multi-criteria site analysis results for the Onekawa and Prebensen sites.
c. Note the interdependent relationship with the new aquatic development and the work required to extend the life of the existing facility.
d. Note the impact of increasing construction costs.

e. Councillors are to forward all questions to Council Officers to investigate and bring responses back before the Council meeting on 10 March 2022.

Carried

Attachments

1 Aquatic Development presentation.pdf

The meeting closed with a karakia at 4.57pm

Approved and adopted as a true and accurate record of the meeting.

Chairperson .....

Date of approval .....