



# ORDINARY MEETING OF COUNCIL

## Open Agenda

### Trade Waste & Wastewater Bylaw Review and Water Supply Bylaw Review Hearings

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Meeting Date: Wednesday 22 June 2022

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Time: 9.00am

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Venue: Ocean Suite  
East Pier  
50 Nelson Quay  
Napier

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*Livestreamed via Council's Facebook site*

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Council Members **Chair:** Mayor Wise  
**Members:** Deputy Mayor Brosnan, Councillors Boag, Browne,  
Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor  
and Wright

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Council Meeting**  
**Thursday 30 June 2022**

# ORDER OF BUSINESS

## Karakia

## Apologies

Councillor Tapine

## Conflicts of interest

## Public forum

## Announcements by the Mayor 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

## Agenda items

- |   |   |     |
|---|---|-----|
| 1 | Trade Waste and Wastewater Bylaw Review ..... | 3   |
| 2 | Water Supply Bylaw Review .....               | 133 |

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

# AGENDA ITEMS

## 1. TRADE WASTE AND WASTEWATER BYLAW REVIEW

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1471254
<i>Reporting Officer/s &amp; Unit:</i>	Caitlin Egan, Environmental Compliance Officer

### 1.1 Purpose of Report

The purpose of this report is to present the written submissions received by the Napier City Council on the Proposed Integrated Trade Waste and Wastewater Bylaw (**Attachment 1**) and to outline options and recommendations for the Proposed Napier City Trade Waste and Wastewater Bylaw Hearing Panel to consider in advance of the Council hearing scheduled on 22 June 2022 at 9am.

#### Officer's Recommendation

That Council:

- a. Endorse the content of this report;
- b. Consider the submissions to the Integrated Trade Waste and Wastewater Bylaw; and
- c. Recommend to Council the final form of the Integrated Trade Waste and Wastewater Bylaw, incorporating any changes following consideration of public feedback from the submissions.

### 1.2 Background Summary

The Wastewater Drainage Bylaw 2014 was revoked on 17 December 2021 pursuant to s 160A of the LGA. Council currently does not have a bylaw to manage wastewater. The Trade Waste Bylaw 2014 is overdue for review, and will be revoked under s 160A of the LGA in December 2022.

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

In particular, the Proposed 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.
- The use of enforcement powers, including penalties where appropriate, to be applied to persons contravene the Bylaw.

An Administration Manual accompanies the Proposed Bylaw. A copy of the draft Manual is included as **Attachment 2**. This document will sit under the Bylaw and provides:

- Technical and/or administrative information to which the Bylaw refers; and
- The ability to update this information as necessary.

The process followed by Council, including the background to the Trade Waste Bylaw 2014 and Waste Water Drainage Bylaw 2014, and development of the current proposal, is set out in the documents (considered by Council at its meeting on 24 March 2022):

- Proposed Integrated Trade Waste and Wastewater Bylaw
- Proposed Administration Manual
- Statement of Proposal

At the 24 March 2022 meeting the Sustainable Napier Committee resolved to make a decision of Council under delegated authority to -

- a. Endorse the content of the Council officer's report (Doc 1417631) (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.

The review process and key milestones in the special consultative procedure are summarised below:

DATE	ACTION
24 March 2022	Resolution at Sustainable Napier Committee Meeting to adopt the proposal and the proposed Water Supply Bylaw for the purposes of public consultation and approve the commencement of the special consultative procedure.
28 March 2022	Submissions opened
25 May 2022	Submissions closed

### 1.3 Issues

#### Minister of Health comments

The LGA requires that comment is sought from the Minister of Health in terms of any proposed trade waste bylaw (the trade waste components of the Proposed Bylaw).

This comment was sought by Council on 28<sup>th</sup> March 2022, and again on 7<sup>th</sup> June, with no response yet received.

### 1.4 Significance and Engagement

#### Special consultative procedure

The Proposed Bylaw, Draft Administration Manual, Statement of Proposal and a Summary of the Statement of Proposal were publicly notified by advertisement on the Council website and in local newspapers. These publications included Proudly Napier (March and April 2022), Informing Napier (4 May and 18 May 2022) and EDM (18 May 2022). Two videos were published on social media, and adverts were displayed on billboards across the city and on digiscreens in Council public-facing buildings.

The Proposed Bylaw and supporting documents were made available on the Council's website, and at the Council offices at:

- Customer Services Centre, 215 Hastings Street, Napier, Napier Library, 1 Tennyson Street, Napier; and
- Taradale Library, 24 White Street, Taradale.

During the submissions period, Council officers undertook the following public consultation, with further details contained in **Attachment 7**:

- Targeted consultation with owners or occupiers of trade premises
- Targeted consultation with mana whenua through Te Waka Rangapū.
- Open days at the Awatoto Wastewater Treatment Plant on 6 May and 7 May.
- Advertising across digital, social and print media to ensure public awareness and participation in the review.

#### Submissions received

A total of 36 submissions were received on the Proposed Bylaw. For the most part, submitters supported the Proposed Bylaw, however a number of submitters were partially or fully opposed to the Bylaw and requested changes. Copies of the submissions are attached as **Attachment 3**.

Three submitters wish to be heard in support of their submissions. These are:

- Ahuriri Estuary Protection Society;

- Napier City Business Incorporated; and
- AFFCO NZ Limited.

The Hearing Panel are to give full consideration to all submissions received and determine the extent to which the submissions will be accepted or disallowed.

### **Key themes in submissions**

Submissions gave direct feedback to the Proposed Bylaw. The key themes from the submissions are outlined in **Attachment 4** but broadly speaking, the issues raised in the submissions related to the following:

- The phasing of implementation of the Proposed Bylaw;
- The charging model;
- Introduction of Waste Track; and
- The requirement for food premises to maintain grease traps.

### **Recommendations**

Officer's recommendations in relation to each submission are outlined in **Attachment 4**.

## **1.5 Implications**

### **Financial**

Following the widespread community consultation regarding the proposed Bylaw changes, Council received some submissions regarding the cost implications of the proposal due to the infrastructural needs at some small operators' premises. Council has proposed a lead-in time so that operators (or their landlords) can prepare for cost implications of taking responsibility of their trade waste discharges.

Within Council there will be increased costs in staffing the changes to ensure compliance with the proposed Bylaws. Additional resourcing is approved in the 2022/23 Financial Year to assist with the increase in assessments and administration of Trade Waste Consent Holders and those commercial properties connected to the Trade Waste system who will become new consent holders under this bylaw.

### **Social & Policy**

The Special Consultative Procedure was undertaken for this Bylaw change proposal.

Community consultation was widespread through many media channels, workshops and community open days which were well-attended to provide opportunities for all members of Napier's society to have a say. As required by the Local Government Act 2002, the opportunity to submit to the proposal was open for eight weeks and was available both online and in paper form from various sites in Napier.

### **Risk**

Whilst the existing Trade Waste Bylaw is still in force, the current Wastewater Bylaw has lapsed and is no longer enforceable. Trade Waste and Wastewater use the same infrastructure and by integrating the two bylaws it allows the city's infrastructure protection by instituting a user pays system for heavy users and a single bylaw affords simple and straightforward tool for education and enforcement as may be required.

## **1.6 Options**

The options available to Council are as follows:

- a. Do nothing

- b. Endorse the content of this report, consider the submissions to the Bylaw and recommend the final form of the Bylaw, incorporating the changes following consideration of public feedback from the submissions.

### 1.7 Development of Preferred Option

One small amendment to section B.7.4 of the Bylaw has been made following assessment of submissions and legal advice, detailed below:

***Discharges via Grease Traps ~~and~~, Oil ~~and~~ Grit Interceptors***

*B.7.4 c. All systems in place to remove Fat, Oils ~~and~~, Grease ~~and~~ Grit must be installed and operated as per Section B.7 of the Administration Manual and any Trade Waste Consent conditions.*

A list of actions can be found in **Attachment 4** which will be implemented during the Bylaw rollout, which have been developed from the submissions received.

*Some information has been redacted in the following attachments in accordance with the Local Government Official Information and Meetings Act 1987, S7(2)(a) – that the privacy of natural persons, including the deceased, should be protected.*

### 1.8 Attachments

- 1 Attachment 1: Draft Integrated Trade Waste and Wastewater Bylaw [↓](#)
- 2 Attachment 2: Proposed Integrated Trade Waste and Wastewater Bylaw Administration Manual [↓](#)
- 3 Attachment 3: Submissions (Under separate cover 1) [⇒](#)
- 4 Attachment 4: Submissions Report [↓](#)
- 5 Attachment 5: Trade Waste and Wastewater Gap Analysis [↓](#)
- 6 Attachment 6: High Level Engagement Plan - Integrated Trade Waste Wastewater Bylaw [↓](#)
- 7 Attachment 7: Community Engagement Report [↓](#)



























































































































































































































































































## 2. WATER SUPPLY BYLAW REVIEW

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1469680
<i>Reporting Officer/s &amp; Unit:</i>	Lance Groves, Water Planning Lead

### 2.1 Purpose of Report

The purpose of this report is to present the written submissions received by the Napier City Council on the Proposed Napier City Water Supply Bylaw (**Attachment A**) and to outline options and recommendations for the Proposed Napier City Water Supply Bylaw Hearing Panel to consider in advance of the Council hearing scheduled on 22 June 2022 at 9am.

#### Officer's Recommendation

That Council Proposed Napier City Water Supply Bylaw Hearing Panel:

- a. Endorse the content of this report
- b. Consider the submissions to the Proposed Napier City Water Supply Bylaw; and
- c. Recommend to Council the final form of the Napier City Water Supply Bylaw, incorporating any changes following consideration of public feedback from the submissions.

### 2.2 Background Summary

Council's Water Supply Bylaw 2012 was revoked on 26 June 2019 pursuant to s 160A of the LGA. As a result the Council currently does not have a bylaw to manage water supply.

The proposed bylaw will replace the previous 2012 Water Supply Bylaw, which was revoked by operation of law and incorporates minor updates to capture legislative and policy changes and reflect new operational practices, such as changes to hydrant access. The strategic context of the proposed bylaw has been modernised, but no significant changes have been made. The key changes in the proposed bylaw (compared to the 2012 Bylaw) that were consulted on were:

- a. Resolve typographical and formatting errors;
- b. Update dates;
- c. Modernise and simplify the language used; and
- d. Incorporate amendments for consistency with other relevant Napier City Bylaws; and into the wastewater system, into one comprehensive document.

The process followed by Council, including the background to the review of 2012 Bylaw, and development of the current proposal, is set out in the following documents (considered by Council at its meeting on 24 March 2022):

- Proposed Water Supply Bylaw (Attachment A)
- Statement of Proposal on Water Supply Bylaw March 2022 (**Attachment D**)

At its 24 March 2022 meeting the Sustainable Napier Committee resolved to:

- 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 the Council Officer's report (Doc 1441447) (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.
- c. Approve the commencement of the special consultative procedure in accordance with s 83(1) of the LGA in relation to the proposal.

The review process and key milestones in the special consultative procedure are summarised below:

DATE	ACTION
24 March 2022	Resolution at Sustainable Napier Committee Meeting to adopt the proposal and the proposed Water Supply Bylaw for the purposes of public consultation and approve the commencement of the special consultative procedure.
28 March 2022	Submissions opened
25 May 2022	Submissions closed

### 2.3 Special consultative procedure

Following Sustainable Napier Committee approval, Council staff commenced a special consultative procedure on the proposed bylaw.

The Proposed Bylaw and Statement of Proposal were publicly notified by advertisement on the Council website and in local newspapers. These publications included the Proudly Napier in March 2022, Informing Napier 20 April 2022, 4 May 2022, 18 May 2022 and Digiboards in Council Buildings and Billboards across Napier.

The Proposed Bylaw and supporting documents were made available on the Council's website, and at the Council offices at:

- Customer Services Centre, 215 Hastings Street, Napier, Napier Library, 1 Tennyson Street, Napier; and
- Taradale Library, 24 White Street, Taradale.

Submissions opened on 28 March 2022 and closed at 5pm on 25 May 2022.

#### 2.4 Submissions received

A total of 18 submissions were received on the Proposed Bylaw. Copies of the submissions are attached as **Attachment B**.

11 submissions supported the Proposed Bylaw in full. Seven submissions opposed aspects the Proposed Bylaw.

Three submitters wish to be heard in support of their submissions. These are:

1. Nicholas Hicks;
2. Dr Nicholas Jones (on behalf of Hawkes Bay District Health Board); and
3. Cameron Ellis (on behalf of Silver Lake Trust)

The Hearing Panel are to give full consideration to all of the submissions received and determine the extent to which the submissions will be accepted or disallowed.

#### 2.5 Key themes in submissions

The key themes from the submissions are outlined in detail in **Attachment C**, but broadly speaking, the issues raised in the submissions related to the following:

- Chlorination/fluoride;
- Drawing water for community purposes;
- Three Waters reform;
- Water metering; and
- The rate of water supply / access for Te Roera residents.

Chlorination/fluoride and Three Waters reform are matters that sit outside of the scope of the bylaw proposal, and therefore, cannot be taken into account as part of this process.

#### 2.6 Recommendations

Based on the written submissions received and the Officers assessment of these (Attachment C), Officers are not recommending changes to the proposed bylaw.

*Some information has been redacted in the following attachments in accordance with the Local Government Official Information and Meetings Act 1987, S7(2)(a) – that the privacy of natural persons, including the deceased, should be protected.*

## 2.7 Attachments

- 1 Attachment A - Proposed Water Supply Bylaw [↓](#)
- 2 Attachment B - Submissions Compiled (Under separate cover 2)
- 3 Attachment C - Submissions Report [↓](#)
- 4 Attachment D - Water Supply Bylaw Statement of Proposal [↓](#)





















































































