



ORDINARY MEETING OF COUNCIL

Open Minutes

Trade Waste & Wastewater Bylaw Review and Water Supply Bylaw Review

Meeting Date: Wednesday 22 June 2022

Time: 9.00am – 10.50am

Venue Ocean Suite
East Pier
50 Nelson Quay
Napier

Livestreamed via Council's Facebook site

Present **Chair:** Mayor Wise
Members: Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson and Wright

In Attendance Chief Executive (Steph Rotarangi)
Executive Director Infrastructure Services, (Debra Stewart)
Pou Whakarae (Mōrehu Te Tomo)
Manager Environmental Solutions (Cameron Burton)
Manager Water Strategy (Russell Bond)
Water Planning Lead (Lance Groves)
Team Leader Governance (Helen Barbier)

Via Zoom Link Environmental Compliance Officer (Caitlin Egan)
Manager Communications and Marketing (Julia Atkinson)

Māori Partnership Manager - Te Kaiwhakahaere Hononga
Māori (Beverley Kemp-Harmer)
Team Leader, 3 Waters Strategic Planning (Gary Schofield)
Māori Partnership Manager - Te Kaiwhakahaere Hononga
Māori (Hilary Prentice)

Submitters Presenting: Angela Denby and Sue Macdonald (Ahuriri Estuary Protection Society); Pip Thomson (Napier City Business Inc); Cameron Ellis (Silver Hills Trust) Cameron Ormsby (Health Protection Officer), and Reynold Ball (Hawke's Bay District Health Board)

Administration Governance Advisor (Carolyn Hunt)

Karakia

Elected members gave the opening karakia.

Apologies

COUNCIL RESOLUTION

Councillors Mawson / Boag

That apologies for absence from Deputy Mayor Brosnan, Councillors Tapine and Taylor be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Matariki – Council were supporting and hosting a number events during the celebration of Matariki from 18-25 June 2022 and encouraged everyone to participate and join in. The first event Nga Whetu o Matariki (A magical Matariki light show) would be held in Herschell Street in conjunction with the MTG from 22-25 June 2022 from 6pm-8pm and was a free whanau event.

Announcements by the management

Nil

No minor matters

AGENDA ITEMS

1. TRADE WASTE AND WASTEWATER BYLAW REVIEW

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1471254
Reporting Officer/s & Unit:	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 (*Doc Id 1475523*) 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.

PRESENTATION OF ORAL SUBMISSIONS

Submission No. 33 - Pip Thomson (Napier City Business Inc) spoke to the submission in support of the expansion of Trade Waste consenting conditions into the CBD and highlighted the following:

- Would like to have a longer phasing implementation timeframe..
- Include a 5-6 months trial period for meters which would not be charged.
- The trial period would enable education to businesses on the impacts of Trade Waste in to the wastewater network and costs involved when not processing liquid waste correctly.
- Council develop an educational manual on discharging wastewater responsibly to facilitate the long term change.
- Requested that the charge not be implemented until 2024.

Submission No. 18 - Cameron Ellis (Silver Lake Trust) - spoke to the Water Supply submission and displayed a powerpoint presentation (Doc Id 1474509) in regard to Te Roera Hills Subdivision and unjust water charges. Mr Ellis highlighted the following:

- There were 22 properties in the subdivision serviced by a privately owned (Silver Lake Trust) water infrastructure, which was fully funded by the developer and connected to Napier City infrastructure.
- The properties in the Te Roera Hills subdivision were classified in the Bylaw as “Extraordinary Use” connections.
- Residents of Te Roera Hills were charged \$1.12/m³ of water, 38% more than most of Napier.
- The residents also paid for body corporate fees.
- Mr Ellis requested an allowance of 300m³ per property per year at the standard Napier property water rate of \$0.81/m³ be given.
- Any additional water useage over 6,600m³ is then charged at the \$1.12/m³ rate.
- As a bulk buyer from Napier city it should receive water at a lower rate.

- He requested reclassification of the subdivision from “Extraordinary Use”.

In responses to questions it was noted:

- The Annual Plan 2022 adopted the standard rate for all water meters, however this would not be implemented until 2023 and there was work still to be undertaken to finalise this. A special consultative procedure would be required in regard to the rate.
- The 38% paid by the Trust does not include the capital development cost of \$300,000 to install the water system.
- \$0.62/m³ is associated with non-domestic meter connection and the higher rate of \$1.12m³ is for domestic and other supplies.
- For metered property the first 300m³ of water is at the rate of \$1.12 and thereafter it is at the rate of \$0.62.
- The Bylaw needs to be incorporated into Council’s Fees and Charges and adjusted through the Annual Plan, with the fees and charges being consulted on.
- Any changes would be advised to the residents.
- The Silver Lake Trust was not unique for this charging system and there were a number of bulk supply points ie Retirement Villages were also classified under the “Extraordinary Use” charge. There had been no queries from Retirement Villages in relation to their charges at this stage.
- Officers to investigate any mechanism to review the “Extraordinary Use” charge in relation to the Silver Lake Trust prior to the Annual Plan.

Submission No. 31 - Angela Denby and Sue Macdonald (Ahuriri Estuary Protection Society) spoke to their submission which supported the expansion of the Trade Waste consenting requirements. They highlighted the following points:

- Although the Bylaws do not directly concern the Ahuriri Estuary when there is a problem there is a great danger of spillages, sewerage and stormwater mixing going into the Estuary.
- Businesses who are trying to mitigate what they are putting into the Trade Waste should be rewarded for their efforts and lowering their fees is a good start.
- Need to ensure that the Bylaws apply to all businesses in Napier and not just big polluters.
- The phasing implementation would allow businesses to learn how to comply and avoid failures and the Society considered that three additional Trade Waste officers were needed to implement changes.
- As there is no mention of climate change in the document and increased heavy rainfalls and emergency releases of wastewater mixed with stormwater released into the Estuary the Society wished to know how that would be remedied.
- EDNA testing feedback from the Hawke’s Bay Regional Council indicated that there were not many species present in the Estuary.

In response to questions it was noted:

- This Bylaw and the requirements for Environmental Management Plans will increase Council’s ability to control what is discharged into both Wastewater and Stormwater networks. Requiring Trade Waste sites to manage the volume of stormwater that goes into the public wastewater system will ease pressure during heavy rainfall on the capacity of the network.
- Officers confirmed that work to remedy the blocked Pandora industrial Trade Waste pipeline had now commenced.

Submission No. 30 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay spoke to the submission and displayed a PowerPoint Presentation (*Doc Id 1474507*) and highlighted the following points:

- The submission mirrors that of the Ahuriri Estuary Protection Society which was to achieve similar outcomes to improve environmental health so the downstream effects on human health are protected.
- The District Health Board supported:
 - The introduction of an integrated Trade Waste and Wastewater Bylaw.
 - The expanded Trade Waste consenting requirements to smaller premises generating fats and other contaminants..
 - Clause A.13 "Protecting the Public Wastewater System" which aimed to prevent any stormwater, groundwater or Trade Waste entering public wastewater system.
- Recommended funding be allocated to enable Council to undertake a programme of works to survey residential and commercial stormwater infrastructure to determine and address stormwater connections.
- Noted that Wairoa District Council had implemented such a programme and had had real success in the last six years.
- Wastewater contamination can result in shellfish containing pathogens which are a health risk.

In response to questions it was noted:

- Officers sought comments from the Health on two occasions (26 March and 7 June 2022) with no response to date. The Special Consultative Procedure for Trade Waste bylaw renewals requires Council to seek feedback but does not require Council to obtain it.
- This submission relates to the local District Health Board who is contracted to the Ministry of Health but does not speak on their behalf.

The Hawke's Bay District Health Board also submitted on the Water Supply Bylaw review and with the agreement of the meeting Mr Ormsby continued with the Water Bylaw presentation.

Submission No. 17 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay spoke to the submission and displayed a PowerPoint Presentation (*Doc Id 1474506*) and highlighted the following points:

- Fully support the Water Supply 2022 Bylaw.
- Recommend that Council considers extending water metering for all buildings connected to the water supply.
- If water metering is not used to determine water charges it would provide invaluable data for managing the network.
- Consideration be given to all new buildings connected to the water supply be required to have water meters.
- Water metering is a good thing as it reduces water use and provides a fair and equitable charging regime
- Water metering can also assist to reduce peak demand during summer months when water resources are limited.
- Charging for water can delay high capital costs associated with consenting new water sources and building new infrastructure.

Officers confirmed that if water metering was to be introduced for new builds consultation would be required through the Council's Engineering Code of Practice.

*The meeting adjourned for morning tea at 9.58am
and reconvened at 10.20am*

PRESENTATION OF OFFICER'S REPORT

The Manager Environmental Solutions, Mr Burton spoke to the report advising that the Special Consultative Procedure was followed in relation to the integration of the Trade Waste and Wastewater Bylaws for Napier.

Mr Burton outlined the process undertaken for the proposed bylaw and the reasons for the integration. Written submissions were of a high quality and officers have commented on those submissions. The theme on education was highlighted through a number of submissions and very important to people on how this will affect them and how they could make a positive difference. Development of an education manual will be undertaken by officers.

In response to questions it was noted:

- The Trade Waste charge would be implemented in July 2023 and the likely charges would be communicated to consent holders during the next twelve months.
- Lot of comments and suggestions contained in submissions related to the roll out of the Bylaw rather than the Bylaw itself. A list of actions has been compiled from the submissions with the main one relating to education and officers have undertaken to develop an educational manual.
- Officers to investigate if any Council has a change management assistance programme in regard to providing low interest loans for waste reducing measures.
- Flushable wipes are coming from the domestic system and an educational approach will assist in their correct disposal. Ideally there will be advocacy through the Waste Minimisation processes nationwide to stop them being created in the beginning rather than trying to reduce waste once it is created.
- The terminology of "flushable" indicates that they can be flushed (which is not the case) and is possibly a product marketing issue.
- In regard to the small amendment to Section B.7.4 of the Bylaw a submission had been received questioning that clause and in conjunction with legal advice nowhere in the bylaw was "grit" referred to and it did not make sense to have "grit" included. However, grit separators is addressed in the clause before it.

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.

ACTION: Officers to follow up with the Ministry of Health in regard to providing any feedback in regard to the Bylaws prior to adoption.

COUNCIL Mayor Wise / Councillor Price

RESOLUTION

That Council:

- a. **Receive** the Trade Waste and Wastewater Bylaw report;

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

Carried

Attachments

- 1 Hawke's Bay District Health Board Trade Waste presentation (Doc Id 1474507)
 - 2 Water Metering (Doc Id 1474506)
 - 3 Silver Lake Trust Water Bylaw Review presentation (Doc Id 1474509)
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2. WATER SUPPLY BYLAW REVIEW

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1469680

Reporting Officer/s & Unit: 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 (*Doc Id 1475524*) 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.

At the meeting

It was noted that the following submitters had presented on the Water Supply Bylaw earlier in the meeting:

- Submission No. 18 - Cameron Ellis (Silver Lake Trust)
- Submission No. 17 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay Trust)

The Manager Water Strategy, Mr Bond and Water Planning Lead, Mr Groves spoke to the report advising there was only one minor change in the Bylaw and that was not allowing permits to people to access water from fire hydrants to protect the water supply from any potential water contaminations. There is now one water take site at Thames Street to enable contractors to access water.

In response to questions it was noted:

- In regard to the Silver Lake Trust submission it was confirmed that there is no ability for a user to apply in an independent process to be changed from an “Extraordinary User” to some other classification.
- The inequity around the volumetric charging is something that needs to be addressed, however this is outside of the Bylaw process.
- It was noted that Bay View residents if they are on a domestic ordinary connection the charges are the same as Napier residents.
- The Te Roera Hills Subdivision was in a rural residential zone and therefore still comes under the classification of an “Extraordinary User” because they are not a fully urban/domestic connection.
- Lifestyle blocks are classified as an “Extraordinary User” as the description is around the potential water use for that property to be used for light farming activities, growing crops/trees and watering larger lawns extraordinary use over and above what the majority of a water supply would have in terms of urban/domestic water consumption
- Extraordinary use is a phrase that came from the General Water Bylaw developed through Standards New Zealand.
- It was noted that Bylaws are reviewed every five years.

ACTION That Council officers will continue to investigate options in regard to water charges to the Silver Lake Trust.

COUNCIL Mayor Wise / Councillor Browne

RESOLUTION

That Council:

- a. **Receive** the Water Supply Bylaw Review report;
- b. **Consider** the submissions to the Proposed Napier City Water Supply; and
- c. **Endorse** the final form of the Proposed Napier City Water Supply; incorporating any changes following consideration of public feedback from the submissions.

Carried

The meeting closed with a karakia at 10.50am

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval