



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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ORDINARY MEETING OF COUNCIL

Open Agenda

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

Meeting Date: Wednesday 22 June 2022

Time: 9.00am

Venue: Ocean Suite
East Pier
50 Nelson Quay
Napier

Livestreamed via Council's Facebook site

Council Members **Chair:** Mayor Wise

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

Officer Responsible Chief Executive

Administrator Governance Team

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 & 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 28th March 2022, and again on 7th 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 [↓](#)



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:
- Customers discharging Domestic Wastewater to Council's Public Wastewater System; and
 - 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 m³/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 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.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.

Tanker 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 Tanker 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:
- There is no direct connection of any Stormwater pipe or drain to the Wastewater system.
 - 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.
 - 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:
- 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.
 - Controlled Trade Waste:** The discharge of Controlled Trade Waste requires a Trade Waste Consent.
 - Conditional Trade Waste:** The discharge of Conditional Trade Waste requires a Trade Waste Consent.
 - 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:
- The date of this Bylaw coming into force for:
 - Existing Operators who, as at the date of this Bylaw coming into force, hold a Trade Waste Consent; and
 - New Operators (i.e. Operators who commence discharging Trade Waste after this Bylaw comes into force).
 - 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:
- discharge (either continuously, intermittently, or temporarily) any Controlled or Conditional Trade Waste or Tankered Waste into the Public Wastewater System; or
 - 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. clearing 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 and Oil 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, 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 and Grease 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 to 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:
- 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
 - 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:
 - 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

Part A	- Requirements Common to all Water Services	4
A.1	Format of this Administration Manual	4
A.2	Applicable Acts, Regulations, Codes and Standards, and Council Codes of Practice, Policies and Plans.....	4
A.3	Definitions.....	5
Part B	- Trade Waste.....	9
	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.....	9
B.1	Administrative Procedures	9
B.2	Fees and Charges.....	11
B.3	Approval Notices	11
B.4	Trade Waste Consents	12
B.5	Tankered Waste	18
B.6	Mobile Facilities and Vendor’s Operations	18
B.7	Discharges with High Fat, Oil and Grease.....	18
B.8	Environmental Management Plans	20
B.9	Trade Waste Pre-treatment	21
B.10	Cleaner Production	23
Part C	- Wastewater	23
C.1	Discharge of Wastewater to the Public Wastewater System	23
C.2	Point of Discharge.....	24
Schedule A	Permitted Discharge Characteristics.....	25
Schedule B	Prohibited Discharge Characteristics	34
Schedule C	Fees and Charges – Methodology	35
Schedule D	Point of Discharge	36

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 m³/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 m³/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.

Tanker 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 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.6.24 to 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	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Grease trap Sink screens
Dentists	<ul style="list-style-type: none"> Amalgam from fillings contaminate the biosolids and should be recycled 	<ul style="list-style-type: none"> Amalgam trap
Hairdressers	<ul style="list-style-type: none"> Hair can tangle around pumps in the pump station and assist in causing sewer blockages that can lead to sewer overflows 	<ul style="list-style-type: none"> Sink screens

Medical Facilities	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Sink screens and plaster arrestors
Car/truck washes	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Oil/grit Interceptor
Automotive/mechanical	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Oil / water interceptors
Laundries	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Lint screens
Septic tank waste	<ul style="list-style-type: none"> • Toxic waste can have a detrimental impact on the microbes that break down the waste in the wastewater treatment plant. • 	<ul style="list-style-type: none"> • Management of septic tanks
Funeral Homes	<ul style="list-style-type: none"> • Wastewater from embalming process can be tapu and must be disposed of in alignment with cultural values of local Iwi 	<ul style="list-style-type: none"> • Rakahore channel • Education • Cleaner Production Initiatives
Laboratories	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Disposal of toxic substances by other means (not into the Public Wastewater System) • Proper management of mixing of substances when disposing
Hotels	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Management of guests and wastewater system • Flow control for Discharges from swimming pool backwashes

		<ul style="list-style-type: none"> Grease traps (for restaurants) Lint screens (for laundries)
Swimming pools	<ul style="list-style-type: none"> High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather Diatomaceous Earth 	<ul style="list-style-type: none"> 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:

- an overall approach to pollution prevention;
- the effective use of water;
- 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);
- the effectiveness of material use and processes (by employing methodologies to minimise waste and the unnecessary consumption of materials, including water conservation);
- the provision of Pre-treatment works to prevent Trade Waste containing Culturally Offensive Characteristics from entering the Public Wastewater System;
- 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;
- consideration of, and where appropriate, adoption of, innovative solutions; and
- 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 chlorine 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 m³). 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: <ul style="list-style-type: none">• Cause increased damage to Sewer structures;• Increase the potential for anaerobic conditions to form in the Wastewater;• Promote the release of gases such as H₂S and NH₃ (can adversely affect the safety of operations and maintenance personnel); and• Reflect poor energy efficiency. It should be noted that this temperature has been

	<p>reduced from 50°C to come into line with the ARMCANZ/ANZECC Guidelines for Sewerage systems.</p> <p>A lower maximum temperature may be require for large volume Discharges.</p>
Solids	
<p>Non-faecal gross solids must have a maximum dimension that must not exceed 15 mm.</p> <p>The suspended solids content of any Trade Waste must have a Maximum concentration that must not exceed 2000 g/m³. For significant industry this may be reduced to 600 g/m³.</p> <p>The settleable solids content of any Trade Waste must not exceed 50mL/L.</p> <p>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.</p> <p>At no time must the sediment layer in any trap exceed 20% of the depth or volume of the trap.</p> <p>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.</p>	<p>Gross solids can cause Sewer blockages. In case of Conditional Consents, fine screening may be appropriate.</p> <p>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/m³ and 2000 g/m³. The ANZECC Guidelines recommend a limit of 600 g/m³.</p> <p>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/m³ may be used as a guideline.</p>
Oil and Grease	
<p>There must be no free or floating layer.</p> <p>Fat, oil or grease must not exceed 100 g/m³.</p> <p>At no time must the fat, oil or grease layer exceed 20% of the depth or volume of the trap</p>	<p>Oil and grease can cause Sewer blockages, may adversely affect the treatment process, and may impair the aesthetics of the receiving water.</p> <p>Where the Wastewater treatment plant Discharges to a sensitive receiving water, lower values should be considered.</p> <p>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/m³.</p> <p>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.</p>

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/m ³ or the concentration agreed with the Council.	'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.
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).	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.
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.	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.	<p>Extremes in pH:</p> <ul style="list-style-type: none"> • Can adversely affect biological treatment processes; • Can adversely affect the safety of operations and/or maintenance personnel; • Cause corrosion of Sewer structures; and

	<ul style="list-style-type: none"> • Increase the potential for the release of toxic gases such as H₂S and HCN. <p>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.</p>
Organic Strength	
Where there is no Council treatment system for organic removal the BOD ₅ must not exceed 1000 g/m ³ . For significant industry this may be reduced to 600 g/m ³ .	<p>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.</p> <p>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.</p> <p>If the treatment plant BOD₅ capacity is not limited, and sulphides are unlikely to cause problems, there may be no need to limit BOD₅.</p> <p>High COD may increase the potential for the generation of sulphides in the Wastewater.</p> <p>A BOD₅ limit which is too stringent may require</p>
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/m ³)	Mass Limits (kg/day)	Reason for limit
MBAS (Methylene blue active substances)	500	1.5	<p>MBAS is a measure of anionic surfactants. High MBAS can:</p> <ul style="list-style-type: none"> • Adversely affect the

			<p>efficiency of activated Wastewater sludge plants; and</p> <ul style="list-style-type: none"> • Impair the aesthetics of receiving waters. <p>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.</p>
Ammonia (measured as N)			<p>High ammonia:</p> <ul style="list-style-type: none"> • 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 SO ₄)	500 1500 (with good mixing)	2.5	<p>Sulphate:</p> <ul style="list-style-type: none"> • 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 SO ₂)	15	0.075	Sulphite has potential to release SO ₂ 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 H ₂ S on acidification	5	0.025	<p>Sulphides in Wastewater may:</p> <ul style="list-style-type: none"> • 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. <p>Under some of the conditions above sulphide should be <2.0 g/m³.</p>
Chlorine (measured as Cl ₂) Free chlorine Hypochlorite	3 30	0.015 0.15	<p>Chlorine:</p> <ul style="list-style-type: none"> • Can adversely affect the safety of operations and maintenance personnel; and • Can cause corrosion of the Public Wastewater System. <p>ARMCANZ/ANZECC Guidelines for sewerage systems utilise a figure of 10 g/m³.</p>
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 Br ₂)	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/m ³ .
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
<p>Note:</p> <p>Heavy metals have the potential to:</p> <ul style="list-style-type: none"> • Impair the treatment process; • Impact on the receiving environment; and • Limit their use of Wastewater sludge and effluent. <p>Where any of these factors are critical it is important that local acceptance limits should be developed.</p> <p>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.</p>					

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: <ul style="list-style-type: none"> • 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-101 PCB-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: <ul style="list-style-type: none"> • 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 System by 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 (m³/d)
- Peak instantaneous flow (l/s)
- Five day Biochemical Oxygen Demand (BOD₅) (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 BOD₅, 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

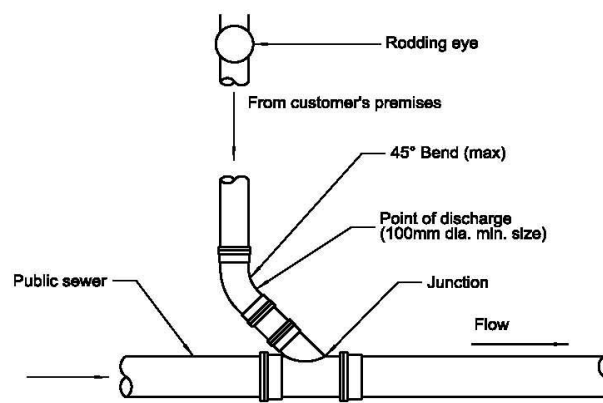
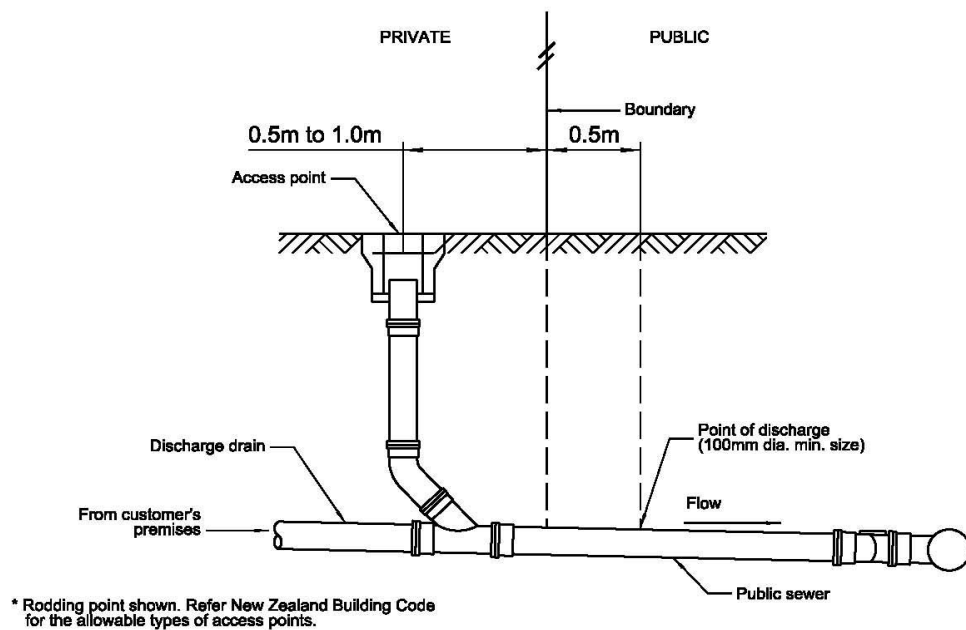
their preference.

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

LAYOUT AT POINT OF DISCHARGE



PLAN VIEW

DOMESTIC DISCHARGE TO PUBLIC SEWER ON PRIVATE LAND

Figure 1 - Layout at Point of Discharge

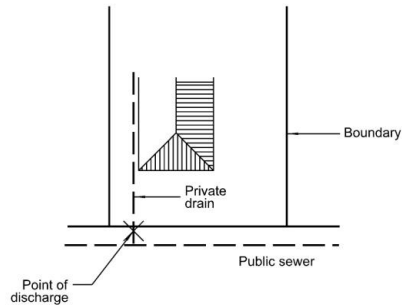
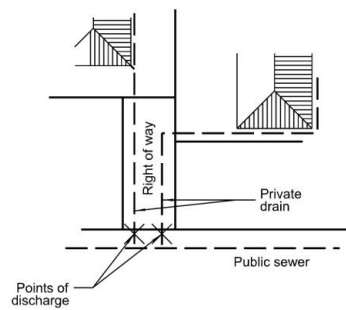
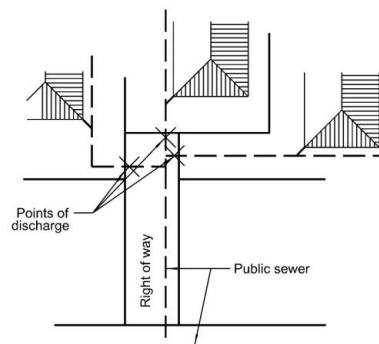
POINT OF DISCHARGE LOCATION**WITH STREET FRONTAGE****REAR LOTS ON RIGHT OF WAY (up to 2 customers)****REAR LOTS ON RIGHT OF WAY (up to 3 customers)**

Figure 2 – Point of Discharge Location

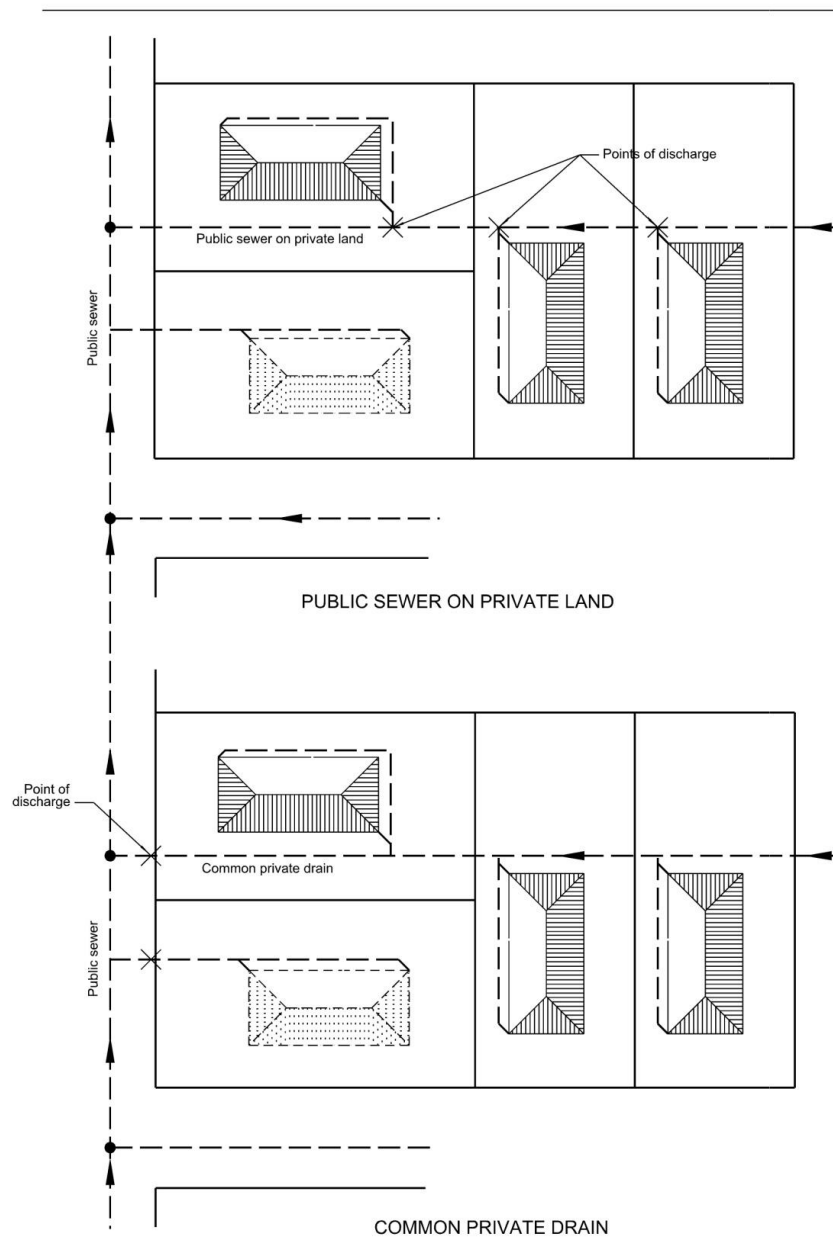


Figure 3 – Public Sewer on Private Land and Common Private Drain

Attachment D: Submissions Report

Submission #	Submitter	Group or organisation	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
1.	Chad Tareha	No	Supports expanded trade waste consenting requirements Supports phased implementation. Supports revised Trade Waste charging model. Supports WasteTrack for Hazardous Waste Tanker operators. Supports requirement for food premises to properly maintain grease traps.	No comment.	No change.	No
2.	Morgan Conneely	No	Supports expanded trade waste consenting requirements General consensus among 18 attendees in 2021, representing `16 sites holding current trade waste consents, was agreement with the proposed changes. Proposed changes subsequently should be increased in scope and ambition as not effective enough. Does not support phased implementation. Polluters should not be granted grace periods for compliance, requires a zero tolerance approach. Supports revised Trade Waste charging model but wants confirmation it has been independently verified. Believes Trade Waste should not have a permitted activity category; all Trade Waste should require consent. Wants to stamp out accidental and deliberate discharge of [trade] waste into wastewater system. Supports WasteTrack for Hazardous Waste Tanker operators. Supports requirement for food premises to properly maintain grease traps. Council should keep records of servicing and inspections. Concerned that the bylaw does not address micro plastics or hazardous particulates from industrial and commercial premises:	Part of the reason for the agreement is that there has been a high level of engagement and conversation with these consent holders since 2019 about the Council's intentions to change Trade Waste management in Napier, so they have all been well prepared for the changes. The proposed system is intended to fairer and incentivise better treatment, so those already complying feel like they will be better rewarded for their efforts, and those who are not compliant will have much better tools to enact change within their organisations. Good environmental rules should allow businesses and industries the chance to work with authorities because lasting change will only be made with collective efforts from everyone. Permitted Trade Waste will require an Approval Notice. This category is considered very low risk and have low enough volumes and flows that they do not have any significant impact on the network or on the overall quality of the waste water being discharged to the Ocean. The resources and cost incurred by Council to monitor and manage Permitted Trade Waste through consents would be much too high to be justifiable or worthwhile and not considered a good use of time or money. There may be some confusion here, as the Public Wastewater System is the term used for the whole waste water network, which waste is and should be discharged into (in a way that complies with the current Bylaw). If this is taken to mean 'Any occurrences of accidental or deliberate discharge of waste into the Stormwater System',	Research into emerging contaminants, including micro plastics should become a key part of the trade waste officers’ role. Consider adding requirement to review the Administration Manual document after 1 year then every 2 years after to ensure it is kept current and up to date with latest research and technology. Council to consider including mention of filters in hand wash basins in Admin manual if appropriate sections are identified.	No

Submission #	Submitter	Group or organisation	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			<ul style="list-style-type: none">- Ban sale of flushable wipes;- Require small grease traps for all new developments;- Rigorously enforce internal compliance for Council’s own waste;- Industrial/commercial premises to install filters in hand wash basins to catch hazardous waste;- Make businesses pay, not ratepayers.	<p>this is predominantly covered by the NCC Stormwater Bylaw, but this Bylaw also supports this.</p> <p>The implementation of the WasteTRACK system will allow Council to receive and keep such records.</p> <p>This Bylaw is written with an Administration Manual sitting under it, which allows microplastics or any other emerging contaminants to be added as limits, with any requirements for treatment, as the research and technology is developed. NCC take an active role in the NZ Trade and Industrial Waters Forum, who produced a model Trade Waste Bylaw in 2008, and may update it in the near future.</p> <p>NCC do not have jurisdiction on the sale of 'flushable wipes' but there will be a focus on education around this matter.</p> <p>Grease traps will be required in all new food premises or trade waste premises which will or are likely to discharge high FOG content.</p> <p>The Council is assessing its own compliance through capital expenditure on monitoring devices and network improvements to enable increased automation of the WW network for overflows into the environment that is regulated by the regional council, and we endeavour to report all ww overflows, which may adversely impact the environment. Future investment is secured for improvements.</p> <p>The need for filters on commercial/industrial sinks and other necessary treatment devices will be picked up on a case by case basis through the registration process, site inspections and Environmental Management Plans required under the new Bylaw.</p> <p>The charging model will be used for quality purposes in the 12 months before the new charges are implemented. This will allow some verification of the model and produce adequate data for a correction of residential rates.</p> <p>NCC to confirm the consequences intended by this Bylaw for operators that do not comply.</p>		
3.	Penelope Isherwood	No	Supports expanded trade waste consenting requirements Does not support phased implementation.	Impacts on the economy from Covid-19 have been considered when applying deadlines, particularly for small and local businesses. The timeframes are considered reasonable to allow businesses to complete the	Timeframes for compliance will be monitored closely and revised as needed. Council to	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Time extensions will only make the problems worse. Supports revised Trade Waste charging model. Those who do most harm should pay the most. Supports WasteTrack for Hazardous Waste Tanker operators. Supports requirement for food premises to properly maintain grease traps.	administrative tasks required, and to budget for any upgrades that must be made. Council must also put new systems in place to manage and enforce the new Bylaw.	consider incentives for meeting compliance obligations early.	
4.	Rebekah Mitter	No	Supports expanded trade waste consenting requirements Supports phasing implementation to allow greater time to achieve compliance. Strongly supports the revised Trade Waste charging model. Supports introduction of WasteTrack for Hazardous Waste Tanker operators and believes it is overdue. Supports requiring food premises to have properly maintained grease traps.	No comment.	No change.	No
5.	Elviena Collins	No	Supports expanded trade waste consenting requirements Does not support phasing implementation to allow greater time to achieve compliance. Supports the revised Trade Waste charging model. Supports introduction of Waste Track for Hazardous Waste Tanker operators. Supports requirement for food premises to properly maintain grease traps.	No comment.	No change.	No comment
6.	Nicholas Eddy	No	Supports expanded trade waste consenting requirements Concerned about environmental problems and growing population, wants Council to be very proactive in environmental management. Supports phasing implementation to allow greater time for compliance to be achieved. Supports the revised Trade Waste charging model. Supports introduction of Waste Track for Hazardous Waste Tanker operators.	The expansion of the trade waste consenting regime will allow better oversight of the whole lifecycle of water and how it is used and disposed of in Napier. The focus of the Bylaw review has been a more holistic approach to water management.	No change.	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Believes heavy use operators need to be more accountable for their impacts. Wants a targeted rate not a general rate.			
7.	Ann Logan	No	Supports expanded trade waste consenting requirements Companies should not be able to discharge into Ahuriri Estuary. <ul style="list-style-type: none">- Culturally significant to mana whenua- Supports very diverse birdlife, including critically endangered species.- Highest diversity of native fish in region.- Breeding ground for marine fishery. Wants measures to protect Ahuriri Estuary. Supports phasing implementation to allow greater time for compliance to be achieved. Work is urgent, must ensure no more environmental damage takes place. Supports revised Trade Waste charging model and believes it should be a user pays system. Supports introduction of Waste Track for Hazardous Waste Tanker operators. Supports requiring food premises to have properly maintained grease traps.	This is a great piece, which has clearly been well researched by passionate people and helps to identify the value and uniqueness of the Ahuriri Estuary, which will be further protected from pollution by this proposed Bylaw.	No change.	No
8.	Juliet Greig	No	Supports expanded trade waste consenting requirements Wants a grace period (potentially until 1/01/2025) to comply with standards. Believes should have further tours of Napier waste water plant and education campaign to encourage café/bar owners to comply. Supports revised charging model, believes it would require enforcement and monitoring. Supports Waste Track. Supports requiring food premises having properly maintained grease traps. Bylaw needs to be backed up by government with appropriate legislation to give it teeth.	This is a great idea, there will certainly be a large focus on education which could include tours of the WWTP, videos and working groups which target specific industries.	Education plan as part of rollout strategy.	No

Submission #	Submitter	Group organisation	or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
9.	Andrew Jarmin	No		<p>Supports expanded trade waste consenting requirements</p> <p>Wants a carrot and stick approach: fine industries that excessively pollute and reduce rate of charge on industries that reduce their burden on infrastructure (although no subsidies/payments for compliance).</p> <p>Supports phased implementation.</p> <p>Cut-off date for compliance 1/01/2025 should be ample time for industries to comply.</p> <p>Supports revised Trade Waste charging model.</p> <p>Possibly provide low interest loans to implement waste burden reducing measures, if lowers operating costs in long run.</p> <p>Supports Waste Track provided it is cost effective, doesn’t want overpriced tracking e.g. monthly subscription charges.</p> <p>Supports requiring food premises to have properly maintained grease traps, although thought this would be covered by the Building Code.</p> <p>Wants bylaws to have some teeth.</p>	<p>This will be achieved with the implementation of the Charging Model.</p> <p>An educational approach will be taken and Council will work with businesses to assist with achieving compliance on a reasonable timeframe.</p> <p>WasteTrack is a national system which does not charge monthly subscriptions (?)</p> <p>Quality and treatment requirements of trade waste is not covered by the Building code.</p>	No change.	No
11.	David Small	No		<p>Supports expanded trade waste consenting requirements</p> <p>More responsibility on businesses will give more space for Council to do other work.</p> <p>Supports phased implementation; businesses will need to upgrade filtration systems.</p> <p>Supports revised Trade Waste charging model.</p> <p>Supports introduction of Waste Track.</p> <p>Supports requirement for food premises to properly maintain grease traps.</p>	No comment.	No change.	No
12.	Tony Carstens	No		<p>Supports expanded trade waste consenting requirements</p> <p>User should pay.</p> <p>Does not support phased implementation.</p>	<p>This will be achieved with the implementation of the Charging Model.</p>	No change.	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Supports revised Trade Waste charging model. Supports introduction of Waste Track. Supports requiring food premises to properly maintain grease traps.			
12.	Karen Taotahi	No	Supports expanded trade waste consenting requirements Supports phased implementation. Supports revised charging model; trade firms should pay, not ratepayers. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	No comment.	No change.	No
13.	H. Moore	No	Supports expanded trade waste consenting requirements Does not support phased implementation. Supports revised Trade Waste charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	Impacts on the economy from Covid-19 have been considered when applying deadlines, particularly for small and local businesses. The timeframes are considered reasonable to allow businesses to complete the administrative tasks required, and to budget for any upgrades that must be made. Council must also put new systems in place to manage and enforce the new Bylaw.	Timeframes for compliance will be monitored closely and revised as needed. Council to consider incentives for meeting compliance obligations early.	No
14.	Karen Clarkin	No	Supports expanded trade waste consenting requirements Supports phased implementation. Supports phased implementation. Supports Trade Waste charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	No comment.	No change.	No
15.	Jesse O’Connor	No	Supports expanded trade waste consenting requirements Supports phased implementation. Supports Trade Waste charging model.	No comment.	No change.	No

Submission #	Submitter	Group or organisation	Key themes of the submission	Officer's comments on the submission	Officer's recommendations	Wish to be heard
			Supports Waste Track; believes should already be tracked. Supports requiring food premises to properly maintain grease traps; should have interceptor tanks.			
16.	Adnan Hasnain	No	Supports expanded trade waste consenting requirements Does not support phased implementation. Does not support revised Trade Waste charging model. Does not support Waste Track. Supports requiring food premises to properly maintain their grease traps.	No reasons provided for opposition of phased implementation, revised Trade Waste charging model or Waste Track. No further comments.	No change.	No
17.	Karl Matthys	No	Supports expanded trade waste consenting requirements Cost of treating problematic waste needs to be borne by the industry responsible. Supports phased implementation. Supports revised Trade Waste charging model. Supports Waste Track; wants monitoring of industrial waste. Supports requiring food premises to properly maintain grease traps.	The Charging Model will increase ability to properly allocate capacity at the treatment plant.	No change.	No
18.	Chris Clarke	No	Opposes expanded trade waste consenting requirements Wants proposal and its effects outlined in plain English. Doesn't want something that seems like a "good idea" but is actually detrimental to Napier. Does not support phased implementation. Wants greater transparency from Council, especially regarding costs for ratepayers. Does not support revised Trade Waste charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	This will passed onto NZTA. Details can be found in the Bylaw and other documents attached to this proposal.	No change.	No comment
19.	Bruce Salisbury	No	Supports expanded trade waste consenting requirements Supports phased implementation.	No reasons provided for opposition of revised Trade Waste charging model or requirement of food premises to properly maintain grease traps. No further comments.	No change.	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Does not support revised charging model. Supports Waste Track. Does not support requirement of food premises to properly maintain grease traps.			
20.	Connie Moroney	No	Supports expanded trade waste consenting requirements Require trades to separate waste, i.e. recycling, waste wood, bio hazard paints, glues etc. Does not support phased implementation. Remove the lazy “chuck it in the bin” attitude. Supports Trade Waste charging model. Fines for failing to comply & rewards for consistent compliance. Supports Waste Track. Supports requiring food premises to properly maintain grease traps. Have Council spot checks without warning.	It appears trade waste has been taken to mean solid waste, which this Bylaw does not cover. While this is taken to mean solid waste, this premise also applies to trade waste. Fair charges for cost to treat rather than fines is considered incentive for compliance.	No change.	No
21.	John Nielsen	No	Supports expanded trade waste consenting requirements Supports phased implementation. Supports revised Trade Waste charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps. Concerned small businesses can’t afford new costs.	Responsibility for treatment must be on the discharger, particularly for contaminants which cause blockages in pipes. This is an acceptable cost of operating a hospitality business in the wider industry and in many other districts in New Zealand.	Ensure rollout is as fair as possible to small businesses and include consideration for financial hardship in rollout plan and education plan.	No
22.	Andrew Condon	bStudio Limited	Supports expanded trade waste consenting requirements - Any business with Trade Waste needs to be part of consents process. Coherent national and regional plan required. Supports phased implementation. Concerned about extra costs for business at time of difficulty with staff, inflation etc, especially in next 2 years. Phased and inclusive roll out will have better results. Supports revised Trade Waste charging model. Should be user pays system.	All trade waste businesses will either be required to obtain a consent or Approval Notice. [Phased and inclusive roll out] aligns with the values of the proposed Bylaw. [Business contributing to operating costs if they dump trade waste] aligns with the values of the proposed Bylaw and charging model. Additional costs and pressures to business has been a consideration and will continue through the rollout.	Liquid and Hazardous Waste Operators to be contacted directly.	No

Submission #	Submitter	Group or organisation	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Supports Waste Track, provided operators are consulted. Supports requiring food premises to properly maintain their grease traps.			
23.	Malcolm Ballantine	No	Opposes expanded trade waste consenting requirements - Just another income stream for the Council. Does not support phased implementation. Having a NCC and Hastings District Council outlet close together is wasteful; duplication of waste water system needs to be ended. Undertake public consultation and merge ideas with HDC before putting a proposal to ratepayers. Does not want more rate increases. Does not support revised Trade Waste charging model, another nail in the coffin of local business from NCC, causing businesses to disappear. Does not support Waste Track due to cost. Does not support requiring food premises to properly maintain grease traps. Concerned about increasing socialism, increasing costs and ridiculous NCC spending.	Accurate cost recovery and charging for the services provided are the objectives. Merging NCC and HDC treatment plants is outside the scope of this proposed Bylaw. The proposed new regulations align with many other districts in NZ. The speed limit of the Napier-Taupo road is not within the scope of this proposal. This [environmental protection] aligns with the values of the proposed Bylaw. Merging NCC and HDC treatment plants is outside the scope of this proposed Bylaw. The proposed new regulations align with many other districts in NZ. The speed limit of the Napier-Taupo road is not within the scope of this proposal.	No change.	No
24.	John Stewart	LegaSea Hawkes Bay	Supports expanded trade waste consenting requirements Supports phased implementation. Supports revised Trade Waste charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	No comment.	No change.	No
25.	Rose Annear	No	Supports expanded trade waste consenting requirements - We need to be more environmentally friendly. Supports phased implementation, wants done ASAP. Supports revised charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps.	This [ensuring our behaviour doesn’t damage the environment] aligns with the values of the proposed Bylaw.	No change.	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer's comments on the submission	Officer's recommendations	Wish to be heard
26.	Ian Barns	No	<p>Supports expanded trade waste consenting requirements</p> <p>Supports phased implementation, will help businesses adapt to requirements and to survive with increased costs.</p> <p>Supports revised charging model.</p> <p>Supports Waste Track.</p> <p>Supports requiring food premises to properly maintain grease traps.</p>	This [phasing to help businesses comply] aligns with the values of the proposed Bylaw.		No
27.	Jodi Baxter	No	<p>Supports expanded trade waste consenting requirements - Move to a system where the environment is never a trade-off.</p> <p>Supports phased implementation, support businesses to make changes to comply.</p> <p>Supports revised Trade Waste charging model, should channel funds into restorative and regenerative systems.</p> <p>Supports Waste Track.</p> <p>Supports requiring food premises to properly maintain grease traps.</p>	<p>This [ensuring the environment is never a trade-off] aligns with the values of the proposed Bylaw.</p> <p>Council will take an educational approach and consider ways to support businesses and industries through any required changes.</p>	Develop education plan.	No
28.	Jennifer Leadley	New Zealand Trade & Industrial Waters Forum (NZTIWF)	<p>Supports expanded trade waste consenting requirements</p> <p>Supports phased implementation.</p> <p>Supports revised charging model.</p> <p>Supports Waste Track.</p> <p>Supports requiring food premises to have properly maintained grease traps.</p> <p>NZTIWF supports inclusion of requirement for Tankered Waste Operators to be code-compliant with the Liquid and Hazardous Wastes Code of Practice as proposed in s B.7.12 of the Bylaw, and s B.5 Tankered Waste of the Administration Manual.</p>	No comment.	No change.	No
29.	Anna Blah	No	<p>Supports expanded trade waste consenting requirements</p> <p>Supports phased implementation.</p> <p>Supports revised charging model.</p>	No comment.	No change.	No comment

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			Supports Waste Track. Supports requiring food premises to properly maintain grease traps.			
30.	Kim Maitland	Hawke’s Bay District Health Board	Supports expanded trade waste consenting requirements Supports phased implementation. Supports revised charging model. Supports Waste Track. Supports requiring food premises to properly maintain grease traps. Supports intention of extended requirements to cover smaller premises generating fats and other contaminants affecting downstream health. Also supportive of clause A.13 “Protecting the Public Wastewater System.” Storm water infiltration a significant factor in raw sewage entering receiving environment, especially Ahuriri Estuary which is significant to Maori and wider community as a place to gather kai. Recommends allocating funding to physically survey residential and commercial storm water infrastructure to determine & address storm water connections to waste water networks. Wairoa DC have done this and had substantial successes in stopping illegal connections.	More smoke testing to identify cross connections is scheduled for next month, and a comprehensive detection campaign will commence next financial year.	No change.	No

Submission #	Submitter	Group or organisation	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
31.	Angela Denby	Ahuriri Estuary Protection Society	<p>Supports expanded trade waste consenting requirements - very important that bylaws apply to all businesses in Napier, not just big polluters.</p> <p>Supports phasing implementation; allows businesses to learn how to comply and avoid failures. Concerned about lack of staff to implement changes, need > three new trade waste officers to implement.</p> <p>Supports revised charging model.</p> <p>Supports Waste Track, ensures no illegal dumping.</p> <p>Supports requiring food premises to properly maintain grease traps.</p> <p>Still need to protect Ahuriri Estuary from ‘emergency’ discharges of mixed storm water and wastewater during high rainfall.</p>	<p>This will be achieved by expanding the trade waste consenting regime.</p> <p>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.</p>	No change.	Yes
32.	Ollie Doherty-Ramsay	The Fuel Companies (Z Energy, BP Oil, Mobil Oil)	<p>Partially supports (wants modifications) expanded trade waste consenting requirements</p> <p>Concerned with how proposed bylaw addresses car wash discharges.</p> <p>Requirement for ‘Permitted Trade Waste’ to meet Schedule A requirements without pre-treatment means most discharges from trade premises require at least controlled consent e.g. kitchen with grease trap won’t comply without the device and require consent.</p> <p>This approach is not effects-based, unlike current bylaw. New approach not justified, at least in the context of car washes.</p> <p>Car washes recycle 65-90% of water and have sumps to settle sediment, enabling compliance with Schedule A through these devices.</p> <p>Need for consent a precursor to unnecessary monitoring, costs, and delays, when companies already undertake monitoring themselves.</p> <p>Want to remove ‘without pre-treatment’ from definition of ‘Permitted Trade Waste’ at A.9.1.</p> <p>Car wash discharges meeting Schedule A, excluding 24 hour flow volume, should have a controlled trade waste</p>	<p>Many discharges which were previously permitted will now require a controlled consent. Most controlled consents for low risk sites will be issued for 5 years and have few conditions and compliance requirements. Consenting these sites will allow Council to have greater control over all trade waste discharged to the network to manage the conveyance, treatment and discharge better, as well as more accurately charge for this service.</p> <p>The consents will be focused on ensuring the proper management and servicing of all pre-treatment devices.</p> <p>NCC TPH limit 30 g/m3.</p> <p>Consent requirements will be relative to the risk and compliance of trade waste sites. Controlled consents will probably focus more on maintenance of treatment systems rather than sampling and monitoring.</p> <p>Council does currently consent one car wash so a more consistent approach is proposed.</p> <p>5m3 considered high water usage and discharge - consistent with other councils and drinking water standards</p>	Council to remove reference to ‘grit’ from section B.7.4 of the Bylaw and confirm definition of ‘Controlled Trade Waste’ is present.	No

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
			<p>pathway as volume is not determinative of risk, and instead address this through metering. Should remove the 5m3 limit, or increasing it to 10m3 for modern car washes.</p> <p>Remove ‘Oil and Grit Interceptors’ and clause c from B.7.4, and instead rely on B.7.3.</p>			
33.	Pip Thompson	Napier City Business Incorporated	<p>Supports expanded trade waste consenting requirements (conditional on suggested changes)</p> <p>Supports phasing implementation, although want longer timeframe to implement, including 5-6 month trial period for meters which is not charged.</p> <p>Supports Waste Track.</p> <p>Supports revised charging model.</p> <p>Supports requiring food premises to properly maintain grease traps.</p> <p>Request an educational manual on discharging waste water responsibly to effect long term change.</p>	Council agrees to these conditions, noting that not all businesses will be charged based on meters.	Develop education manual to use during rollout and ongoing.	Yes

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
34.	Grant Russell	Port of Napier Limited	<p>Supports expanded trade waste consenting requirements</p> <p>Port activities generally limited to domestic type waste water disposal e.g. toilets, showers, hand basins.</p> <p>Anticipate that there will be no additional charges or fees for the Port as no trade waste is discharged from site and waste water falls under permitted discharge characteristics in Schedule A.</p> <p>Understand that discharges under 5m3/day and 2L/S with characteristics under Schedule A do not incur fees. Can throttle flows to prevent discharges greater than 2L/S.</p> <p>General comments:</p> <ul style="list-style-type: none">- Part A, 10: Does a definition for ‘Controlled Wastewater’ need to be provided?- Part B, 11: Unclear where to find the registration form referenced.- Part B, 12: Wish to be informed when ‘Approval Notices’ under B.3.1. and B.3.2. are made available	<p>Wash water and any other non domestic waste water would likely be trade waste. This will be determined by Council Officers based on Registration Form and site assessments.</p>	<p>Council to ensure definition of Controlled Trade Waste is included in relevant document.</p>	No
35.	Garry Venus	AFFCO NZ Limited	<p>Partially supports expanded trade waste consenting requirements. AFFCO operates a facility at 26 Tyne Street, Napier discharging trade waste, supports initiatives to improve environmental performance but has reservations about limits for components in Table 4 of the Administration Manual, especially for ammonia and sulphide/sulphate. All limits in Schedule A should reflect actual risk to trade waste collection system and environment.</p> <p>Supports phasing implementation.</p> <p>Proposed limits in Table 4 of Administration Manual unduly restrictive and require significant plant modification.</p> <p>Supports revised charging model, subject to clarification and agreement on how the cost sharing model applies.</p> <p>Supports Waste Track.</p>	<p>Technical experts have been engaged to review the limits and guidelines need to be set in a general way. Targetted limits will be calculated using the charging model and applied to Conditional consent holders individually which should allow more consideration to the points made here.</p> <p>Also public H&S a consideration. Ammonia levels are very high and is toxic.</p> <p>No different to previous and model Bylaws.</p> <p>Council will continue to work with the submitter on compliance. The Charging model will allow fair allocation of contaminant loading.</p>	<p>Use of Charging Model for specific contaminant loading allocations.</p>	Yes

Submission #	Submitter	Group organisation or	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendations	Wish to be heard
36.	Tom Ryan	New Zealand Wool Testing Authority Limited	<p>Opposes expanded trade waste consenting requirements.</p> <p>Supports phasing implementation, given may require plant re-design a reasonable timeframe should be considered.</p> <p>Supports revised charging model.</p> <p>Supports Waste Track.</p> <p>Supports requiring food premises to properly maintain grease traps.</p>	Timeframes for individual plant upgrades can be agreed between consent holders and the Council through the Environmental Management Plan.	Include timeframes in Environmental Management Plan guide document so that consideration can be given to each site specifically during consenting process.	No
37.	Armann Ainarsson	Hastings District Council	<p>Neutral on expanded trade waste consenting requirements</p> <p>Concerned with using an external document alongside the Bylaw to set controls.</p> <p>HBDC had been told whilst reviewing their bylaw that referring to an external document in the bylaw, which is subject to change independent of the bylaw, was ultra vires.</p> <p>External document does not have to go through consultation.</p> <p>Prefers the simplicity of HBDC’s current bylaw style to that of the model trade waste bylaw style.</p>	The Bylaw structure with an administration manual has been used effectively by other Councils and was developed with extensive legal advice.	<p>No change.</p> <p>Monitor use of similar Bylaws in other districts in NZ and any case law which may affect NCC, particularly around Administration manuals.</p>	

Actions for Rollout

- Regular research into Emerging Contaminants, including microplastics.
- Requirement to review Administration Manual after 1 year then every 2 years or as required.
- Consider including filters in hand wash basins in appropriate section of Administration Manual.
- Consider implementing incentives for meeting compliance early.
- Develop an Education Plan which includes an Education Manual.
- Monitor the use of similar Bylaws in other districts and any relevant case law regarding Administration Manuals.
- Include a section for timeframes to achieve compliance in Environmental Management Plan guide document.

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	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Grease trap • Sink screens
Dentists	<ul style="list-style-type: none"> • Amalgam from fillings contaminate the biosolids and should be recycled 	<ul style="list-style-type: none"> • Amalgam trap
Hairdressers	<ul style="list-style-type: none"> • Hair can tangle around pumps in the pump station and assist in causing sewer blockages that can lead to sewer overflows 	<ul style="list-style-type: none"> • Sink screens
Medical Facilities	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Sink screens and plaster arrestors

Car/truck washes	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Oil/grit Interceptor
Automotive/mechanical	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Oil / water interceptors
Laundries	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Lint screens
Septic tank waste	<ul style="list-style-type: none"> Toxic waste can have a detrimental impact on the microbes that break down the waste in the wastewater treatment plant. 	<ul style="list-style-type: none"> Management of septic tanks
Funeral Homes	<ul style="list-style-type: none"> Wastewater from embalming process can be tapu and must be disposed of in alignment with cultural values of local Iwi 	<ul style="list-style-type: none"> Rakahore channel Education Cleaner Production Initiatives
Laboratories	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Disposal of toxic substances by other means (not into the Public Wastewater System) Proper management of mixing of substances when disposing
Hotels	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Management of guests and wastewater system Flow control for Discharges from swimming pool backwashes Grease traps (for restaurants) Lint screens (for laundries)
Swimming pools	<ul style="list-style-type: none"> High water users can cause capacity issues in the Public Wastewater System, particularly during wet weather Diatomaceous Earth 	<ul style="list-style-type: none"> 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 Hawke'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 are used in relatively small amounts. However, as they are used by many different 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 stream but not fully degraded and /or removed from the waste stream by traditional primary and secondary wastewater treatment systems. Biosolids and effluent from municipal wastewater treatment plants have been identified as the major source.

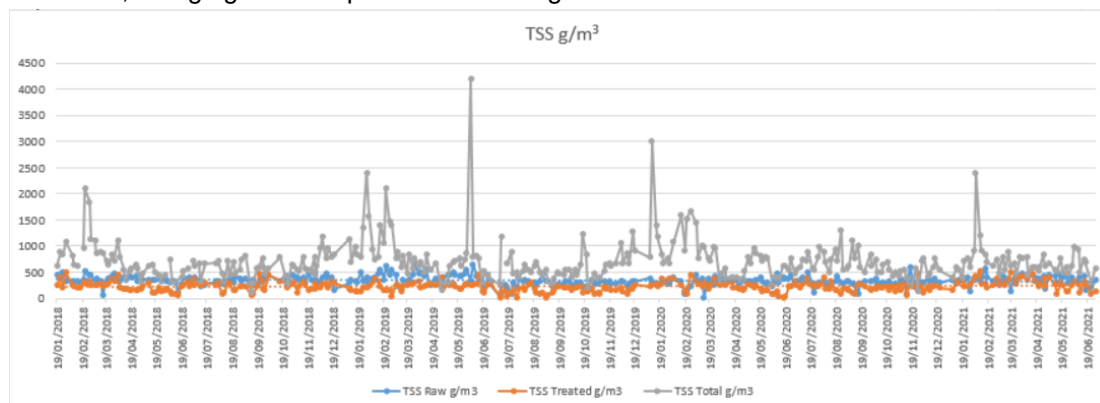
The Bylaw must allow for better regulation of EOCs to align with developments in the field.

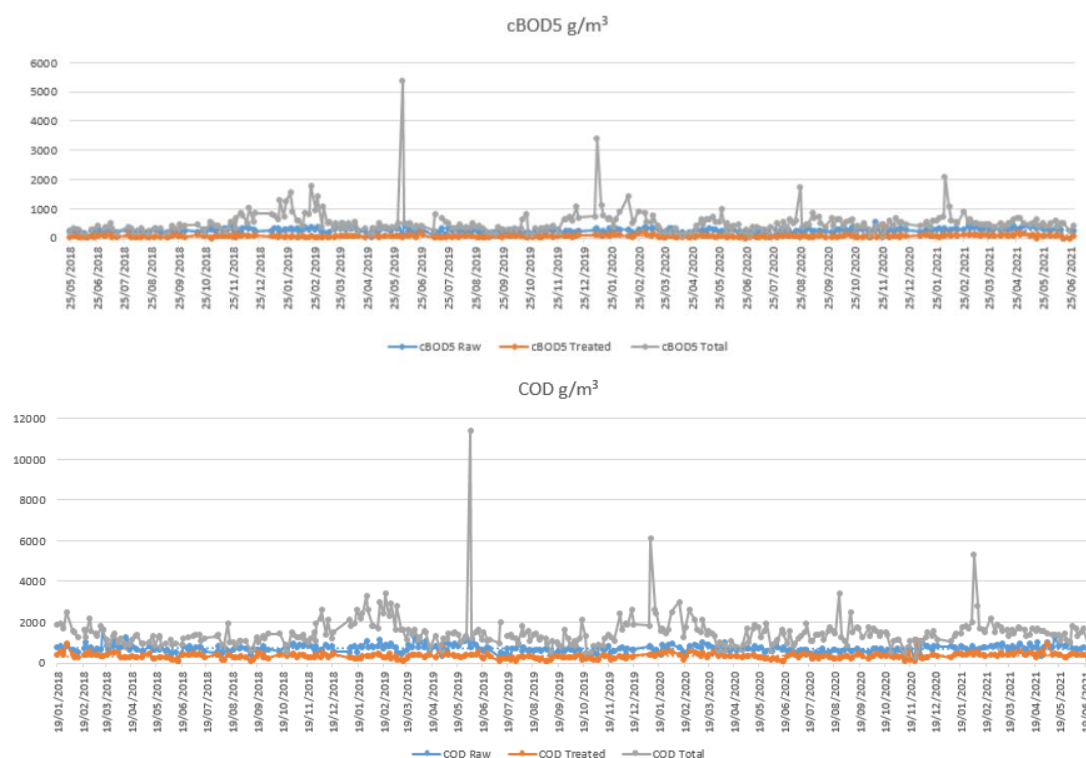
Consent Compliance

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 Tricking 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 Hawke'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 be 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.



Trade Waste and Wastewater Bylaw

Community Engagement Report

May 2022

1. Background

The Napier City Council has decided to review its Trade Waste and Wastewater Drainage Bylaws with the intention of designing an integrated bylaw that better supports environmental protection in Napier. This review utilised extensive early engagement to gather the perspectives of current trade waste consent holders and potentially newly affected groups to understand and incorporate their perspectives before commencing formal consultation.

Formal consultation on the proposed Bylaw was run concurrently with that of the Water Supply Bylaw. No significant changes were being made to the Water Supply Bylaw that weren't already incorporated in current council practice. No specific community engagement was undertaken for the Water Supply Bylaw with only minimal communications and marketing for the project occurring. No engagement report has been prepared for this Bylaw.

This summary describes the public engagement undertaken between August 2021 and May 2022.

2. Overall approach and purpose

A high-level engagement plan observing sections 82 and 83 of the Local Government Act 2002 was developed for this project. This plan recognised that engagement and education work for this project would occur across multiple phases during the review.

The first stage of targeted engagement occurred with the 27 current trade waste consent holders. This stage of engagement focused on socialising the review and gathering early feedback from organisations currently engaged with Council trade waste processes. This took the form of three one-hour long workshops where the case for change was presented and ideas for changes to the Bylaw discussed and debated. These workshops took place during October 2021.

The second stage of targeted engagement look to reach as many businesses that could be potentially affected by changes to the Bylaw as possible. As the draft Bylaw proposed to greatly expand the scope of trade waste consenting requirements, the project team placed high importance on informing Napier businesses of the review and how they might have their say. This phase of engagement included a meeting with a cross section of CBD businesses and industries who are potentially affected by the Bylaw to understand their point of view. This took place in March 2022. This stage also included a letter that was sent to all commercial and industrial ratepayers in Napier to inform them of the proposals and how they might have their say.

The final stage involved formal consultation and community-wide engagement. Submissions were called for between 28 March and 25 May 2022. This stage focused on raising general community awareness about the review and trade waste in Napier. Wastewater Treatment Plant tours were offered on 6 and 7 May 2022 which were well attended by the public. A total of 36 submissions were received.

Public awareness of the projects and the consultation was generated through a communications and marketing campaign. Several hundred letters were sent to directly affected businesses and promotion was conducted through a variety of mediums including digital, social and print. Specific activities during the engagement are discussed in further detail below in section three of this report.

3. Engagement activities

The following activities were undertaken during the different phases of engagement:

- Print advertising
- Stakeholder workshops
- Affected party and key stakeholder letters
- Social media and online advertising
- Newsletters to stakeholder and industry groups
- Public tours/education.

Print media

Council issued several media releases to promote public engagement on the projects and the Wastewater Treatment Plant Tours. The opportunity to submit was also promoted in Council's regular column in the Napier Courier (Informing Napier) which ensured wide reach of consultation information to homes across the City.

Stakeholder workshops

During stage one engagement with current trade waste consent holders, three workshops were offered (two at Kennedy Park Resort and one at the National Aquarium of New Zealand). These workshop sessions provided an opportunity for possible changes to the trade waste regime to be socialised and discussed with consent holders. The 27 consent holders were invited to book into attend one of these workshop sessions and most chose to take advantage of this opportunity. Discussion was robust and attendees were generally supportive of what was being proposed and were interested to see the charging model when it was finalised.

In March 2022, an informal group discussion was held with a random selection of Napier businesses. The purpose of this workshop was to socialise the proposed changes with newly

affected businesses in Napier CBD. The project team collaborated with Napier City Business to coordinate the event and select attendees from a wide variety of businesses. This discussion was held at Rogue Hop Speakeasy on March 14 and allowed Council staff to gauge the views of a cross-section of local businesses.

Affected party and key stakeholder letters and emails

The changes proposed to the Trade Waste and Wastewater Bylaw had the potential to affect a large cohort of new industries in Napier such as hospitality and other CBD businesses. To ensure maximum awareness to all parties that could be potentially affected by the proposals, a letter was sent to all commercial and industrial properties to alert them of the review and advise how they could give feedback. These letters went to 775 commercial and industrial ratepayers in Napier. The letter was sent on March 18 2022 and included a one page document with some frequently asked questions about the review.

Notices were also included in the newsletters of Napier City Business Inc., the Restaurant Association and Taradale Business Association. These were distributed to their memberships which include a number of the businesses likely to be affected by the proposals.

Social media and online advertising

Council's Facebook page was used to promote the consultation with several posts made during the 8 week consultation period. Interest in the posts was generally low with the exception of the post promoting the wastewater treatment plant tours. No paid online advertising was undertaken.

In the last week of the consultation, email's promoting the opportunity to make a submission were sent to several Council databases. These included the People's Panel, the Community Network Database and current trade waste consent holders. This yielded approximately 1,200 people and groups receiving direct communication about the review. A reminder notice of the opportunity to make submissions was also sent to Napier City Business, Taradale Business Association, Ahuriri Business Association and the Restaurant Association for circulation to their memberships.

Public tours/education

Tours of the Wastewater Treatment Plant (WWTP) were offered to raise public awareness about the review and promote broader education of how Napier's wastewater is treated. Six one-hour tours were advertised for 6-7 May 2022 at Napier's WWTP with interested people being able to book online to attend one of the tours. Tours were capped at 20 people per group and all six tours were fully booked within four days of being announced.

The tours were facilitated by members of the Environmental Solutions Team who provided commentary as the groups were led around the WWTP. Tour groups were very engaged, asking lots of questions throughout their time on-site. A total of 97 people attended the tours. This reduced number was due to late cancellations and no-shows. This was the first public tours of the WWTP that Council had provided since the commissioning of the biological trickling filters in 2014. The tours were considered a success and there is interest to offer them on a more regular basis as a part of ongoing community education around wastewater and environmental stewardship.

Video

A video was prepared and released on the Council's Facebook page in the final week of consultation to encourage more submissions. This 45 second video featured Director of Infrastructure Debra Stewart introducing the Bylaw review and the key proposals that Council is seeking feedback on. This was set to 'b-roll' footage of the WWTP that showcased some of the important assets council has on site. The video was released on 20 May and as at 30 May, had 600 views.

4. Submissions received and next steps

A total of 36 submissions were received on the proposed Trade Waste and Wastewater Bylaw with three submitters wishing to present their feedback in person. A full analysis of these submissions and their themes has been prepared.

The feedback received on the proposed Trade Waste and Wastewater Bylaw will be considered by staff and be incorporated into the proposed Bylaw wherever appropriate. The proposed Bylaw contemplates that implementation of the final Bylaw will be phased over several years to allow time for compliance to be achieved. Ongoing engagement will take place to inform and educate affected parties about the eventual changes and Council will work with business and industry to ensure Bylaw requirements are met.

Appendix 1 – Trade Waste and Wastewater Bylaw FAQs

Why is the Council bringing in these new regulations now?

- Council must review the Trade Waste and Wastewater Drainage Bylaws now to meet legal timeframes, but we are proposing a phased approach to implementing any new regulations in recognition of the current pressures being faced by our business community.

What is trade waste and what is wastewater?

- Trade waste is liquid waste generated by any industrial or commercial premises. This usually goes into the Napier City Council wastewater network (the sewers) to be treated at the Wastewater Treatment Plant (WWTP) in Awatoto.
- The term wastewater refers to liquid waste generated by residential dwellings and other premises. It too is treated at the Awatoto WWTP. Domestic wastewater is what goes down the drain or toilet in your household.

Why do we need to control what is discharged?

- Trade waste and wastewater can contain substances that damage our infrastructure and marine environment. In order to make sure the network can cope and that the impact on the environment is minimised, the Bylaw regulates the quality and quantity of what goes into our wastewater network. The Bylaw also allows Council to enforce pre-treatment requirements and recover a fair share of network maintenance from network users.

Who will the proposed bylaw apply to?

- The new Bylaw will have a much wider application than the current one. Under the proposed Bylaw, If you are a commercial or industrial premises that is producing more liquid waste than that of a large household (more than 5m³ per day), and/or may contain substances with composition or strength that may be harmful to the wastewater system, you will need to apply for a trade waste consent.
- Affected business may include:
 - o Food processing/retail premises
 - o Process/manufacturing operations
 - o Chemical processing/production
 - o Waste management services
 - o Petrol station/car wash
 - o Laundromat/dry cleaners
 - o Funeral homes
 - o Hospitality venues
- If you are not sure if you are captured by this, please feel free to get in touch with us through NCC Customer Services, who will put you through to the Environmental Team.

What are we proposing to change from the current bylaws?

- We are proposing to refine our pre-treatment requirements and expand our trade waste consenting regime. These changes all support the goal of better environmental outcomes for Ahuriri. Full details on the proposed changes are contained in the statement of proposal available on Sayitnapier.nz.

What outcomes is the proposed Bylaw seeking to achieve?

- The Bylaw review seeks to improve the overall management of trade waste and wastewater in Napier with the ultimate goals of:
 - o Improving environmental outcomes through increased water treatment quality
 - o Creating a fairer system whereby everyone contributes a fair share toward the maintenance of the wastewater network
 - o Minimising issues in the network such as sewer blockages
 - o Changing attitudes towards wastewater and people using the drain as a bin
 - o Ensuring that 'Te mana o te wai' and the vital importance of water are respected in any wastewater regime.

What will this mean for rates?

- The cost of owning and operating the Wastewater Network will be split into a 'domestic' portion, which will be covered by rates, and a 'trade waste' portion, which will be covered by charges calculated using the Trade Waste Charging Model.
- This is intended to be a 'user pays' system where low users and those operators who treat their trade waste to a better quality, will pay less.

How can I find out more and have my say?

- The proposed Integrated Bylaw and Administration Manual will be available online at www.sayitnapier.nz or at NCC Customer Services/Napier Libraries from Monday 28th March to Wednesday 25th May.
- The Wastewater Treatment Plant will be holding open days on the first weekend of May. Book a spot and come along to find out what happens to all the water once it disappears down the drain, how it is treated and where it all goes (*hint: East of Awatoto*). Wastewater can have a big impact on our environment, and everyone is responsible for minimising pollution.
- More sessions will be held with industry groups during the consultation period. If you would like to be part of one of these, please get in touch.

How would the proposed changes affect my existing trade waste consent?

- All new trade waste consents will be issued under the proposed Trade Waste and Wastewater Bylaw 2022 and existing trade waste consents will be re-issued under this Bylaw when they are due.
- There will be time before the Bylaw comes in to effect for businesses to make changes to activities needed to comply with the Bylaw. The exact details of this will be announced later in 2022.

Will hospitality businesses be considered trade waste operators?

- Yes, all food premises will require trade waste consents and must have a grease trap installed. Grease traps must have a functional capacity of 500L and 2 hours peak flow retention time (when all the taps upstream of the grease traps are turned on fully, it takes 2 hours for the water to flow through the grease trap and into the Wastewater Network (the sewer). Grease traps must also be serviced and maintained regularly, according to guidelines in the Bylaw and Administration Manual.

My food premises already has an alternative grease removal system in place that does not meet new requirements, does it need to be upgraded?

- If there is a FOG removal system already in place, increased monitoring will be done to ensure that the system is performing adequately and being serviced and maintained properly. If the quality criteria contained in Schedule A of the Administration Manual is met, the system may remain in place. If three tests fail to meet this criteria, the system must be upgraded.

What can I do with waste that cannot be discharge to the sewer?

- A qualified contractor must remove the waste and take it to an industrial treatment plant.

How will council know if everyone is following the rules?

- The proposed Bylaw will be supported by Council through a robust monitoring programme. For businesses holding a trade waste permit, this may include taking regular samples of their discharge and submitting these for monitoring. There may also be random sampling and inspection of pre-treatment methods to ensure ongoing compliance.
- All suspected bylaw breaches will be investigated with the option to prosecute under the Bylaw being used as a last resort.

What can businesses do to improve trade waste quality?

- Business can take practical steps to reduce the level of waste they produce and the quality of what is going down the drain.
 - o **Practical steps include:**
 - disposing of greasy waste and food scraps into the rubbish bin
 - never putting oil down the sink
 - training staff on why it is important to keep fats, oils and grease out of drains and sewers
 - installing and maintaining grease traps/grease interceptors
 - arranging waste oil to be collected by a licensed waste contractor.

Appendix 2 – Letter to Commercial and Industrial Ratepayers

RE: Napier City Council Trade Waste and Wastewater Bylaw Review

Napier City Council is currently in the process of expanding the way we regulate and monitor liquid waste from commercial and industrial premises as part of our Trade Waste and Wastewater Bylaw Review.

We are writing to all commercial and industrial ratepayers to provide early notice of what to expect when the draft Bylaw is released for consultation as this may affect your business if it generates more than a household equivalent of wastewater.

Why are changes being suggested?

Ultimately, the goal of these proposed changes is to improve environmental outcomes for our city by increasing the quality of treated wastewater.

Many businesses understandably produce more liquid waste than household users, often with a higher concentration of substances that cause issues for the wastewater network (e.g. fats, oil & grease (FOG), and harmful chemicals). Currently our wastewater pipes require a large amount of additional cleaning, clearing and maintenance due to these high levels of contaminants discharged from some premises, which are not readily controlled, and are incurring significant unrecovered costs to ratepayers.

We are exploring a revised system where Council will have the ability to assess and enforce requirements for pre-treatment of trade waste (e.g. correctly sized and maintained grease traps or oil and grit interceptors for high levels of FOG and solids). The expanded regime also proposes to split rates for wastewater into a 'domestic' component (rates) and the 'trade waste' component (charges) so that businesses contribute a fair share towards the maintenance of the wastewater network based on their actual wastewater discharges.

What will this mean for me?

If wastewater is generated through the normal operations of your business, you may be classed as a trade waste operator. Under the proposed trade waste modelling and consenting regime, trade waste operators will be required to register with the Council, be issued a Trade Waste Consent or Approval Notice, and contribute to the cost of operating and maintaining the wastewater network.

We understand and acknowledge the significant stressors being faced by local businesses at the current time and so wish to assure you that these proposals are intended to be implemented through a phased approach over a 1-3yr period, to ease the financial change. Full details of this and the likely charges will be announced when the draft bylaw is released for public consultation in late March 2022.

What's next?

A statement of proposal and draft Bylaw will be available for public comment in late March 2022 for an 8-week period. This will incorporate the feedback received from prior engagement with existing consent holders and mana whenua which has occurred throughout 2021.

The timeline for the remainder of the Bylaw is as follows:

- 24 March 2022 – Statement of Proposal presented to Council
- 28 March 2022 – Submissions open
- 25 May 2022 - Submissions close
- 23-24 June 2022 – Hearings
- 14 July 2022 – Final Bylaw presented to Council for adoption.

As the owner or occupier of a commercial or industrial premise in Napier, we strongly encourage you to review the proposals and submit feedback to them once submissions open. Council officers will use this feedback as an opportunity to amend the proposals before they are finalised and adopted by a resolution of Council (by elected representatives).

Attached is a preliminary information sheet that provides a high-level overview of this review.

There will be multiple opportunities to find out more about the proposed bylaw and have your say during the consultation period. Additional workshops may also be held with affected businesses during this time to assist in understanding the proposed changes and new requirements.

Ngā mihi



Cameron Burton

Manager Environmental Solutions

Appendix 3 – Wastewater Treatment Plant Tour Images



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 & 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 [↓](#)



Napier City Council Proposed Water Supply Bylaw 2022

Contents

1.	Title	2
2.	Commencement	2
3.	Application of Bylaw	2
4.	Scope	2
5.	Definitions	2
6.	Protection of Water Supply System	5
6.1	Access to system	5
6.2	No person to connect to, or interfere with a water supply system	5
6.3	Fire Hydrants	5
6.4	Other uses	5
6.5	Working around buried services	5
7.	Conditions of supply	7
7.1	Application for supply	7
7.2	Point of supply	7
7.3	Access to, and about Point of Supply	10
7.4	Types of Supply	10
7.5	Metering	11
7.6	Level of Service	12
7.7	Continuity of supply	12
7.8	Liability	12
7.9	Fire protection connection	13
7.10	Backflow prevention	13
7.11	WSA equipment and inspection	14
7.12	Meters and flow Restrictors	14
7.13	Plumbing system	16
7.14	Prevention of waste	16
7.15	Payment	16
7.16	Transfer of rights and responsibilities	17
7.17	Change of ownership	17
7.18	Disconnection at the Customer's request	17
8.	Breaches and infringement Offences	17
8.1	Breaches of conditions of supply	17
8.2	Interference with equipment	18
8.3	Offences and penalties	18

1. Title

This Bylaw is the “Water Supply Bylaw 2022”.

2. Commencement

This Bylaw comes into force on [date] 2022.

3. Application of Bylaw

This Bylaw applies to the district of the Napier City Council.

4. Scope

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.
- 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.

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 mixing of 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 determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand
Premises	<p>Premises include the following:</p> <ul style="list-style-type: none"> (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 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 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 supply area	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 water reservoirs, 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 m³ delivered at the rate of 1 m³ 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 this information.

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.

6.5.1 Every Person proposing to carry out excavation work must first:

- a. 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, 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 Council approval. Such approval may impose conditions on the carrying out of any work near the Buried Services.

6.5.2 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.

6.5.3 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).

6.5.4 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.

6.5.5 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.

6.5.6 Excavation within a road reserve is also subject to the permit process of the Council and/or roading authority.

6.5.7 No building foundations or structures may be built over Buried Services,

- a. within the easement for the Buried Service or
- b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development.
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

6.5.8 No Person may allow trees or shrubs to be planted over a Buried Service

- a. within the easement for the Buried Service or
- b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development
- c. As otherwise required by easement protections in the Napier City Council 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 the premises for which the supply is sought, and must produce written evidence of this if 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 provide the connection;
- b. A development contribution under the Local Government Act 2002;
- c. A financial contribution under the Resource Management 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 the Customer 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.

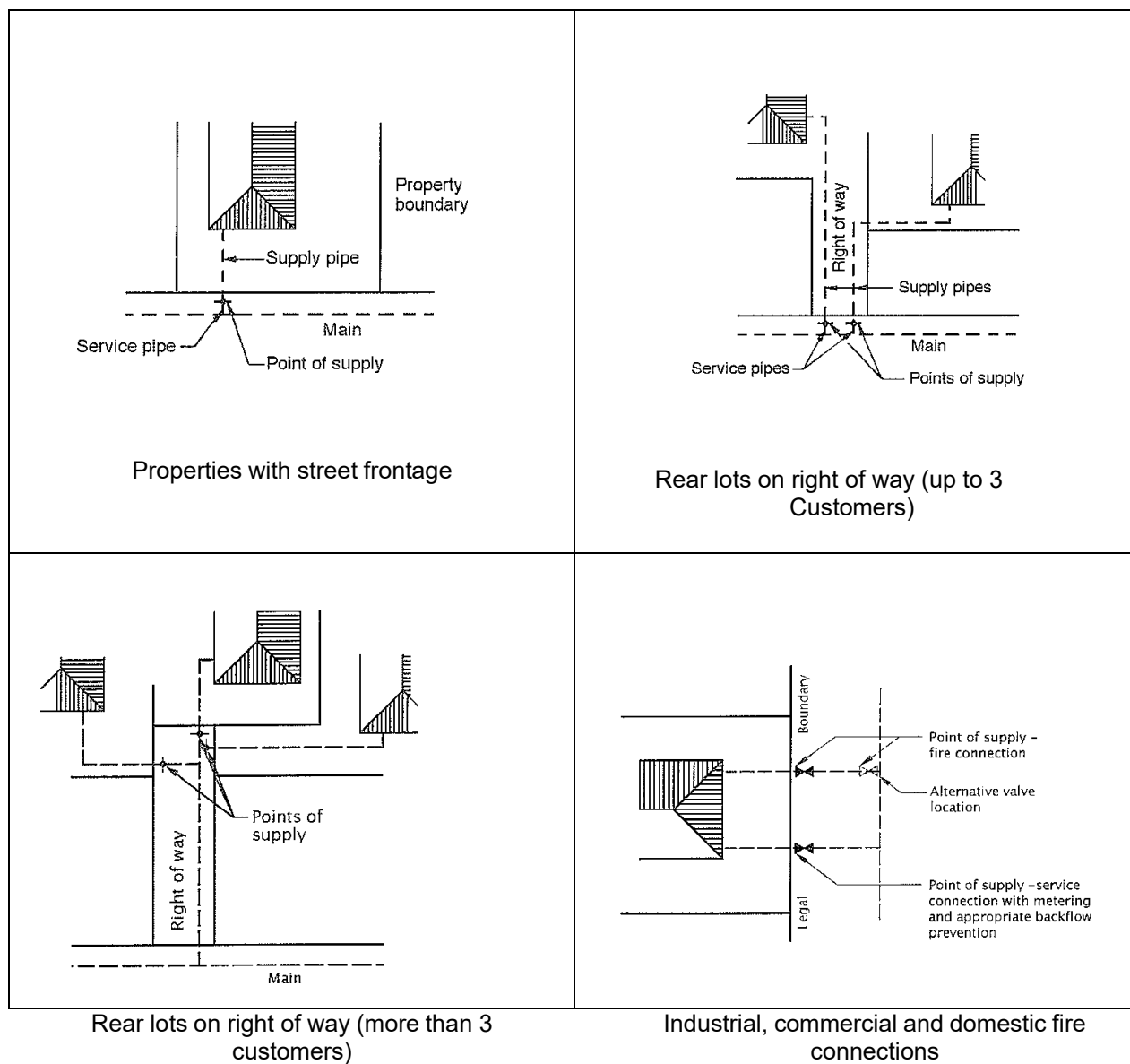
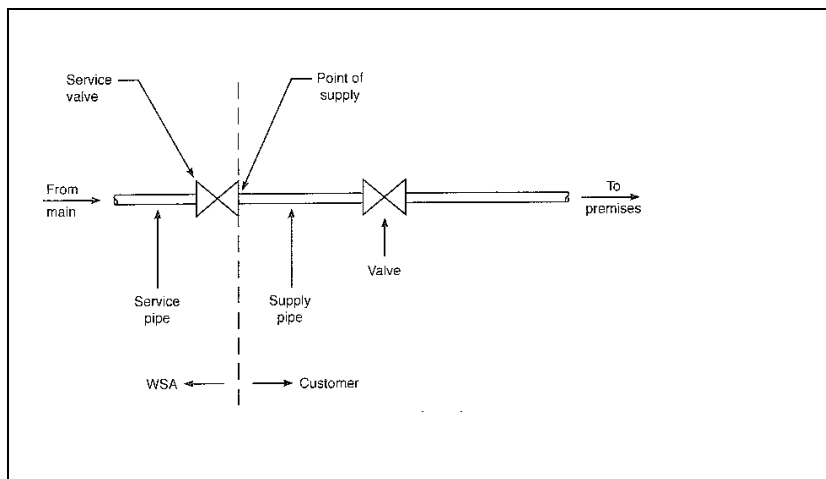
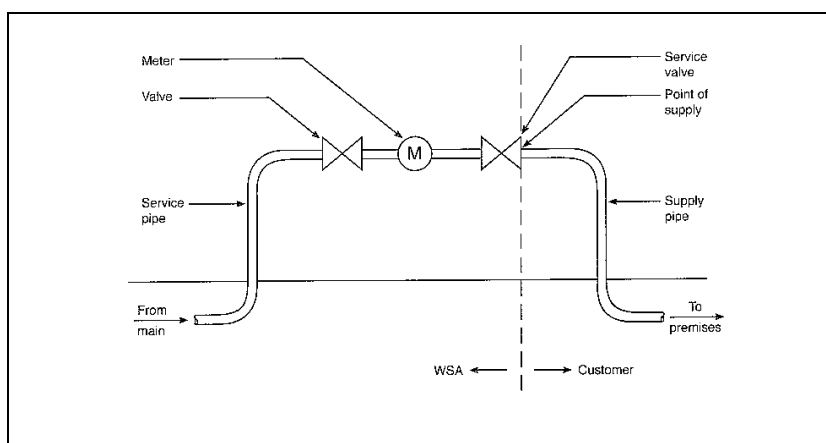
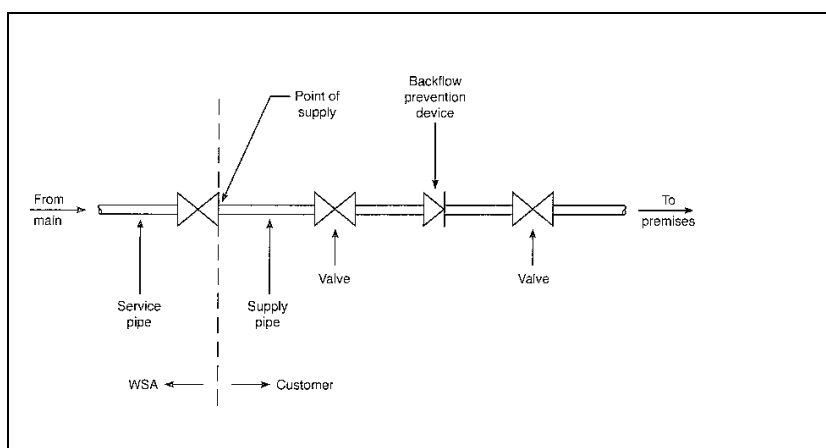


Figure 2 – Typical layout at Point of Supply

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 Customer**

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 by the 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 Customer should 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 10m³ 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 comply with NZS 4517;
- j. Out of district (supply to, or within another local authority); and
- k. Temporary supply.

7.5 Metering

- 7.5.1 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 is not 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 use of 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 a storage 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, will be supplied, installed and maintained by the WSA, and will remain the property of the 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 ($Q < Q_1 < Q_2$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q < Q_1 < Q_2$) is $\pm 5\%$. This accuracy will be applied to all water meters with $Q < 100\text{m}^3/\text{h}$ and may be applied to water meters with values of $>100\text{m}^3/\text{h}$.

The flow restrictors must be accurate to within $\pm 10\%$ 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 $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ 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 owner as 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 wilfully allowing water to run to 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 and remedy 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.

Attachment C: Submissions Report

Submission #	Submitter	Group or organisation	Support / Neutral / Oppose the Proposal	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendation	Wish to be heard
1.	David Bredda		Support	The Bylaw should legislate the minimum acceptable levels of additives, such as chlorination of water and the addition of fluoride to the water supply. Fluoridating will align Napier with best practice for Councils.	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No
2.	Chad Tareha		Support	No comment.		No change.	No
3.	Nicholas Hinks		Oppose	People drawing water for community purpose (i.e. potable water delivery) should still be allowed to draw it from anywhere provided have a cleaning and testing process.	<p>The submitters comment is related to NCC progressed with reducing risk to Napier Water Supply by eliminating uncontrolled access by contractors to NCC water supply network.</p> <p>Under proposed legislation requirements from Taumata Arowai, Drinking Water Quality Assurance Rules - Backflow Protection Rules. Access to a Water network can only be by Fire and Emergency Services NZ, other access can only be for operation of the drinking water supply.</p> <p>NCC has constructed a Water Take Site for the provision for a specific contractor site to access water.</p>	No change.	Yes
4.	Morgan Conneely		Support	No comment.		No change.	No
5.	Deneice Marshall		Oppose	<p>Water should not have fluoride added but should instead give fluoride tablets to children and pregnant mothers, as fluoride does not benefit people over 10 years old:</p> <ul style="list-style-type: none">- Can damage your kidneys;- Wants to know if she can get a water filter installed to remove the fluoride;- Wants Three Waters reforms to include free blood and urine tests to check that people do not have too much fluoride in their bodies.- There is no point in giving fluoride to people with dentures.- Wants an education campaign on tooth brushing.- Wants to speak with Ashley Bloomfield regarding this.	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No comment
6.	Paul Thomsen		Support	Supports provided it supports access to clean drinking water (i.e. pure with no chlorine, fluoride or other contaminants).	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No

Submission #	Submitter	Group or organisation	Support / Neutral / Oppose the Proposal	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendation	Wish to be heard
7.	Geordie Dewhirst		Support			No change.	Did not answer
8.	Wes Smith		Oppose		No substantive comments provided to respond to.	No change.	No
9.	Rebekah Mitter		Support	Strongly in favour of Three Waters project in principle. Untenable for councils to locally manage their systems and for residents to not pay for metered water. More consultation and framework building required towards a unified goal.	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No
10.	Bruce Taylor		Oppose	Leave the bylaw alone.	No substantive comments provided to respond to.	No change.	No
11.	Brian Young		Support	No to Three Waters; a 20% group having a 50% say is undemocratic.	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No
12.	Evan Vance		Oppose	Water supply needs to be kept under local council control to provide necessary service to community. Do not want water supply run by government with iwi agenda.	The submitter’s comment relate to matters that are outside the scope of this proposal.	No change.	No
13.	Rob Vork		Support			No change.	No
14.	Roland Brandsma		Support			No change.	No
15.	Manish Kumar		Support			No change.	No
16.	Colleen Gray		Oppose		No substantive comments provided to respond to.	No change.	No
17.	Dr. Nicholas Jones C/o Kim Maitland	Hawke's Bay District Health Board	Support	In addition to the proposed bylaw, water metering should be extended for all buildings connected to the water supply. Future proof our water system to deal with climate change and ensure efficient use of a precious resource.	The submitter’s comments are appropriate to be considered, but NCC Engineering Code of Practice is a more appropriate Council document to state improvement in management of a finite resource.	No change.	Yes

Submission #	Submitter	Group or organisation	Support / Neutral / Oppose the Proposal	Key themes of the submission	Officer’s comments on the submission	Officer’s recommendation	Wish to be heard
				<p>Metering would provide invaluable data for managing the network more effectively, even if not used to impose water charges.</p> <p>Could be imposed on all new buildings to start.</p>	<p>Next yearly review of NCC Engineering Code of Practice will incorporate water meter to be installed on new connections.</p> <p>Commerical properties are metered.</p>		
18.	Cameron Ellis	Silver Lake Trust	Oppose	<p>The Silver Lake Trust distributes water from single council supply point to 22 residential properties in the Te Roera Hills development.</p> <p>Residents of Te Roera Hills charged \$1.12/m3 of water, 38% more than most of Napier. The infrastructure was installed and paid in full by the developer, and residents also pay for body corporate fees.</p> <p>Te Roera residents should be provided water at same rate as the rest of Napier, if not discounted due to the single supply connection for Napier CC.</p>	<p>The submitter’s comments related to Water by Meter Rates. The rate of \$0.81/m³ (correct 2021/2022 rate is \$0.62/m³) is associated with non-domestic meter connection and the higher rate \$1.12m³ (2021/2022) is for domestic and other supplies.</p> <p>Note that within the Annual Plan 2022/2023 a standard rate will be adopted from the 1 July 2022. Water will cost the same for all metered connections.</p>	No change	Yes

**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:

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JJM-100095-68-49-V2

- 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 Statement of Proposal and on the Napier City Council Website: www.sayitnapier.nz.

Print copies of the proposed 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 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: **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 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:

- The Council resolved to undertake public consultation regarding the proposal at its meeting of **24 March 2022**.
- Public consultation to commence on **28 March 2022**. This will involve:

- 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.
 - Advertising across digital, social and print media to ensure public awareness and participation in the review.
 - Online and hard copy submission forms that will be available at Council's libraries and Customer Service Centre
-
- 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 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 been 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.

Schedule 2

Section 77(1) assessment of all reasonably practicable options

Option(s)	Advantages and disadvantages
<p>Option 1</p> <p>Do not have a bylaw which regulates water supply</p>	<p>Advantages</p> <p>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.</p> <p>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.</p> <p>Disadvantages</p> <p>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.</p> <p>Conclusion</p> <p>Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.</p>

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<p>Option 2</p> <p>Have a bylaw which regulates water supply on similar terms to the 2012 Bylaw.</p>	<p>Advantages</p> <p>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.</p> <p>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.</p> <p>Under this option Council will be seen as continuing to actively protect the City's water supply network, including maintaining public health and safety.</p> <p>There is no statutory reason why the terms of the 2012 bylaw should be significantly amended.</p> <p>Disadvantages</p> <p>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.</p> <p>Conclusion</p> <p>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.</p>
<p>Option 3</p>	<p>Advantages</p>

<p>Make a new Water Supply Bylaw on substantially different terms to the 2012 bylaw.</p>	<p>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.</p> <p>Disadvantages</p> <p>Community resistance to increased levels of regulatory management and the costs associated with adopting a Bylaw on new terms.</p> <p>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.</p> <p>Conclusion</p> <p>Overall, the Council does not consider that this option would be effective at achieving its desired objectives and has therefore discounted it.</p>
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Schedule 3
Proposed Bylaw