



Far North District Council



AGENDA

REGULATORY AND ENVIRONMENT COMMITTEE

**COUNCIL CHAMBER
MEMORIAL AVENUE
KAIKOHE**

THURSDAY 21 APRIL 2016

COMMENCING AT 11:00 AM

Committee Membership

Chairperson

Ann Court

His Worship the Mayor John Carter

Councillors

John Vujcich

Willow-Jean Prime

David Collard

FAR NORTH DISTRICT COUNCIL
REGULATORY AND ENVIRONMENT COMMITTEE
THURSDAY 21 APRIL 2016 COMMENCING AT 11:00 AM IN THE
COUNCIL CHAMBER, MEMORIAL AVE, KAIKOHE
A G E N D A

Item

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer (Acting) or the Team Leader Governance Support (preferably before the meeting).

It is noted that while Members can seek advice the final decision as to whether a conflict exists rests with the Member.

2.0 CONFIRMATION OF PREVIOUS MINUTES

Document number A1694081

3.0 STRATEGIC PLANNING AND POLICY GROUP

3.1 Next Steps for Freshwater Consultation Document - Draft Submission

Document number A1695350

3.2 Making A Verbal Submission to the Parliamentary Select Committee on the Resource Legislation Amendment Bill 2015

Document number A1695317

3.3 Review of Trade Waste Bylaw

Document number A1690613

3.4 Review of Wastewater Bylaw

Document number A1692834

3.5 Addition of Commissioners

Document number A1694818

4.0 DISTRICT SERVICES GROUP

4.1 Future Provision of Environmental Health Services at Far North District Council

Document number A1691500

4.2 Animal Management Fees and Charges 2016/17

Document number A1693703

5.0 CORPORATE SERVICES GROUP

5.1 Committee Information Reports

Document number A1695215

6.0 CHAIRPERSON'S REPORT

The Chairperson may provide the Committee with a verbal report

7.0 CLOSE OF MEETING

MEETING: **REGULATORY AND ENVIRONMENT COMMITTEE**
21 APRIL 2016

Name of item: **CONFIRMATION OF PREVIOUS MINUTES**

Author: Aisha Huriwai - Meetings Administrator

Date of report: 29 March 2016

Document number: A1694081

Executive Summary

The minutes are attached to allow the Committee to confirm that the minutes are a true and correct record of the previous meeting.

Recommendation

THAT the minutes of the meeting of the Regulatory and Environment Committee held 10 March 2016 be confirmed as a true and correct record.

1) Background

Local Government Act 2002 Schedule 7 Section 28A states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) Discussion and options

The minutes of the meeting are attached.

Far North District Council Standing Orders Section 3.17.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

3) Financial implications and budgetary provision

There are no financial implications or the need for budgetary provision.

4) Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

Manager: Sue Thomas - Team Leader Governance Support

Attachment 1: Regulatory and Environment Committee Minutes - 10 March 2016 -
Document number A1688828

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
|--|--|
| Relationship with existing policies and Community outcomes. | Not applicable |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | None |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Yes |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | No |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | Not applicable |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | There are no financial implications or the need for budgetary provision arising from this report. The Chief Financial Officer has not reviewed this report. |

**MINUTES OF THE MEETING OF THE REGULATORY AND ENVIRONMENT COMMITTEE
HELD IN THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE ON THURSDAY
10 MARCH 2016 COMMENCING AT 11:05 AM**

PRESENT

Chairperson

Ann Court

Members

Councillors

Dave Collard

Willow-Jean Prime

John Vujcich

APOLOGIES

John Carter

His Worship the Mayor

IN ATTENDANCE

Lawrie Atkinson

Chairperson Te Hiku Community Board

STAFF PRESENT

Colin Dale

Chief Executive Officer (Acting)

Caroline Wilson

Manager - District Administration Services

Sue Thomas

Team Leader - Governance Support

Jacqui Robson

General Manager - Infrastructure and Asset Management Group

Dean Myburgh

General Manager - District Services Group

Greg Wilson

Manager - District Planning

Sarah Trinder

Policy Planner

Lynley Newport

Manager - Resource Consents

Bill Lee

Manager - Community Policy and Development

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Reason for the resolution

The Committee may grant leave of absence to a member from a meeting upon application by the member. If a member has not obtained a leave of absence an apology may be tendered of the member and the apology may be accepted or declined by the Committee. Acceptance of the apology shall be deemed to be granting of a leave of absence for that meeting.

Resolved

THAT the apology from His Worship the Mayor, absent on Council business, be accepted.

Carried

There were no declarations of interest.

2.0 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 2.0, document number A1674362, pages 1-4 refers.

Reason for the resolution

To confirm the minutes of the previous Regulatory and Environment Committee meeting as a true and correct record.

Resolved

Court/Vujcich

THAT the minutes of the meeting of the Regulatory and Environment Committee held on 17 December 2015 be confirmed as a true and correct record.

Carried

3.0 STRATEGIC PLANNING AND POLICY GROUP**3.1. Update on the Resource Legislation Amendment Bill and Future Planning Reform Initiatives**

Agenda item 3.1, document number A1680674, pages 5-41 refers.

Reason for the resolution

To allow the Regulatory and Environment Committee to make recommendation to Council for Council to endorse the various submissions on the proposed reform of planning legislation. The Committee recommends the attendance of representatives of the Far North District Council at the Select Committee Hearings to represent the Region's aspirations and concerns with regards to the proposed amendments.

Resolved

Court/Prime

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council endorse the attached draft submission on the 2015 Resource Legislation Amendment Bill;

AND THAT Council endorse the attached submission on Local Government New Zealand paper "A Blue Skies Discussion about New Zealand's Resource Management System";

AND THAT Council endorse the attached draft submission on the Productivity Commission Paper "Better Urban Planning";

AND THAT Council endorse the attached submission on the Ministry for the Environment (MfE) Proposal to develop a National Policy Statement for Urban Development.

Carried

3.2. Joint Hearing Panel for Proposed Plan Change 18 - Genetically Modified Organisms

Agenda item 3.2, document number A1680991, pages 43-46 refers.

Reason for the resolution

Plan changes relate to the setting of policy and it is appropriate that independent Commissioners with suitable experience in resource management matters be appointed to the hearing panel. The 2009 resolution of Council provides for the appointment of Councillors to a hearing panel. Should a Councillor not be appointed to the hearing panel, then the recommendation should be amended to appoint three independent commissioners. The Committee recommends the appointment of Councillor Prime as well as independent Commissioners.

Resolved

Court/Vujcich

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council Councillor Prime be appointed to the Proposed Plan Change 18 Hearing Panel;

AND THAT two independent commissioners be appointed by the Manager District Planning (in accordance with existing delegated authority) to hear and make recommendations on Proposed Plan Change 18.

Carried

3.3. District Plan Update - Appendix 7 Statutory Acknowledgements

Agenda item 3.3, document number A1686614, pages 47-106 refers.

Reason for the resolution

The Far North District Plan is required to be updated to include changes to the existing statutory acknowledgment information in appendices 7 and 7A and the addition of new appendices 7B to 7E.

This recommendation to Council is to seek endorsement for the District Plan update - Appendix 7 Statutory Acknowledgements.

Resolved

Court/Prime

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council supports the District Plan Update of Appendix 7 Statutory Acknowledgments to take into account:

- a. Changes to the existing Appendix 7 - Statutory Acknowledgments and 7A - Te Roroa Claims Settlement Act**
- b. The inclusion in Appendix 7 of the following new appendices:**
 - Appendix 7B - Ngāti Kuri Claims Settlement Act**
 - Appendix 7C - Te Aupouri Claims Settlement Act**
 - Appendix 7D - Ngāi Takoto Claims Settlement Act and**
 - Appendix 7E - Te Rarawa Claims Settlement Act**

Carried

4.0 CORPORATE SERVICE GROUP**4.1. Committee Information Reports**

Agenda item 4.1, document number A1674359, pages 107-109 refers.

Reason for the resolution

To provide Council with a list of information only reports as part of the agenda as provided for in the Council resolution of 12 March 2015 thereby allowing matters arising from these reports to be discussed at the meeting if required.

Resolved

Court/Vujcich

THAT the following report and documents entitled and dated:

- a) "District Plan Update" 12 February 2016;**
- b) "Commentary on Proposed Changes to National Environmental Standard for Contaminants in Soil Guidelines" 19 February 2016; and**
- c) "Monthly Reporting - Building, Resource Consents and Environmental Protection - to January 2016" 19 February 2016**

be noted.

Carried

5.0 CHAIRPERSON'S REPORT

The Chairperson tabled a written report, document number A1689708 refers.

Resolved

Court/Vujcich

THAT the Chairperson's tabled written report dated 10 March 2016 be accepted and noted.

Carried

6.0 CLOSE OF MEETING

The meeting closed at 12:34 pm

Chairperson

/ /

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016

Name of item: NEXT STEPS FOR FRESHWATER CONSULTATION
DOCUMENT - DRAFT SUBMISSION

Author: Louise Wilson - Policy Planner

Date of report: 22 March 2016

Document number: A1695350

Executive Summary

The purpose of the report is to provide information on the Next Steps for Freshwater consultation document prepared by the Ministry for the Environment (MfE) and the Ministry of Primary Industries (MPI).

A draft submission on the discussion document has been prepared by the District Plan Team and is attached to this item for discussion and the endorsement of the Committee. The timeframe for submissions means that the submission will need to be lodged on 22 April 2016.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council endorse the draft submission on the “Next Steps for Freshwater” discussion document.

1) Background

Far North communities value water for recreational, spiritual, productive, domestic and landscape purposes. The Far North District generally enjoys an abundance of good quality freshwater compared to other districts. However, water is over allocated in some catchments and land use change has caused water quality degradation in some waterways. Competing uses and differing expectations about how freshwater should be managed can lead to conflict and uncertainty.

In 2009, Central Government established the collaborative Land and Water Forum (LAWF) to develop recommendations for reforming freshwater management. LAWF have issued four reports between 2009 and 2016.

As a result of recommendations within these reports, and public consultation on reform, there have been several legislative and policy changes including:

- Measurement and Reporting of Water Takes Regulations (2010) which required metering of consented water takes
- a National Policy Statement for Freshwater Management (NPS-FM 2011, subsequently revised and updated in 2014 NPS-FM 2014 to include the National Objectives Framework and other changes).

The NPS-FM triggered a significant change in the way Regional Councils are required to manage freshwater. It requires regional councils to:

- identify freshwater management units (FMU)
- identify the values to be managed within each FMU. Ecological health and contact recreation (e.g. water sports) are compulsory values

- establish the current attribute states for the values within each FMU and prevent any deterioration.

To implement the NPS-FM, Regional Plans must state objectives and rules for managing freshwater quality and quantity in each FMU. The operation of Far North District Council (FNDC) infrastructure must comply with the rules of the Regional Plans. Consequently, any changes to the objectives and rules may affect the conditions of consent for Council operated water, stormwater, and wastewater networks.¹ These rules and consent conditions could in turn affect the growth potential of communities such as Opononi and Kerikeri.

MfE and MPI are currently seeking submissions on the Next Steps for Freshwater consultation document, with submissions formally closing on Friday 22 April 2016. The consultation document contains twenty two separate proposals and eighteen associated questions. The stated purpose of the proposals is to:

- improve national direction and consistency in the implementation of the NPS-FM.
- recognise Iwi rights and interests in water
- encourage economically efficient use of water
- develop funding criteria for the \$100 million Freshwater Improvement Fund.

2) Discussion and options

A copy of the draft submission to the consultation document will be **circulated under separate cover** after the council workshop on freshwater management.

It is recommended that the submission cover each of the twenty two proposals and the eighteen associated questions and incorporates information from the District Plan, Community Policy and Development, Infrastructure Planning teams, discussions with the Northland Regional Council MfE hui and the Council workshop.

A summary of the proposals, implications and draft recommended position are discussed below.

2.1 Proposals and Implications

Summary of Key proposals:

Freshwater and our environment:

Amend the NPS-FM to improve direction on:

- Exceptions to national bottom lines for catchments with significant infrastructure
- Using the macroinvertebrate community index as a mandatory monitoring method
- Applying water quality attributes to intermittently closing and opening lakes and lagoons
- What it means to “maintain or improve overall water quality”

Exclude stock from water bodies through regulation.

Economic use of freshwater:

Require more efficient use of freshwater and good management practice.

¹ In a previous presentation from the Regional Council to the Committee discussions highlighted that new rules and limits were likely to exacerbate known problem areas for water and wastewater compliance.

Iwi rights and interests in freshwater:

- Strengthen Te mana O Te Wai as the underpinning platform for community discussions on fresh water
- Improve iwi/ hapū participation in freshwater governance and management
- Better integrate water conservation orders with regional water planning and allow for increased iwi participation and decision making on them.

Freshwater funding:

Set up the “Next Steps for Freshwater Improvement Fund”.

The most relevant proposals and draft responses recommended by staff to the associated questions are as follows:

Iwi Rights and Interests in Freshwater

The Government’s position is that:

- Iwi and hapū should be able to participate in decision making about freshwater in their rohe. Government proposes that councils develop Iwi Participation Agreements (IPA) and the Iwi Leaders initiative mana whakahono a rohe.
- Implementing Te Mana o te Wai will mean that iwi and communities can share the management of waterways in a way that sustains economic, social, cultural and environmental values.

Councils and iwi/hapū vary in their capacity to engage. There is currently a lack of integration between iwi and hapū environment plans, community plans, RMA plans, LGA plans and resource consents. Councils will need to develop new processes to incorporate whanaungatanga/reciprocal relationships in local government.

Council has begun working with iwi/hapū to establish processes for working together for plan making, resource consent decisions and other statutory responsibilities. Additional resourcing, staff time and training will be required to support the transition to new decision making models.

It is recommended that the Council’s position is that iwi/hapū relationships with freshwater bodies should be identified and recorded. The process for doing so will need to be developed as a partnership between local government and iwi/hapū. Government can help councils by:

- clarifying the status and meaning of Te Mana o te Wai
- resourcing Councils and iwi and hapū to engage in shared decision making.

Clean, safe drinking water for marae and papakainga

Council is aware of several Far North communities where sourcing potable water is an issue, because:

- rainwater tanks can be contaminated by dust from unsealed roads and tank capacity may be insufficient
- groundwater sources (bore water) may be unsuitable in coastal/saline areas. Rivers and streams may dry up in summer or not be of a high enough quality for domestic use.

The recommended position is that Government should support councils to identify the water issues and potential solutions for each marae. These could then be systematically prioritised for targeted funding.

Significant Infrastructure and Water Quality

The National Policy Statement for Freshwater Management makes provision for regional councils to set water quality objectives below national bottom lines for waterways affected by existing significant infrastructure as listed in Appendix 3 of the NPS-FM. Appendix 3 is currently empty with additions anticipated as part of future versions of the NPS-FM. When the NPS-FM 2014 was gazetted it was expected that consultation on the infrastructure to be included within the Appendix would occur quickly. This did not happen.

The consultation document proposes further direction on providing evidence to support council or infrastructure owner requests to include a piece of infrastructure within the Appendix. It asks what information should be provided (to support an exemption from meeting a national bottom line) and why any proposed information is important. This information can be gathered as part of the limit setting process.

The example given in the document is hydro-electricity generation, which provides 57% of the country's electricity, is a key part of the government's electricity and low carbon goals. The National Policy Statement on Renewable Electricity Generation has specifically recognised the importance of renewable energy infrastructure within the resource management framework. However, renewable energy generation, such as hydro-electric generation, has raised issues of concern for water quality and for Maori has raised additional cultural concerns.

The Far North District does not have any significant hydro-electric infrastructure but it does have geothermal electricity production. Ngāwhā geothermal power station has been identified within the Proposed Regional Policy Statement for Northland as regionally significant infrastructure. It has recently gained consent for expansion.

Council has other infrastructure that national bottom lines affect. For example municipal water supply infrastructure where issues can occur when the need to provide water, as required by the Local Government Act, compromises Council's ability to comply with rules and resource consent conditions under relevant regional planning document and the Resource Management Act. Similarly there are issues with wastewater treatment plants.

It is recommended that Council's position is that:

- affordability and practical constraints (lack of alternative options) as well as the social and economic benefits of the infrastructure should be criteria that regional councils must consider when setting freshwater objectives below national bottom lines (for significant infrastructure)
- information gained through the consenting process as well as the uses and values work of regional councils will all be valuable evidence to consider for an exception
- it supports the requirement that any proposed Appendix 3 exceptions are subject to public consultation.

Stock Exclusion

The consultation document proposes a requirement for farmers to ensure their stock cannot enter streams, rivers, lakes and wetlands. It proposes national regulation for stock exclusion, initially starting with dairy cattle on milking platforms and extending this at later dates to all stock. At the national level this would require stock exclusion on slopes less than 3 degrees by 2025 and on slopes 4-15 degrees by 2030.

Exclusion is to be by way of fencing unless there are natural barriers already doing the job. It will need to be permanent (with some exceptions for grazing and flooding).

Not all waterbodies are proposed to be covered. Permanently flowing, larger than a metre wide and 30 centimetres deep waterways and drains and natural waterways are included.

Local rules could apply that were more stringent than the national minimums (where necessary or desirable). In principle it is recommended that stock exclusion is supported based on the evidence of stock impact on water quality and in keeping with the direction set in the Proposed Regional Policy Statement for Northland.

The staged approach allows farmers time to get ready for the regulation. Dairy farmers have been voluntarily working towards keeping stock out of waterbodies under the Sustainable Dairying: Water Accord and previous industry initiatives. They are therefore well placed to be ready for the regulation.

Staff are investigating any implications for the council e.g. where the farm abuts / adjoins a Council reserve (which advice suggests may make councils liable for a contribution towards funding fencing) or for wandering stock. The findings will be discussed with elected members at the workshop.

The recommended position is that the requirements and deadlines are supported, that regional councils can adopt more stringent requirements where the circumstances justify them, that the RMA Reform Bill infringement regime will be a necessary tool for enforcement and that the costs of fencing stock are borne by the farmer (acknowledging that Council funding such as that available under the NRC Environment Fund is currently available and it will be up to councils whether this sort of support should remain once there is an obligation on the farmer to fence).

Economic Use of Water

MfE and MPI propose to work with industry to develop good management standards for water efficiency.

Leaking infrastructure - Council administers water reticulation networks that are leaking and are less efficient than they could be. In principle the use of good management practices and technical efficiency standards should be supported to deliver the wise use of the precious water resource. However, funding improvements, including efficiency improvements, is a problem due to the District's low population density and low household income.

Assisting residents and businesses to transition to more efficient water use would reduce the competition between uses and values such as providing water and maintaining instream values and help address / reduce over-allocation.

Water shortages - Intermittent water supply shortages are limiting subdivision and land use in several Far North communities, for example Opononi and Kaikohe. Residents have suggested to Council that retrofitting water tanks would assist. This would also provide stormwater mitigation to reduce complaints regarding stormwater runoff.

Primary Production - The Far North District relies heavily on primary production and tourism for growth and employment. It is therefore essential that these industries are involved in the development of good management standards to ensure standards are workable and cost effective. A range of methods are proposed for use where technical efficiency and good management practice are insufficient to correct over-allocation, for example, the investigation of water storage to address seasonal variations in water supply and demand.

Transferable water rights - Proposal 2.4 suggests changes to make it easier and cheaper to transfer water take consents. However, municipal supply must always be considered a high value use as water is a basic human necessity. In addition, while

a legal mechanism for transferring water may be feasible, the physical transfer of water may be culturally inappropriate or require infrastructure that communities cannot afford.

Council's position is that efficient water use standards and good management practice (GMP) guides should be developed with stakeholders and industry. The appropriate mechanism for implementation will emerge as standards and GMPs evolve. It is likely to be a combination of guidance, rules and private/public partnership. Proposal 2.4 (a package of measures to enable transfers) is supported. However, it does not address the physical and cultural constraints around transferring water.

The definition of higher value use focuses on economic value. This may not be sufficient to address social and cultural values which have significant value but for which dollar amounts of value are difficult to assign.

Freshwater Funding

Government has proposed criteria for applications to the Freshwater Improvement Fund and Irrigation Investment Fund. The proposed criteria include a \$250,000 minimum project value and 50% co-funding.

Existing schemes in the Far North are small compared to elsewhere in New Zealand. However, these schemes are under pressure to supply water for horticultural, industrial, productive and municipal purposes. Competing demands for a limited supply of water is particularly relevant in the Kaikohe area where geothermal potential is under utilised due to limited fresh water supply. Lack of water is a significant limiting factor for residential and industrial growth in the Far North.

Council's position is that the proposed criteria for the freshwater improvement fund and Crown Irrigation Investment are not appropriate for the Far North. The scope of the Freshwater Improvement Fund and Irrigation Investment Fund should be broader. The Far North is a sparsely populated district with multiple township hubs, and the \$250,000 minimum project value and requirement for 50% co-funding makes many potential projects ineligible. These projects would contribute significantly to improving economic, social, cultural and environmental wellbeing but are currently unaffordable based on ratepayer funding alone.

Development of the Draft Submission

A wide variety of stakeholders would have an interest in the freshwater reform. Internal Council stakeholders and Northland Regional Council staff have been contacted regarding Council's draft submission.

Timeline for Submission

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|-------------|--|
| 25 February | <ul style="list-style-type: none">• Consultation document officially released• District Plan, Community Development, Iwi Engagement and Infrastructure teams discuss. |
| 15 March | <ul style="list-style-type: none">• FNDC Policy Planner and Infrastructure Planning Manager meet with NRC staff |
| 1 April | <ul style="list-style-type: none">• FNDC staff and public attend freshwater hui facilitated by Ministry for Environment |
| 11 April | <ul style="list-style-type: none">• Elected member workshop |

| | |
|----------|-------------------|
| 21 April | Committee meeting |
| 22 April | Submissions Due |

3) Financial implications and budgetary provision

While some proposals may have positive financial implications for example, access to the new Freshwater Improvement Fund, most of the proposals will result in additional costs to Council. Developing Iwi Participation Agreements will require additional staff time and training and it is not yet clear how the implementation of the proposals would affect the construction, operation and maintenance of Council's infrastructure.

4) Reason for the recommendation

The report has been prepared to inform the Regulatory and Environment Committee on the MFE and MPI consultation document Next Steps for Freshwater.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Draft Submission on Next Steps for Freshwater Consultation
Document - Document number A1695402 (Under Separate Cover)

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga

2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
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| Relationship with existing policies and Community outcomes. | The management of freshwater, community, iwi and hapū participation in decision making and infrastructure are all community outcomes. The district plan and its policies for development is under review. The proposals in the consultation document affect the review, the provision of Council infrastructure, affordability and participation in decision making. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Significant implications and opportunities for hapū and iwi. The proposals would enable better iwi participation in decision making through Iwi Partnership Agreements. However, additional resourcing would be required to improve the capacity to engage. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | No specific engagement with external groups or individuals has occurred. Views have been sought from Council's Infrastructure Planning, Iwi Engagement, and Community Policy & Development Departments. A workshop with elected members will be held before the committee meeting. Feedback from the community already received on the district plan review has also been considered. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | The decision to make a submission is of low significance. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The proposals have District wide significance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | If implemented, the proposals will require additional funding or a reprioritisation of existing budgets. Changes to existing budgets and work programmes will be considered and if necessary included in the development of future annual and long term plans. The Chief Financial Officer has reviewed this report. |

Item 3.2

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016

Name of item: MAKING A VERBAL SUBMISSION TO THE
PARLIAMENTARY SELECT COMMITTEE ON THE
RESOURCE LEGISLATION AMENDMENT BILL 2015

Author: Andrew McPhee - Senior Policy Planner

Date of report: 22 March 2015

Document number: A1695317

Executive Summary

The Regulatory and Environment Committee, at its meeting on 10 March 2016, recommended the attendance of representatives of the Far North District Council at the Local Government and Environment Select Committee hearings on the proposed amendments to the Resource Legislation Amendment Bill 2015.

The purpose of this report is to inform the Regulatory and Environment Committee of the process and to endorse Council Elected Members, supported by an appropriate technical staff member, presenting Council's submission to the select committee.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council endorse the following Elected Members and supporting staff member of the Far North District Council to attend the Local Government and Environment Select Committee hearing to represent the District's aspirations and concerns about the proposed amendments to the Resource Legislation Amendment Bill 2015.

Councillor Ann Court (Regulatory and Environment Committee Chairperson)

Councillor Willow-Jean Prime

Staff member Andrew McPhee

1) Background

In November and December 2015 the Resource Legislation Amendment Bill (the Bill) was introduced into Parliament and had its first reading. An opportunity was then extended to the public to give input during the Local Government and Environment Select Committee process. The submission period closed 14 March 2016.

Council lodged a submission on 14 March 2016 that focused on the elements having the strongest implications for the District and the status of the review of the District Plan. They are as follows:

- The national planning template.
- Sections 30 and 31 (Functions of regional councils and territorial authorities.
- Iwi participation arrangements
- Natural hazards
- Collaborative planning process
- Streamlined planning process
- Offset mechanism

- Boundary activities and permitted activities
- Fast track applications
- Fixing fees payable
- Regulations that permit or prohibit certain rules - new section 360D

The submission stated that Council would like to be heard (i.e. appear before the select committee to speak to the Far North District Council submission).

The Regulatory and Environment Committee minutes of its meeting 10 March 2016 note that “...*The Committee recommends the attendance of representatives of the Far North District Council at the Select Committee Hearings to represent the Region’s aspirations and concerns with regards to the proposed amendments*”.

2) Discussion and options

Select Committee Process

The select committee process is similar in structure to that of a Council hearing process, where a submitter has an opportunity to present evidence in support of their submission. It provides the submitter with an opportunity to reinforce what was in their written submission. It also allows the committee to clarify points raised in the submission. After the presentation of the submission, there may be questions from the committee and questions may be asked to clarify the any points in the submission or verbal evidence.

If the select committee is undertaking a hearing, then committee staff will inform Council of the time and place (usually Wellington but sometimes the select committee moves around the regions) and the speaking time allowed. Hearings before select committee are generally open to the public and the news media. Notification of the opportunity to speak may be at short notice.

Because the Bill and the Council’s submission covers a specialist area of knowledge - the District Plan and the Resource Management Act 1991 (RMA) and contains specific provisions for iwi/hapū planning arrangements, we recommend that the Chairperson of the Regulatory and Environment Committee (Cr Ann Court) and Councillor Willow-Jean Prime (accredited Commissioner with relevant expertise, knowledge and skills) are authorised to attend the hearing on behalf of Council. This also provides an element of back up should one of the endorsed elected members be unavailable on the date chosen (which is often at short notice).

In addition, as technical questions (on our district plan or planning generally) may be asked, we recommend that a staff member attend the hearing with the elected representative(s) to provide any necessary support (and follow up advice if required).

Further procedural guidance is appended as **Attachment 1**, “Making a submission to a parliamentary select committee” prepared by the Office of the Clerk of the House of Representatives - 2012.

3) Financial implications and budgetary provision

There may be indirect financial implications for Council should the current reform package (the Bill) proceed without significant amendment. Some elements of the Bill could influence strategic directions, which could affect the review of the District Plan.

The Regulatory and Environmental Committee has recommended presenting the submission verbally to the select committee. Travel and accommodation costs are budgeted for.

4) Reason for the recommendation

The report has been prepared to inform the Regulatory and Environment Committee of the select committee process and to endorse sending Council elected member representatives and a supporting technical staff officer to present Council's submission to the select committee (which is likely to be in Wellington).

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Making a submission to a parliamentary select committee -
Document number A1695323

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

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| Relationship with existing policies and Community outcomes. | Reform of planning legislation is connected to existing strategic planning and policy processes and initiatives. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | The reform process considers techniques to improve the means by which Māori are engaged in planning processes and the potential to develop partnerships. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | The planning reform process allows for public submissions. The scope of the reform also contains a particular urban focus, where universal access considerations would be promoted. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | Reform of planning legislation forms part of an ongoing plan change process and part of an integrated planning process. Normal opportunities for engagement therefore apply. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The matter has District wide significance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | Costs associated with attendance at the select committee to speak to the submission can be met from existing district planning budgets. Provision has been made in the District Plan budget for plan changes to give effect to higher order policy instruments and review or reform process. The Chief Financial Officer has reviewed the report. |

MAKING A SUBMISSION TO A PARLIAMENTARY SELECT COMMITTEE



Office of the Clerk of the House of Representatives

2012

About this guide

New Zealand's system of parliamentary democracy not only provides for citizens to elect their representatives, but also allows citizens to have a say in shaping the laws that affect them. One of the ways this involvement is achieved is by the select committees of the House of Representatives receiving submissions from the public. The system of public input into legislative proposals is an important element in the parliamentary process and in the democratic life of the country. Submissions are also received on parliamentary inquiries and other matters before select committees. This provides the public with an opportunity to put forward its views on issues and may ultimately result in new laws.

For public submissions to be effective, content and format are factors that need to be considered carefully. This guide is designed to help those writing a submission to a select committee to produce it in a form that is easily read and understood. This will enable a submission to be more effective and allow its recommendations or suggestions to have a greater impact on the committee. The guide also covers how to present an oral submission, describes the rights of witnesses, and provides general information on select committees.

Contents

| | Page |
|--|-------------|
| Getting started | 5 |
| What is a submission? | 5 |
| Calling for submissions | 5 |
| Public access to bills and other government publications | 5 |
| Preparing your submission | 7 |
| Online submissions..... | 7 |
| How to write a submission | 7 |
| Content of your submission | 8 |
| Writing a submission on a bill | 9 |
| Writing a submission for an inquiry | 10 |
| Layout and format of your submission | 10 |
| Sending your submission..... | 10 |
| Presenting oral submissions..... | 12 |
| Appearing before a committee..... | 12 |
| Before the meeting..... | 12 |
| At the meeting | 12 |
| After presentation of your submission..... | 13 |
| Your rights as a witness..... | 13 |
| Right of reply to allegations | 14 |
| About select committees | 16 |
| What is a select committee? | 16 |
| Subject committees..... | 16 |
| Other committees..... | 17 |
| Calling for evidence..... | 17 |
| Hearing of submissions | 17 |
| Status of submissions..... | 18 |
| Costs | 18 |
| Further information..... | 18 |
| Appendix: Suggested submission format | 20 |

Getting started

What is a submission?

An opportunity to present your views on a matter before a committee

A submission is the presentation of views or opinions on a matter currently under consideration by a select committee. Submissions are normally received in written form, and they can be reinforced through oral presentation to the committee. By writing or presenting a submission, you are providing the committee with your own insights, observations, and opinions. The reasons that you provide for any changes that you believe should be made, or actions you believe should be taken, will give validity to your submission. Submissions may be presented in English, Māori, or sign language.

Calling for submissions

Request for submissions publicly advertised

When a committee decides to seek submissions, it usually places advertisements in the major daily, or relevant local, newspapers, and on the Parliament website. The advertisement will state:

- the name of the bill, inquiry, or matter under consideration for which submissions are sought
- the name of the committee that is considering the matter
- the date by which submissions can be made.

Public access to bills and other government publications

Online access to bills

Information about bills before the House and its committees can be accessed online from the Parliament website www.parliament.nz. All bills are available for download from the New Zealand Legislation website www.legislation.govt.nz.

Some libraries hold bills

Some of the larger libraries hold bills.

Bills can be purchased

Copies of bills can also be purchased at Vicbooks Pipitea (23 Lambton Quay, Wellington) and several other bookshops throughout New Zealand.

If you call 04 568 0005, Legislation Direct staff will inform you of the stockist nearest you, or you can place a direct order with Legislation Direct, www.legislationdirect.co.nz.

Preparing your submission

Online submissions

You can submit online

Submissions for items of business can now be made online via a webform on the Parliament website www.parliament.nz.

Making an online submission is a quick and effective way to communicate your views to parliamentary select committees. You will need to follow the instructions on the website for making an online submission to ensure that your submission is received.

You will be able to upload an electronic document you have prepared in accordance with the following guidelines.

How to write a submission

Submissions should be ordered and easy to read

While there is no set format for a submission to a select committee, you should aim to present your submission in a way that is ordered and easy to read. The following are suggestions that will help you achieve this. A suggested format is included as an appendix. You should include the following information.

Heading

Head your submission with the name of the select committee to which it is addressed and the full title of the bill, inquiry, or matter under consideration.

Who is it from?

If you make your submission online using the webform, follow the guidelines for submitting your personal details. It is important that you separate out your personal details from the main body of your submission, otherwise your personal details will not only be released publicly; they will end up being posted on the Parliament website.

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| | <p>If you do not use the online form, you should provide the following information in a covering letter: your name or the name of the organisation you are representing; an email address; a contact address; and a daytime telephone number.</p> <p>If you provide this information in the submission itself, please be aware that it will be published on the Parliament website.</p> |
| <i>Do you wish to appear before a committee?</i> | <p>The webform allows you to indicate whether you wish to request an opportunity to speak to the committee in person. If you do not use the online form, please include your request in your covering letter.</p> <p>If you wish to appear before the committee, include with your name your daytime telephone number and email address. If you wish others to appear in support, include their names and, if representing an organisation, designations.</p> |
| <i>What are your organisation's aims?</i> | <p>If you are writing for an organisation, give brief details of the organisation's aims, membership, and structure. Make sure that you have the authority to represent the organisation and note your position within the organisation.</p> |
| <i>Who has been consulted?</i> | <p>Note how much support you have and how widely you have consulted while writing the submission.</p> |
| | <p>Content of your submission</p> |
| <i>Five basic principles</i> | <p>When writing a submission, you will usually be making comments in relation to a bill or inquiry. While there are differences in the way in which a submission is written for a bill or inquiry, there are five basic principles that apply to both.</p> |
| <i>Relevant</i> | <p>Your submission must be relevant to the matter before the committee. A committee may decide</p> |

not to receive a submission it considers not relevant.

Clear

Arrange your sentences and paragraphs in a logical order. Present a clear and logically developed argument. A submission that jumps from one issue to another and back again or jumbles unrelated issues together may confuse members and reduce its impact.

Concise

Be simple and direct. Do not write more than is necessary. An overly long submission may prove too long for members to consider fully. They want to know what you think and the evidence or arguments you have that support your view.

Accurate

Be accurate and complete. Include all relevant information. It will only confuse the committee if, in your submission, you refer to evidence or information that is not included. Make sure your facts are correct. An error-ridden submission will greatly reduce its impact and credibility.

Conclusion

Restate your recommendations in a conclusion at the end of the submission or an executive summary at the beginning. Consider listing your submission's recommendations or summing up its main points.

Writing a submission on a bill

Focus on the bill

When writing a submission on a bill you should have a copy of that bill so you know what is being proposed. You will then be able to focus your submission on what the bill actually contains. Information on public access to bills is contained in the previous section, "Getting started".

General position

First, state your general position on the bill, whether you support or oppose the measure being proposed, and give your reasons.

Detailed comments

Having stated your general position, make more detailed comments on the clauses that are of concern to you. If you feel that certain clauses need to be changed, say so, and give your reasons. You might also like to suggest new wording for the clauses that you feel ought to be changed. Using clauses as numbered in the bill is a good way to organise your submission.

Writing a submission for an inquiry

Address the terms of reference

Writing a submission for an inquiry is different from writing a submission on a bill. As there are no specific clauses to comment on, use the terms of reference of the inquiry as a guide to presenting your views. You may then like to list any specific recommendations that you wish the committee to consider. It is essential to have a copy of the inquiry's terms of reference to assist in preparing your submission. These can be found on the Parliament website www.parliament.nz.

Layout and format of your submission

Layout and format should assist the reader

Layout and format are very important in assisting the reader. Guidelines are available on the Parliament website www.parliament.nz to assist you to prepare a submission. A suggested format has also been included in the appendix to this guide.

Sending your submission

Two copies required

If you do not make your submission online using the webform on the Parliament website www.parliament.nz, select committees require two hard copies of each submission. Both copies should be sent together to the committee secretariat before the closing date for submissions.

Address your submission to:

Secretariat

_____ Committee

Select Committee Services

Parliament Buildings

WELLINGTON 6160

You will need to pay postage to send your submission.

*Late submissions may
not be accepted*

If you have any problems meeting the closing date, telephone the committee secretariat immediately so that alternative arrangements, if possible, can be made. A late submission will not necessarily be accepted by the committee.

Presenting oral submissions

Appearing before a committee

Your opportunity to present views in person

Making an oral submission provides you with the opportunity to reinforce what you have said in your written submission. It also allows the committee to clarify points raised in your submission. If the committee has decided to hear your submission, committee staff will inform you of the time and place of the meeting and the time allocated for your submission. Notification may be at short notice.

Before the meeting

It may help to observe other submissions being presented

The format for the presentation of oral submissions varies between committees and the nature of the business. As the hearing of evidence during a committee meeting is generally open to the public and the news media, you may wish to attend one of these meetings before you give evidence or to arrive early and observe other presentations. It is best to discuss any concerns about giving evidence with committee staff before the meeting commences.

Prepare your oral presentation

Prior to appearing before the committee, it is a good idea to prepare your submission so you are able to present all relevant points and leave enough time for questions. Although committees usually work to a timetable, the time allocated to hear a submission will vary.

At the meeting

Introduce yourself to the committee

At the meeting, when the committee is ready to hear your submission, the chairperson will invite you to sit at the table. At this stage, you should introduce yourself and anyone who may be appearing with you.

Summarise the main points

Following the introductions, the chairperson will ask you to speak to your submission. Briefly summarise the main points of your submission along with any recommendations. All communication with the committee should be addressed through the chairperson. Because of time constraints and the fact that the committee will have already studied your submission, you should not read it out. If there is any new information that has become available you may wish to inform the committee of it. Bear in mind that committee members may wish to ask you questions to clarify matters and discuss issues raised by your submission, so it is important to leave time for them to do so.

Please provide any supplementary submission electronically to committee staff prior to the meeting or bring 15 copies of any supplementary submission to the meeting.

After presentation of your submission

You may be asked questions

After the presentation of your submission the members of the committee will usually question you to clarify points they are uncertain about or that they feel require further examination. If there are any other people appearing with you, you may wish to call on them to answer questions.

Further information may be requested

Sometimes the committee will ask for additional information during the hearing. If you agree to provide the information, you should forward two copies of each item of information requested to the clerk of the committee by an agreed date.

Your rights as a witness

Some procedural protections for witnesses

The Standing Orders (procedural rules of the House and its committees) provide some protection to you when you appear as a witness

before a select committee. Your rights as a witness allow you to:

- apply to have some or all of your evidence heard in private or secret, giving reasons for such an application
- raise matters of concern with the clerk of the committee relating to evidence you are to give
- make a written submission before appearing to give evidence
- be accompanied by and consult counsel
- object to a question on the grounds of relevance
- object on any grounds to answering a relevant question and state grounds for objection
- have the opportunity to correct errors in any transcriptions of your evidence
- complain of apparent bias on the part of a member.

Apparent bias occurs where a member of the committee has made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature, identifying by name or otherwise a person as being responsible for or associated with that crime, conduct, or activity.

Right of reply to allegations

People who are the subject of allegations have right of reply

Standing Orders provide protections for people where allegations made in select committee proceedings may seriously damage their reputation, whether or not that person appears as a witness. If your evidence contains allegations, such a person will be informed of the allegations and may:

- make a written submission to the committee and appear to respond to allegations
- ask that further witnesses give evidence in his or her interest

- request a copy of all information (except secret evidence) a committee possesses concerning him or her
- respond to proposed committee findings where his or her reputation would be seriously damaged by those findings, before a committee reports to the House.

Return of evidence

You need to be aware that a select committee may return, or expunge from any transcript of proceedings, any evidence or statement that it considers to be irrelevant to its proceedings, offensive, or possibly defamatory.

If you wish to include any reference to matters awaiting judicial decision, you must contact the clerk of the committee before doing so.

Separate guide available

The Office of the Clerk produces a guide, *Natural Justice Before Select Committees*, setting out procedural protections. It is available on the Parliament website www.parliament.nz. If you wish to raise any of the matters outlined above, contact the clerk of the committee.

About select committees

What is a select committee?

Select committees undertake detailed work of the House

Select committees are appointed by the House of Representatives to undertake much of its detailed work. They are groups of members of Parliament deriving their powers from the House and reporting their findings to it. Membership reflects the balance of parties in the House.

Public input is through the submission process

Select committee consideration allows detailed examination in a manner that would not be possible in the House. This also allows members of the public to have a direct input into the parliamentary process by making written and oral submissions. Select committees may travel within New Zealand to obtain evidence.

Subject committees

Most committee work is done by subject committees

Most select committee work is carried out by 13 subject committees, which are established at the commencement of each Parliament and continue in existence for the duration of that Parliament. The overall membership of committees must be proportional to party membership in the House.

The subject committees are:

Commerce
Education and Science
Finance and Expenditure
Foreign Affairs, Defence and Trade
Government Administration
Health
Justice and Electoral
Law and Order
Local Government and Environment
Māori Affairs
Primary Production

Social Services
Transport and Industrial Relations.

Other committees

*Specialist committees
are also appointed*

In addition to the subject committees, five specialist committees are established or convened by Standing Orders. These are:

Business
Officers of Parliament
Privileges
Regulations Review
Standing Orders.

Ad hoc committees can also be appointed for a specific purpose such as a bill or an inquiry.

Refer to the Parliament website for more information about select committees
www.parliament.nz.

Calling for evidence

*Witnesses can be
required to attend or
produce documents*

Select committees may request that people attend meetings to give evidence and that documents and records be produced. They can apply to the Speaker to issue a summons, if necessary, to obtain the evidence or to require a witness to attend.

Hearing of submissions

*Submissions are
usually heard in
public*

It is normal for committees to receive and consider submissions but they are not required to. Submissions are usually heard in public. However, depending on the nature of the submission, committees can also hear evidence in private or in secret. Evidence heard in private will remain confidential until the item (bill or inquiry) to which it relates is reported to the House. Secret evidence, on the other hand, remains secret unless the House chooses to disclose it.

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| | <p>Status of submissions</p> <p><i>Submissions are generally released when a committee starts to hear evidence</i></p> <p>While submissions can be discussed freely during their preparation, once a submission has been sent to a committee it becomes the property of that committee. Committees usually release submissions when they start hearing evidence.</p> <p><i>Once released, submissions are published on the Parliament website</i></p> <p>Once released, submissions are published on the Parliament website www.parliament.nz.</p> <p><i>Those wishing to include any information of a private or personal nature in a submission should first discuss this with the clerk of the committee.</i></p> <p><i>You are not prevented from releasing your own submission</i></p> <p>It is not a contempt of the House for you to release your submission before the committee has received it. However, if you decide to do this, you will not have the protection of parliamentary privilege for any statements made in your submission.</p> <p><i>“Effective repetition” of defamatory statements</i></p> <p>Further to this, a recent court ruling has held that a person may be liable for defamation if that person makes a defamatory statement in a situation that is protected by parliamentary privilege (such as an oral presentation to a select committee) and later affirms that statement (without actually repeating it) on an occasion that is not protected by parliamentary privilege.</p> |
| | <p>Costs</p> <p><i>You meet your own costs</i></p> <p>You are responsible for paying your own travel expenses to meeting venues and all other personal costs associated with presenting your submission.</p> |
| | <p>Further information</p> <p><i>Further information available</i></p> <p>Information about items of business before select committees can be accessed either online from the Parliament website www.parliament.nz, or by contacting Select Committee Services by</p> |

telephone on 04 817 9520 or fax on
04 499 0486.

*Publications on the
Parliament website*

The Office of the Clerk publishes a range of material about Parliament, including select committees. This can be found on the Parliament website www.parliament.nz.

Appendix: Suggested submission format

Covering letter

Date

Page number

Submission on the XXX Bill/Inquiry

To the (name of Committee) Committee

Personal details

This submission is from (name of individual/organisation and address).

I/we wish to appear before the committee to speak to my/our submission.

I can be contacted at: *(List your daytime contact telephone number and email address or the name, address, contact telephone number; and email address of the contact person for your organisation if different from above).*

I/we wish that the following also appear in support of my/our submission: *(list names and positions in organisation).*

Submission

I/we support/oppose the intent of this bill because *(state reasons)*. *If an organisation, give brief details of your organisation's aims, membership and structure and the people consulted in the preparation of the submission.*

I/we wish to make the following comments *(general views)*.

Clause 1 *(if submitting on a bill)*

I/we support/oppose this clause because *(state reasons)*.

Clause 2 *(if submitting on a bill)*

Although I/we agree with the general intent of this clause, I/we consider that *(note changes you would like made and suggest new wording)*.

Specific comments *(if submitting on an inquiry)*

I/we wish to raise the following matters under term of reference 1, term of reference 2, etc *(expand on your views and give reasons)*.

Recommendations

(List any further recommendations or conclusions you wish the committee to consider. You may wish to restate recommendations mentioned earlier.)

MEETING: **REGULATORY AND ENVIRONMENT COMMITTEE**
21 APRIL 2016

Name of item: **REVIEW OF TRADE WASTE BYLAW**

Author: Neil Miller - Policy Advisor

Date of report: 18 March 2016

Document number: A1690613

Executive Summary

The purpose of the report is to complete the review of the Trade Waste Bylaw. The Local Government Act states that a bylaw is revoked two years after the last date on which the bylaw should have been reviewed. The existing Bylaw will be revoked on 16 October 2016, unless a review is completed prior to that date. What is required for a review to be completed is a determination that a bylaw is the most appropriate way of addressing the problem.

The recommended approach is to continue to have a Trade Waste Bylaw for the District, and, to revise the existing Bylaw. The existing bylaw has not been operationalised and charges have not been levied to date under the Trade Waste Bylaw for discharges into the Council wastewater network. The scope and extent of trade premises discharges is not currently known. This work needs to be undertaken as part of developing a revised Bylaw. Voluntary agreements with trade waste premises can be reached to help minimise harm to the natural environment.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council determine that a Trade Waste Bylaw is the most appropriate way of addressing the problem of trade waste discharges to the wastewater networks;

AND THAT Council consult on a revised Trade Waste Bylaw.

1) Background

The Trade Waste Bylaw (see Attachment 1) is used to manage the trade waste component of wastewater. Trade waste is commercial liquid (which is not typical domestic waste) that is discharged into the Council wastewater network. Council has a Wastewater Drainage Bylaw for the control of wastewater drainage which is the subject of a separate report to this Committee.

If not controlled, trade waste can be harmful to our wastewater treatment process, or use a disproportionate percentage of the reticulation and/or the treatment capacity. The regulation and management of trade waste is both by Northland Regional Council consents issued in accordance with the Resource Management Act 1991 and by the District Council through bylaws.

The Far North District Council Trade Waste Bylaw came into force on 1 December 2009. The existing Bylaw has not been operationalised, and, no fees and charges have been scheduled in Council Annual Plans or Long Term Plans.

LGA 2002 s 158 requires that review of a new bylaw must take place five years after it was made.

LGA s 160A states that a bylaw is revoked two years after the last date on which the bylaw should have been reviewed. The existing Bylaw will be revoked on 16 October 2016, unless a review is completed prior to that date.

2) Discussion and options

This section sets out the review of the bylaw.

Local Government Act Section 155 Determination

LGA 2002 s 155 requires a determination of the following before making a bylaw:

1. Is a bylaw the most appropriate way of addressing the problem?
2. Is this the most appropriate form of bylaw?
3. Are there any implications under the New Zealand Bill of Rights Act 1990?

In this instance, the determination takes account of the following considerations:

1. A bylaw is the most appropriate way of managing the discharge of trade waste. LGA 2002 s 146 states that a territorial authority may make bylaws for its District for the purposes of trade wastes.
Reasonable fees and charges can be levied to meet costs incurred by the council. This is provided for under the Hazardous Substances and New Organisms Act 1996 s 23 and the LGA 2002 s 150.
2. A stand alone bylaw is the most appropriate form of bylaw because trade waste is a distinct area of activity that affects specific trade premises rather than all households and businesses.
3. There are no known implications under the Bill of Rights Act 1990.

Therefore, a standalone bylaw is considered to be the appropriate option to address problems that arise from trade waste discharges to the wastewater system.

LGA 2002 s 160(1) states that by making a determination under s 155 as above, the review is completed. In addition, two options for the future bylaw are discussed below.

The Council's resource consent from the Northland Regional Council authorising wastewater discharge outputs means that the Council needs to control inputs into the system. Therefore not to enact the bylaw may be inconsistent with the outcome: Our environment is protected, enhanced and wisely managed. In addition, not to have an effective trade wastes bylaw may be inconsistent with the following:

- The Waste Minimisation Act 2008 purpose to encourage waste minimisation and a decrease in waste disposal to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.
- The Hazardous Substances and New Organisms Act 1996 purpose to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.
- The Health Act 1956 duty of every local authority to improve, promote, and protect public health within its District.

Fees and charges for trade waste discharges could be set as part of the Annual Plan 2017/18 or any future Annual Plan or Long Term Plan.

Option 1 Revise the Trade Waste Bylaw

The existing bylaw definition of trade premises is too broad and covers all businesses, including farms.¹ Agricultural business are unlikely to be discharging into the District Council wastewater network and are more likely to be subject to Regional Council consents.

Attachment 2 sets out the types of activities or premises that are typically covered by a bylaw of this type. Note that some provisions of a Trade Waste Bylaw usually apply only to those premises that discharge over a set minimum volume, or, who present a significant management and treatment risk. Also, there may be some administrative amendments required to set out the relationship to the Wastewater Drainage Bylaw.

Option 2 Status Quo

This will mean that the District will continue to have the same Trade Waste Bylaw as at present. This option is not recommended since the bylaw has not been operationalised since its adoption. Even if the bylaw stays the same, a special consultation procedure (SCP) is still required under the LGA 2000 s 165. If the Council is to consult, it should do so under a suitably revised bylaw.

Option one is the preferred option recommended by staff.

Consultation and decision-making process

Not having a current database of trade premises that may be discharging into the wastewater system is a barrier to effective consultation. In part, this is because the Council has not issued consents to discharge under the Trade Waste Bylaw.

The LGA 2002 s 156 states that a SCP is required to propose the existing, an amended, or a new bylaw if the proposal is of significant interest or impact. The Trade Waste Bylaw is significant under the Council's Significance and Engagement Policy because it has a high impact upon some trade premises that discharge into the wastewater system.

Further, the LGA 2002 s 148 sets out special additional requirements for bylaws relating to trade wastes:

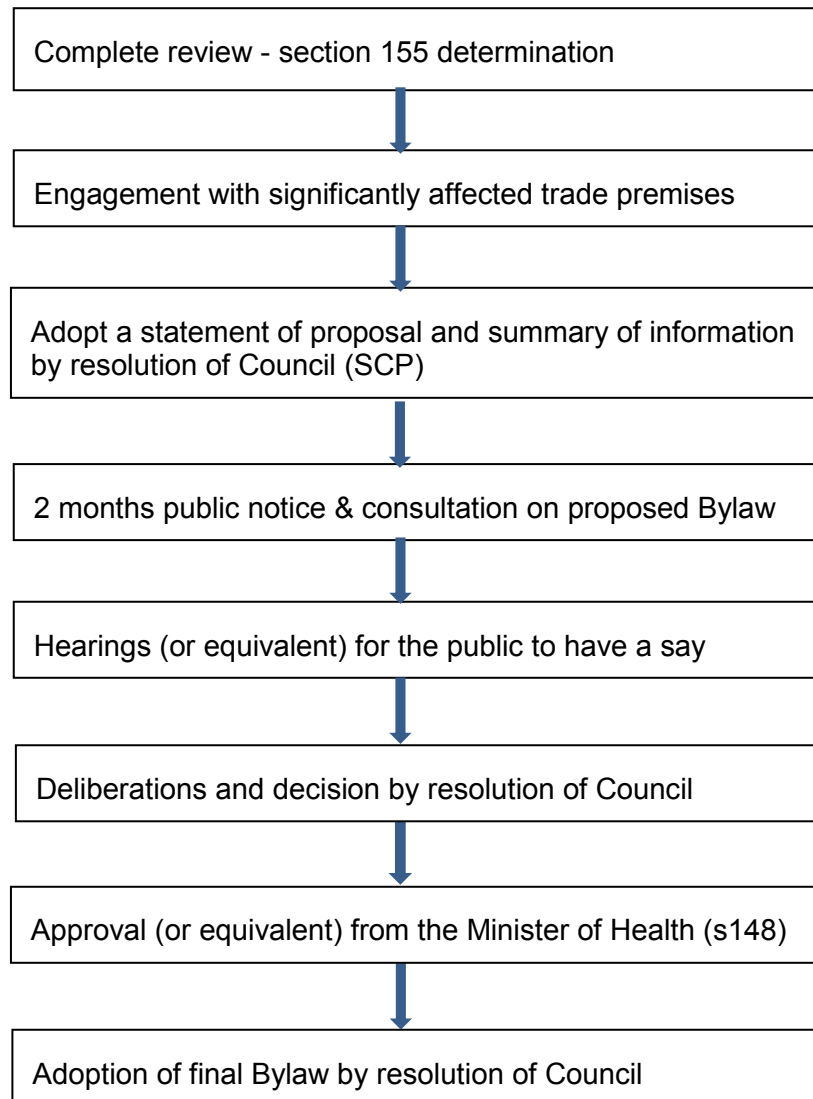
- The Council must give at least two months public notice of the Proposed Draft Bylaw.
- During those two months the Council must receive and consider any representation(s) made in writing by, or on behalf of, owners of trade waste premises in the District.
- The Council must establish and maintain a register of any owner of occupier of trade premises who writes to request registration.
- The Council must send the Proposed Draft Bylaw to the Minister of Health for their comments.
- The Council must further consult with any representative body of persons specified by the Minister of Health.

These statutory requirements of the SCP and the two months notice means that the completion of the required process will take a minimum of six months, even if no changes were proposed to be made to the existing bylaw.

¹ "**Trade Premises**" means: (a) Any Premises used or intended to be used for any industrial or trade purpose; 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 trade process; or (d) Any other Premises discharging other than Domestic Sewage; and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

It is intended to notify the draft Bylaw for both the SCP, and the 2 months public notice for owners of trade waste premises, as well as the Minister, at the same time, and to run these processes concurrently.

A brief summary of the process required under the provisions of the LGA 2002 and the Bylaws Act 1910 is set out in the diagram below:



3) Financial implications and budgetary provision

There is a cost to carrying out any consultation, especially an SCP. The consultation for this Bylaw has been budgeted for. There could be additional income to the Council from trade waste fees and charges which could help to meet the costs of administering the bylaw and managing the effects of trade waste discharge on Council's wastewater infrastructure.

4) Reason for the recommendation

A Trade Waste Bylaw is the most appropriate way of managing and mitigating the impact of contaminants from trade waste premises entering the wastewater network. A Bylaw allows for the development of a consistent regulatory approach across the District that reflects the current wastewater network and business environment.

As the bylaw has not been operationalised, there is an opportunity to consider if it can be simplified, particularly in the definition of affected trades premises. At the same time, the bylaw does not replace education and voluntary compliance to help reduce the problem of trade waste entering Council's wastewater network.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Trade Waste Bylaw - Document number A1694802

Attachment 2: Types of business that may need a trade waste consent - Document number A1694681

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

| | |
|--|---|
| Relationship with existing policies and Community outcomes. | Trade wastes impact upon the outcome: Our environment is protected, enhanced and wisely managed. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Trade waste may impact upon the Mauri of water. Marae may be affected by trade waste provisions. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Trade waste premises may be significantly impacted. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | Yes |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The matter has District wide relevance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review | Cost associated with the review of this Bylaw and consultation (SCP) have been budgeted for by Manager - Infrastructure Planning, Infrastructure and Asset Management Group. The Chief Financial Officer has reviewed this report. |

FAR NORTH DISTRICT COUNCIL BYLAWS

TRADE WASTE

To come into force: 1st December 2009

For the purpose of: Controlling trade waste discharged to the sewerage system to ensure the protection of wastewater treatment personnel and assets, to meet requirements of the Resource Management Act and to provide equitable spread of costs between domestic and trade waste discharges.

INDEX

Clause

| | |
|--------------------|--|
| 1. | Introduction |
| 2. | Compliance with the bylaw |
| 3. | Trade waste discharges and consents |
| 4. | Trade waste approval criteria |
| 5. | Sampling, testing and monitoring |
| 6. | Bylaw administration |
| Schedule 1A | Permitted discharge characteristics |
| Schedule 1B | Prohibited characteristics |
| Schedule 1C | Trade waste charges |
| Appendix A | Application for trade waste discharge |
| Appendix B | Description of trade waste and premises |
| Appendix C | Application for temporary discharge |
| Appendix D | Trade waste consent form |
| Appendix E | Flow Chart for the Application Process |

1 INTRODUCTION

This bylaw regulates the discharge of Trade Waste to a Sewerage System operated by Far North District Council (COUNCIL).

Section (s.) 158 of the Local Government Act (ACT) requires regular review of all bylaws.

- | | | |
|--------------|---|-------------------------------------|
| 1.1 | This bylaw comes into force on the: 1 st December 2009. | <i>Commencement and Application</i> |
| 1.2 | Not applicable. | <i>Revocation</i> |
| 1.3 | | <i>Scope of the Bylaw</i> |
| 1.3.1 | The bylaw provides for the: | |
| | <ul style="list-style-type: none">(a) Acceptance of long-term, intermittent, or Temporary Discharge of Trade Waste to the Sewerage System;(b) Establishment of three grades of Trade Waste: Permitted, Conditional and Prohibited;(c) Evaluation of individual Trade Waste discharges to be against specified criteria;(d) Correct storage of materials in order to protect the Sewerage System from spillage;(e) Installation of flow meters, samplers or other devices to measure flow and quality of the Trade Waste discharge;(f) Pre-treatment of waste before it is accepted for discharge to the Sewerage System;(g) Sampling and monitoring of Trade Waste discharges to ensure compliance with the bylaw;(h) COUNCIL to accept or refuse a Trade Waste discharge;(i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing, Trade Waste and the associated costs of administration and monitoring; | |

- (j) Administrative mechanisms for the operation of the bylaw; and
- (k) Establishment of waste minimisation and management programmes (including sludges) for Trade Waste producers.

1.3.2 Nothing in this bylaw shall derogate from any of the provisions of the Health Act, the Health and Safety in Employment Act, the Resource Management Act, the Building Act, the Hazardous Substances and New Organisms Act and its regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

Compliance with other Acts

1.3.3 This bylaw shall apply to all Trade Premises within the Far North District where Trade Wastes are discharged or sought or likely to be discharged to the Sewerage System operated by the COUNCIL or its agents. The bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to the Sewerage Systems operated by the COUNCIL or its agents.

Trade premises and other users to which the bylaw applies

Pursuant to s. 196 of the Local Government Act the COUNCIL may refuse to accept any type of Trade Waste which is not in accordance with this bylaw.

1.4 REFERENCED DOCUMENTS

| | | |
|---------------------------|--|--|
| NZS 4304:2002 | Management of healthcare waste | <i>New Zealand Standards</i> |
| NZS 5465:2001 | Self containment for motor caravans and caravans | |
| NZS 9201: Part 22:1999 | Model general bylaws Wastewater drainage | |
| AS/NZS 5667: | Water quality - Sampling | <i>Joint Australian /New Zealand Standards</i> |

| | | |
|------------------------------|--|--------------------------|
| Part 1:1998 | Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples | <i>British Standards</i> |
| Part 10:1998 | Guidance on sampling of waste waters | |
| BS 3680:2002 | Measurement of liquid flow in open channels | |
| Part 11A:1992 | Free surface flow in closed conduits - Methods of measurement | |
| Part 11B:1992 | Free surface flow in closed conduits - Specification for performance and installation of equipment for measurement of free surface flow in closed conduits | |
| BS 5728:1997 | Measurement of flow of cold potable water in closed conduits | |
| Part 3:1997 | Methods for determining principal characteristics of single mechanical water meters (including test equipment) | |
| BS 6068: 2006 | Water quality | |
| Part 6: Section 6.10:1993 | Sampling Guidance on sampling of waste waters | |
| BS EN 25667-1: 1994 | Water quality. Sampling. Guidance on the design of sampling programmes | |
| BS 6068-6.1:1981 | | |
| BS EN 25667-2: 1993 | Water quality. Sampling. Guidance on sampling techniques | |
| BS 6068-6.2:1991 | | |
| BS EN 5667-3: 2003 | Water quality. Sampling. Guidance on the preservation and handling of water | |

samples

BS 6068-6.3:2003

Building Act 2004
Hazardous Substances and New Organisms Act
(HSNO) 1996 and associated Regulations
Health Act 1956
Health and Safety in Employment Act 1992
Land Transport Rule Dangerous Goods 1999 Rule
45001
Local Government Act (ACT) 2002
Resource Management Act (RMA) 1991 and
associated Regulations

*New Zealand
Legislation*

Agricultural and Resource Management Council of
Australia and New Zealand (ARMCANZ) and
Australia New Zealand Environment and
Conservation Council (ANZECC)
Guidelines for Sewerage Systems: Acceptance of
Trade Wastes (industrial waste) 12 (1994)
Document available from Australian Water
Association (AWA) www.awa.asn.au

Other Publications

American Water Works Association
Standard methods for the examination of water and
wastewater 20th Edition (1999)
Document available from American Water Works
Association www.awwa.org

Building Industry Authority
New Zealand Building Code (NZBC) 1992 and
Approved Documents
Document available from Building Industry Authority
(BIA) www.bia.govt.nz

Ministry for the Environment (MfE)
Landfill Acceptance Criteria (2004)
The New Zealand Waste Strategy (2002)
Documents available from Ministry for the
Environment New Zealand www.mfe.govt.nz

National Radiation Laboratory (NRL)
NRL C1 Code of safe practice for the use of unsealed
radioactive materials (1996).
Document available from National Radiation
Laboratory www.nrl.moh.govt.nz

New Zealand Water and Wastes Association
(NZWWA)
Guidelines for the Safe Application of Biosolids to
Land in New Zealand (2003)
Liquid and Hazardous Wastes Code of Practice
(2003)
Documents available from New Zealand Water &
Wastes Association (NZWWA) www.nzwwa.org.nz

New Zealand Water Environment Research
Foundation (NZWERF)
New Zealand Municipal Wastewater Monitoring
Guidelines (2002)
Document available from New Zealand Water
Environment Research Foundation (NZWERF)
www.nzwerf.org

Sydney Water Corporation
Trade Waste Policy (2004)
Document available from Sydney Water Corporation
www.sydneywater.com.au

United States Environment Protection Agency (US
EPA)
Method 9095A Paint Filter Liquids Test (1996)
Document available from United States Environmental
Protection Agency www.epa.gov

1.5 For the purposes of this bylaw the following definitions shall apply: *Definitions*

“Access Point” is a place where access may be made to a Private Drain for inspection (including sampling or measurement), cleaning or maintenance. The location of the Access Point shall be in accordance with the New Zealand Building Code.
“Act” means the Local Government Act 2002.

“Analyst” means a testing laboratory Approved in writing by an Authorised Officer on behalf of the COUNCIL.

“Approval” or **“Approved”** means Approval or Approved in writing by the COUNCIL, either by resolution of the Council or by an Authorised Officer.

“Authorised Officer” or **“Officer”** means any officer of the Council to whom any powers or authorities are delegated and includes any Police Officer and any Enforcement Officer.

“Biosolids” means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Biosolid/Biosolids is used generically throughout this document to include products containing Biosolids (e.g. composts).

“Characteristic” means any of the physical or chemical Characteristics of a Trade Waste and may include the level of a characteristic.

“Cleaner Production” means the implementation on Trade Premises, of effective 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 Trade Waste by:

- (a) Using energy and resources efficiently, avoiding or reducing the amount of wastes produced;
- (b) Producing environmentally sound products and services;
- (c) Achieving less waste, fewer costs and higher profits.

“Condensing Water” or **“Cooling Water”** means any water used in any trade, 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 Trade Waste which has conditions placed upon the Consent Holder by the COUNCIL.

“Consent” means a Consent in writing given by the COUNCIL and signed by an Authorised Officer authorising a Person to discharge Trade Wastes to the Sewerage System.

“Consent Holder” means the Person occupying Trade Premises who has obtained a Consent to discharge or direct the manner of discharge of Trade Waste from any Premises to the COUNCIL’s Sewerage 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” includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged;

or as described or contained in the Resource Management Act.

“Contingency Management Procedures” means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of Contaminants of concern into the Sewerage System.

“Council” means the Far North District Council and any officer authorised to exercise the authority of the Council.

“Disconnection” means the physical cutting and sealing of any of the Wastewater Authority’s water services, utilities, drains or Sewer for use by any Person.

“District” means the district of the Far North District Council as defined in Part 2 of Schedule 2 of the Local Government Act 2002.

“Domestic Sewage” means Foul Water (with or without matter in solution or suspension therein) discharged from Premises used solely for residential purposes, or wastes of the same character discharged from other Premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the Sewerage System and may include geothermal water.

“Enforcement Officer” means any person appointed as an Enforcement Officer under section 177 of the Local Government Act 2002.

“Foul Water” means the discharge from any sanitary fixtures (any fixture which is intended to be used for sanitation - the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture - included are machines for washing dishes and clothes).

“Hazardous Wastes” means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.

“Infringement” means an offence as specified by this bylaw under s. s 243 and 259 of the ACT.

“Long Term Council Community Plan (LTCCP)” means the Long Term Plan adopted by the Council pursuant to section 93 of the Act.

“Management Plan” means the plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimisation, discharge, contingency management procedures, and any relevant industry code of practice.

“Mass Limit” means the total mass of any characteristic that may be discharged to the wastewater authority sewerage 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 in time.

“Occupier” means the Person occupying Trade Premises connected to the Sewerage System.

“Permitted Discharge” means a Trade Waste discharge that has been approved by, or is acceptable to, the Wastewater Authority and as long as it has the physical and chemical Characteristics which comply with the requirements of the Wastewater Authority standard as defined in Schedule 1A of this bylaw.

“Person” includes a corporation sole and also a body of Persons whether incorporated or unincorporated.

“Point of Discharge” is the boundary between the Public Sewer and a Private Drain but for the purposes of monitoring, sampling and testing, shall be as designated in the Trade Waste Consent.

“Pre-Treatment” means any processing of Trade Waste designed to reduce or vary any characteristic in a waste before discharge to the Sewerage System in order to comply with a Trade Waste Consent.

“Premises” means either:

- (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 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 (eg reserve) for a particular purpose; or
- (d) Individual units in buildings which are separately leased or separately occupied.

“Private Drain” means that section of drain between the Premises and the point of connection to the Wastewater Authority’s Sewerage System.

“Prohibited Trade Wastes” means a Trade Waste that has prohibited Characteristics as defined in Schedule 1B and does not meet the conditions of Schedule 1A. The waste is not acceptable for discharge into the Wastewater Authority’s system unless specifically approved by them as a Conditional Trade Waste.

“Public Sewer” means a sewer owned and operated by Far North District Council.

“Schedule of Rates and Charges” means the list of items, terms and prices for services associated with the discharge of Trade Waste as approved by the Wastewater Authority.

“Sewage” means Foul Water and may include Trade Wastes.

“Sewage Sludge” means the material settled out and removed from Sewage during the treatment process.

“Sewer” means the pipework drainage system that conveys Sewage.

“Sewerage System” means the collection, treatment and disposal of Sewage and Trade Wastes, including all sewers, pumping stations, storage tanks, Sewage treatment plants, outfalls, and other related structures operated by the COUNCIL and used for the reception, treatment and disposal of Trade Wastes.

“Significant Industry” is a term to indicate the relative size of a given industry compared to the capacity of the Sewerage System (including Sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the Sewerage System. Loads can be the conventional loadings of BOD₅ and SS or some other particular Contaminant (eg boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the Sewerage System, the on-going system operation and/or the quality of the treated effluent that is discharged.

“Stormwater” means surface water run-off resulting from precipitation.

“Tankered Waste” is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding Domestic Sewage discharged directly from house buses, caravans, buses and similar vehicles.

“Temporary Discharge” means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from Premises subject to an existing Consent.

“Trade Premises” means:

- (a) Any Premises used or intended to be used for any industrial or trade purpose; 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 trade process;
- (d) Any other Premises discharging other than Domestic Sewage;

and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

“Trade Waste” is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Trade Premises to the COUNCIL’s Sewerage System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include Condensing or Cooling waters; Stormwater which cannot be practically separated, or Domestic Sewage.

“Wastewater Authority (WWA)” means the unit of Far North District Council responsible for the collection, treatment and disposal of wastewater.

“Working Day” means any day of the week other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Labour Day; and
- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

1.6

Abbreviations

| | |
|-------------------|---|
| \$/kg | dollars per kilogram |
| \$/L/s | dollars per litre per second |
| \$/m ³ | dollars per cubic metre |
| °C | degrees Celsius |
| ANZECC | Australian New Zealand Environment and Conservation Council |
| B | boron |
| BOD ₅ | Biochemical Oxygen Demand |
| Br ₂ | bromine |
| Cl ₂ | chlorine |
| CN | cyanide |
| COD | Chemical Oxygen Demand |
| DAF | dissolved air floatation |
| DP | deposited plan |
| DS | dry solids |
| F | fluoride |
| FOGs | fats, oils and greases |
| COUNCIL | Far North District Council |
| g/m ³ | grams per cubic metre |

| | |
|--------------------|---|
| GST | goods and services tax |
| H ₂ S | hydrogen sulphide |
| HAHs | halogenated aromatic hydrocarbons |
| HCHO | formaldehyde |
| HCN | hydrogen cyanide |
| hr | hour |
| HSNO | Hazardous Substances and New |
| Organisms Act | |
| kg/day | kilogram per day |
| L | litre |
| L/s | litre per second |
| ACT | Local Government Act |
| LTCCP | long term Council community plan |
| m ³ | cubic metre |
| max. | maximum |
| MBAS | methylene blue active substances |
| MfE | Ministry for the Environment |
| mg/L | milligram per litre |
| mL/L | millilitre per litre |
| MSDS | material safety data sheets |
| N | nitrogen |
| NH ₃ | ammonia |
| NH ₃ -N | ammoniacal nitrogen |
| P | phosphorus |
| PAHs | polycyclic (or polynuclear) aromatic hydrocarbons |
| PBBs | polybrominated biphenyls |
| PCBs | polychlorinated biphenyls |
| pH | measure of acidity/alkalinity |
| RMA | Resource Management Act |
| s | second |
| s. | section |
| s. s | sections |
| SBR | sequencing batch reactor |
| SO ₄ | sulphate |
| SS | suspended solids concentration |
| TAs | territorial authorities |
| UV | ultra violet |
| UVT | ultra violet transmission |
| WC | water closet |
| WWA | wastewater authority |

1.7

General

1.7.1

In this bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.

1.7.2

The word “shall” identifies a mandatory requirement for compliance with the Standard. The word “should” refers to practices which are advised or recommended.

1.7.3 The term “normative” has been used in this Standard to define the application of the Appendix to which it applies. A “normative” Appendix is an integral part of a Standard.

1.7.4 Clauses prefixed by "C" and printed in italic type inside a grey screen are intended as comments on the corresponding mandatory clauses. They are not to be taken as the only or complete interpretation of the corresponding clause, nor should they be used for determining in any way the mandatory requirements of compliance within this Standard. The Standard can be complied with if the comment is ignored.

2 COMPLIANCE WITH THE BYLAW

*Control of
Discharges*

2.1

2.1.1 No Person shall:

- (a) Discharge, or allow to be discharged, any Trade Waste to the Sewerage System except in accordance with the provisions of this bylaw;
- (b) Discharge, or allow to be discharged, a Prohibited Trade Waste into the Sewerage System;
- (c) Add or permit the addition of Condensing or Cooling Water to any Trade Waste which discharges into the Sewerage System unless specific Approval is given in a Consent; or
- (d) Add or permit the addition of Stormwater to any Trade Waste which discharges into the Sewerage System unless specific Approval is given in a Consent.

2.1.2 In the event of failure to comply with 2.1.1 (a) - (d) the COUNCIL may physically prevent discharge to the Sewerage System if a reasonable alternative action cannot be established with the discharging party or parties.

2.1.3 Any Person discharging to the COUNCIL Sewerage System shall also comply with requirements of the Hazardous Substances and New Organisms (HSNO) Act and the RMA.

2.2

- (a) All Persons on Trade Premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 2.2(c) of this bylaw from entry into the Sewerage System as a result of leakage, spillage or other mishap.
- (b) No Person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 2.2(c) in a manner that may cause the material to enter the Sewerage System and cause harmful effects.
- (c) Materials referred to in 2.2 (a) and (b) are those:
 - (i) Products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials;
 - (ii) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream;
 - (iii) Likely to be deleterious to the health and safety of the COUNCIL's staff, Approved contractors and the public or be harmful to the Sewerage System.

Storage, transport, handling and use of hazardous or harmful materials

3. TRADE WASTE DISCHARGES AND CONSENTS

3.1

Classification of Trade Waste Discharges

3.1.1

Trade Waste discharges shall be classified as one of the following types:

- (a) Permitted (Consent required if decided by the COUNCIL);
- (b) Conditional (Consent required); or
- (c) Prohibited (not Consentable).

NOTE – See the definitions in 1.5.

3.1.2 The COUNCIL is not obliged to accept any Trade Waste. No application for a Trade Waste Consent shall be Approved where the Trade Waste discharge would contain, or is likely to contain, Characteristics which are Prohibited.

3.1.3 No Person shall discharge, or cause to be discharged, Waste to the COUNCIL Sewer except in accordance provisions of this bylaw.

3.2 *Application for a*

*Trade Waste
Consent*

3.2.1 Every Person who does, proposes to, or is likely to:

Formal application

- (a) Discharge into the Sewerage System any Trade Waste (either continuously, intermittently or temporarily); or
- (b) Vary the Characteristics of a Consent to discharge that has previously been granted; or
- (c) Vary the conditions of Consent to discharge that has previously been granted; or
- (d) Significantly change the method or means of Pre-treatment for discharge under an existing Consent

shall if required by the COUNCIL to complete an application in the prescribed form for the Consent of the COUNCIL (see Appendix A), to the discharge of that Trade Waste, or to the proposed variations.

3.2.2 The COUNCIL reserves the right to deal with the owner as well as the Occupier of any Trade Premises.

3.2.3 Where the Trade Premises produces Trade Waste from more than one area, a separate copy of the "Description of Trade Waste and Premises" (see Appendix B) shall be included in any application for Trade Waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.

3.2.4 The applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual Consent Holder (whether for reward or not) in making any such application shall be deemed to be an act of the Consent Holder.

3.2.5 The COUNCIL may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a Management Plan.

3.2.6 Every application shall be accompanied by a Trade Waste application fee in accordance with the COUNCIL's Schedule of Rates and Charges.

3.3 The COUNCIL shall acknowledge the application in writing within 10 Working Days of the receipt of the application.

Processing of an Application

3.4

Information and Analysis

3.4.1 On the receipt of any application for a Trade Waste Consent to discharge from any Premises or to alter an existing discharge, the COUNCIL may:

- (a) Require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- (b) Require the applicant to submit a Management Plan to the satisfaction of the COUNCIL;
- (c) Whenever appropriate have the discharge investigated and analysed as provided for in 5.1 and 5.3 of this bylaw.

3.4.2 The COUNCIL shall notify the applicant of any requirement under this clause within 10 Working Days of receipt of the application.

3.5 Within 15 Working Days (or extended as necessary by the COUNCIL) of receipt of an application complying with this bylaw and/or all requirements under 3.4, whichever is the later, the COUNCIL shall, after considering the matters in 3.6 action one of the following in writing:

Consideration of an Application

- (a) Grant the application as a Permitted Trade Waste and inform the applicant of the decision by issuing the appropriate notice;

- (b) Grant the application as a Conditional Trade Waste discharge Consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of Consent to the discharge; or
- (c) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.

3.6 In considering any application for a Trade Waste Consent to discharge from any Trade Premises or Tankered Waste into the Sewerage System and in imposing any conditions on such a Consent, the COUNCIL shall take into consideration the quality, volume, and rate of discharge of the Trade Waste from such Premises or tanker in relation to: *Consideration Criteria*

- (a) The health and safety of COUNCIL staff, Council's agents and the public;
- (b) The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules 1A and 1B of this bylaw;
- (c) The extent to which the Trade Waste may react with other Trade Waste or Foul Water to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Sewerage System etc.;
- (d) The flows and velocities in the Sewer, or Sewers and the material or construction of the Sewer or Sewers;
- (e) The capacity of the Sewer or Sewers and the capacity of any Sewage treatment works, and other facilities;
- (f) The nature of any Sewage treatment process and the degree to which the Trade Waste is capable of being treated in the Sewage treatment works;
- (g) The timing and balancing of flows into the Sewerage System;

- (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of Sewage Sludges, beneficial use of Biosolids, and any discharge to air, (including the necessity for compliance with any resource consent, discharge permit or water classification);
- (i) The effect of the Trade Waste discharge on the ultimate receiving environment;
- (j) The conditions on resource consents for the Sewerage System and the residuals from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the Sewerage System and the environment;
- (l) Consideration for other existing or future discharges;
- (m) Amenability of the Trade Waste to Pre-treatment;
- (n) Existing Pre-treatment works on the Premises and the potential for their future use;
- (o) Cleaner Production techniques and waste minimisation practices;
- (p) Requirements and limitations related to Sewage Sludge disposal and reuse;
- (q) Control of Stormwater;
- (r) Management Plan; and
- (s) Tankered Waste being discharged at an Approved location/s.

3.7

Any Trade Waste Consent to discharge may be granted subject to such conditions that the COUNCIL may impose, including but not limited to:

Conditions of Trade Waste Consent

- (a) The particular public Sewer or Sewers to which the discharge will be made;
- (b) The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;

- (c) The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with 3.8;
- (d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- (e) The degree of acidity, or alkalinity of the discharge at the time of discharge;
- (f) The temperature of the Trade Waste at the time of discharge;
- (g) The provision by, or for the Consent Holder, at the Consent Holder's expense, of screens, grease traps, silt traps or other Pre-treatment works to control Trade Waste discharge Characteristics to the consented levels;
- (h) The provision and maintenance at the Consent Holder's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the Consent Holder's expense;
- (j) The method or methods to be used for the measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any Trade Waste charges applicable to that discharge;
- (k) The provision and maintenance by, and at the expense of, the Consent Holder 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 testing of such meters;
- (l) The provision and maintenance, at the Consent Holder's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;

- (m) At times specified, the provision in a COUNCIL Approved format by the Consent Holder to the COUNCIL of all flow and/or volume records and results of analyses (including Pre-treatment by-products eg Sewage Sludge disposal);
- (n) The provision and implementation of a Management Plan;
- (o) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (p) Waste minimisation and management;
- (q) Cleaner Production techniques;
- (r) Remote control of discharges;
- (s) Third party treatment, carriage, discharge or disposal of by-products of Pre-treatment of Trade Waste (including Sewage Sludge disposal);
- (t) Requirement to provide a bond or insurance in favour of the COUNCIL where failure to comply with the Consent could result in damage to the COUNCIL's Sewerage System, its treatment plants, or could result in the COUNCIL being in breach of any statutory obligation; and
- (u) Remote monitoring of discharges.

3.8

Duration

3.8.1

Permitted Discharges shall remain in force indefinitely until either:

Permitted discharges

- (a) Cancellation under 2.1.2 or 3.10;
- (b) The quantity and nature of the discharge changes significantly. For a temporary discharge see Appendix C;
- (c) If in the opinion of the COUNCIL the discharge changes or is likely to change to such an extent that it becomes a Conditional or Prohibited Trade Waste;

- (d) The COUNCIL changes the Trade Waste management procedures by implementation of changed Trade Waste Bylaw conditions or any amendment to, or replacement of, its Trade Waste Bylaw; or
- (e) The conditions on resource consents for the Sewerage System and the residuals from it change.

In all cases, after appropriate consultation, the Person shall apply within 10 Working Days of this change occurring for a conditional Consent, in accordance with 3.2 of this bylaw. This application shall be Approved prior to the occurrence of any new discharge.

3.8.2 Subject to 3.10 and 6.1 conditional Consents under this bylaw shall expire at the end of a term fixed by the COUNCIL subject to the following: *Conditional Consents*

- (a) Conditional Consents may be given for a term not exceeding five years to a Consent Holder who at the time of application satisfies the COUNCIL that:
 - (i) The nature of the trade activity, or the process design and/or management of the Premises are such that the Consent Holder has a demonstrated ability to meet the conditions of the Consent during its term; and/or
 - (ii) Cleaner Production techniques are successfully being utilised, or that a responsible investment in Cleaner Production equipment or techniques is being made; and/or
 - (iii) Significant investment in Pre-treatment facilities has been made, such that a longer period of certainty for the amortising of this investment is considered reasonable; and/or
 - (iv) The reissuing of a Consent cannot be unreasonably withheld.

Notwithstanding the above the COUNCIL retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include:

- (A) The level of Consent Holder compliance, including any accidents including spills or process mishaps.
 - (B) Matters pertaining to the COUNCIL's resource consents for the Sewerage System.
 - (C) Matters pertaining to the COUNCIL's environmental policies and outcomes.
 - (D) New control and treatment technologies and processes.
 - (E) Any of the matters outlined in section 4.
 - (F) Matters pertaining to the COUNCIL's legal obligations.
- (b) In all other cases the term of a Conditional Trade Waste Consent should not exceed two years;
 - (c) In all cases where either the Consent Holder or the owner of the Premises changes, or there is a change of use, a new application for a Conditional Trade Waste Consent shall be made. It shall be the responsibility of the Consent Holder to lodge the new application; and
 - (d) The conditions on resource consents for the Sewerage System and the residuals from it change.

3.9

Technical Review and Variation

3.9.1 The COUNCIL at any time may require a Person undertaking a Permitted Discharge to apply for a Consent in accordance with 3.8.1.

3.9.2 The COUNCIL may at any time during the term of a Trade Waste Consent, by written notice to the Consent Holder (following a reasonable period of consultation), vary any condition to such an extent as the COUNCIL considers necessary following a review of the technical issues considered when setting conditions of Consent. This is due to new information becoming available or to meet any new resource consent imposed on the discharge from the COUNCIL's treatment plant, or with any other legal

requirements imposed on the COUNCIL.

- 3.9.3** A Consent Holder may at any time during the term of a Consent, by written application to the COUNCIL, seek to vary any condition of Consent, as provided for in 3.7 of this bylaw.

3.10

*Cancellation of the
Right to Discharge*

3.10.1

The COUNCIL may suspend or cancel any Consent or right to discharge at any time following 20 Working Days' (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:

*Suspension or
cancellation on
notice*

- (a) For the failure to comply with any condition of the Consent;
- (b) For the failure to maintain effective control over the discharge;
- (c) For the failure to limit in accordance with the requirements of a Consent the volume, nature, or composition of Trade Waste being discharged;
- (d) In the event of any negligence which, in the opinion of the COUNCIL, threatens the safety of, or threatens to cause damage to any part of the Sewer System or the treatment plant or threatens the health or safety of any Person;
- (e) If any occurrence happens that, in the opinion of the COUNCIL, poses a serious threat to the environment;
- (f) In the event of any breach of a related resource consent held by the Council issued under the Resource Management Act 1991;
- (g) Failure to provide and when appropriate update a Management Plan as required for a conditional Consent;
- (h) Failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- (i) Failure to pay any charges under this bylaw; or

- (j) If any other circumstances arise which, in the opinion of the COUNCIL, render it necessary in the public interest to cancel the right to discharge.

If any process changes require more than 20 Working Days, reasonable time may be given to comply with the Consent conditions.

3.10.2 Further to 3.10.1 any Trade Waste Consent or discharge may at any time be summarily cancelled by the COUNCIL on giving to the Consent Holder or Person discharging written notice of summary cancellation if: *Summary cancellation*

- (a) They discharge any Prohibited substance;
- (b) The COUNCIL is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
- (c) They discharge any Trade Waste unlawfully;
- (d) If the continuance of discharge is, in the opinion of the COUNCIL, a threat to the environment or public health;
- (e) If the continuance of discharge may, in the opinion of the COUNCIL, result in a breach of a resource Consent held by the COUNCIL; or
- (f) In the opinion of the COUNCIL the continuance of the discharge puts at risk the ability of the COUNCIL to comply with conditions of a resource Consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource Consent.

4 TRADE WASTE APPROVAL CRITERIA

4.1 The COUNCIL may approve a Trade Waste discharge (see Appendix D for appropriate form) subject to the provision of appropriate Pre-treatment systems to enable the Person discharging to comply with the bylaw. Such Pre-treatment systems shall be provided, operated and maintained by the Person discharging at their expense. *Pre-Treatment*

Refuse or garbage grinders, and macerators shall not be used to dispose of solid waste from Trade Premises to the Sewerage System unless Approved by the COUNCIL.

The Person discharging shall not, unless Approved by the COUNCIL, add or permit the addition of any potable, Condensing, Cooling Water or Stormwater to any Trade Waste stream in order to vary the level of any Characteristics of the waste.

NOTE – Condensing and Cooling Water should not be discharged as of right to a Stormwater drain or natural waterway without the Consent of the appropriate authority.

- 4.2 A Conditional Trade Waste Consent to discharge may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic. *Mass Limits*

Mass Limits may be imposed for any Characteristic. Any Characteristic permitted by Mass Limit shall also have its Maximum Concentration limited to the value scheduled unless Approved otherwise.

When setting Mass Limit allocations for a particular Characteristic the COUNCIL shall consider:

- (a) The operational requirements of and risk to the Sewerage System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Sewage Sludge;
- (c) Conditions in the Sewerage System near the Trade Waste discharge point and elsewhere in the Sewerage System;
- (d) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- (e) Whether or not the applicant uses Cleaner Production techniques within a period satisfactory to the COUNCIL;

- (f) 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 industrial capacity;
- (g) Any requirements of the COUNCIL to reduce the pollutant discharge of the Sewerage 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 Sewerage System;
- (i) The total mass of the Characteristic allowable in the Sewerage System, and the proportion (if any) to be reserved for future allocations; and
- (j) Whether or not there is an interaction with other Characteristics which increases or decreases the effect of either Characteristic on the Sewer reticulation, treatment process, or receiving water (or land).

5 SAMPLING, TESTING AND MONITORING

5.1

Flow Metering

5.1.1 Flow metering may be required by the COUNCIL:

- (a) On discharges when there is not a reasonable relationship between a metered water supply to the Premises, and the discharge of Trade Waste;
- (b) When the COUNCIL will not approve a method of flow estimation; or
- (c) When the discharge represents a significant proportion of the total flow/load received by the COUNCIL.

5.1.2 The Consent Holder shall be responsible for the supply, installation, reading and maintenance of any meter required by the COUNCIL for the measurement of the rate or quantity of discharge of Trade Waste. These devices shall be subject to the Approval of the COUNCIL, but shall remain the property of the Consent Holder.

- 5.1.3** Records of flow and/or volume shall be available for viewing at any time by the COUNCIL, and shall be submitted to the COUNCIL at prescribed intervals by the Consent Holder in a format Approved by the COUNCIL.
- 5.1.4** Meters shall be located in a position Approved by the COUNCIL which provides the required degree of accuracy and should be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.
- 5.1.5** The Consent Holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a Person and method Approved by the COUNCIL upon installation and at least once a year thereafter to ensure its performance. The meter accuracy should be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to the COUNCIL.
- 5.1.6** Should any meter, after being calibrated, be found to have an error greater than that specified in 5.1.5 as a repeatable measurement, the COUNCIL may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the COUNCIL but not exceeding 12 months, and the Consent Holder shall pay or be credited a greater or lesser amount according to such adjustment.

5.2

*Estimating
Discharge*

- 5.2.1** Where no meter or similar apparatus is warranted, the COUNCIL may require that a percentage of the water supplied to the Premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging.

5.2.2 Should any meter be out of repair or cease to register, or be removed, the COUNCIL shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months charged to the Person discharging) and they shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then the COUNCIL may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.

5.2.3 Where in the opinion of the COUNCIL, a meter has been tampered with, the COUNCIL (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided above.

5.3 *Sampling and Analysis*

5.3.1 As determined by the COUNCIL sampling, testing and monitoring may be undertaken to determine if:

- (a) A discharge complies with the provisions of this bylaw;
- (b) A discharge is to be classified as a Permitted, Conditional, or Prohibited, refer to 3.1;
- (c) A discharge complies with the provisions of Schedule 1A for Permitted Discharge and any Consent to discharge; and
- (d) Trade Waste Consent charges are applicable to that discharge.

5.3.2 The taking, preservation, transportation and analysis of the sample shall be undertaken by an Authorised Officer or agent of the COUNCIL, or the Person discharging in accordance with accepted industry standard methods, or by a method specifically Approved by the COUNCIL. The Person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

5.3.3 All Authorised Officers or authorised agents of the COUNCIL, or any Analyst acting on behalf of COUNCIL may enter any Premises believed to be discharging Trade Waste at any time in order to determine any Characteristics of any actual or potential discharge by:

- (a) Taking readings and measurements;
- (b) Carrying out an inspection; and/or
- (c) Taking samples for testing,

of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

Authorisation for entry to Premises is given under the ACT and entry shall be in compliance with the health and safety policies of that particular site.

5.4

Monitoring

5.4.1 The COUNCIL is entitled to monitor and audit any Trade Waste discharge for compliance. Whether for a Permitted Discharge or a conditional Consent discharge monitoring may be carried out as follows:

Monitoring for compliance

- (a) The COUNCIL or its authorised agent will take the sample and arrange for this sample to be analysed in an Approved laboratory by agreed/approved analytical methods;
- (b) The sampling procedure will be appropriate to the Trade Waste and the analysis;
- (c) The COUNCIL will audit the sampling and analysis carried out by a self-monitoring Trade Waste discharger. Analysis will be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process;
- (d) The COUNCIL will audit the sampling and analysis carried out by an Analyst. Analysis will be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process; and
- (e) The COUNCIL will audit the Trade Waste Consent conditions including any Management Plans.

At the discretion of the COUNCIL all costs of monitoring shall be met by the discharger either through direct payment to the laboratory or to the COUNCIL.

5.4.2 Normally a single grab or composite sample is sufficient. If required the grab or composite sample can be split equally into three as follows: *Sampling methodology*

- (a) One portion of the sample goes to the Trade Waste discharger for appropriate analysis and/or storage;
- (b) A second portion of the sample shall be analysed at a laboratory Approved by the COUNCIL;
- (c) A third portion of the sample is retained by the COUNCIL for 20 Working Days, for additional analysis if required.

Due consideration will be applied to any changes that could occur in retained Trade Waste samples and provisions to mitigate against changes will be adopted where practicable.

In all cases the samples shall be handled in an appropriate manner such that the Characteristics being tested for are, as far as reasonably possible, preserved.

All samples shall be preserved, handled, transported and delivered to an Approved laboratory according to best possible practice and Approved standards.

5.4.3 Tankered Wastes shall not be discharged into the COUNCIL's Sewerage System by any Person or Consent Holder not compliant with the Liquid and Hazardous Wastes Code of Practice. *Tankered wastes*

The COUNCIL may accept Tankered Wastes for discharge at an Approved location. Tankered Wastes shall:

- (a) Be transported by a Consent Holder to discharge domestic septic tank or industrial wastes;
- (b) Have material safety data sheets (MSDS) supplied to the COUNCIL detailing the contents of a waste;

- (c) Be tested to determine their character if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the Consent Holder;
- (d) Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the COUNCIL;
- (e) To prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the Sewerage System; and
- (f) Have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any Person illegally disposing of, or causing to be disposed, Tankered Waste either by incorrect disclosure of contents (Characteristics and/or amount) or dumping into the COUNCIL's Sewerage System other than the prescribed location will be in breach of the bylaw.

5.4.4

Any water used during the repair and construction of water mains shall be de-chlorinated prior to the discharge into the Sewerage System. Application for a Temporary Discharge Consent shall be made. Such water shall not be disposed of to Stormwater or adjacent water courses without appropriate Approvals.

*Disinfected/super
chlorinated water*

6 BYLAW ADMINISTRATION

6.1

If any Person is dissatisfied with any decision by an Authorised Officer made under this bylaw, that Person may, by notice delivered to the Chief Executive Officer of the COUNCIL not later than 20 Working Days after the decision by the Authorised Officer is served upon that Person, request the Chief Executive Officer to review any such decision and such a decision shall be final.

*Review of
Decisions*

Nothing in this clause shall affect any right of appeal under the ACT.

- 6.2** The Person discharging shall inform the COUNCIL immediately on discovery of any accident including spills or process mishaps which may cause a breach of this bylaw. *Accidents and Non-Compliance*

In the event of any accident occurring when the Person holds a conditional Consent, then the COUNCIL may review the Consent under 3.9 or may require the Consent Holder, within 20 Working Days of the date such requirement is notified to the Consent Holder in writing, to review the Contingency Management Procedures and re-submit for Approval the Management Plan with the COUNCIL.

In the event of an accident occurring on the Premises of a Permitted Discharge, the COUNCIL may require the Person discharging to apply for a conditional Consent.

- 6.3** *Charges and Payments*

- 6.3.1** The COUNCIL may recover fees and charges in accordance with the ACT. Schedule 1C outlines a regime of proposed charges. *Charges*

- 6.3.2** All charges determined in accordance with 6.3.1 shall be invoiced in accordance with COUNCIL's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge. *Invoicing*

- 6.3.3** The Person discharging shall be deemed to be continuing the discharge of Trade Waste and shall be liable for all charges, until notice of Disconnection is given. *Cease to discharge*

- 6.3.4** All fees and charges payable under this bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this bylaw the COUNCIL may cancel the right to discharge in accordance with 3.10. *Failure to pay*

- 6.3.5** The COUNCIL may recover costs under ACT relating to s. 150 and s. 151, wilful damage or negligent behaviour (s. 175) and remedying damage arising from breach of bylaw (s. 176). *Recovery of costs*

6.4 All Authorised Officers of the COUNCIL, or other *Authorised Officers*
Persons authorised under s. 174 or s. 177 or
paragraph 32 of schedule 7 of the ACT, shall possess
and produce on request warrants of authority and
evidence of identity.

Any Authorised Officers may at any reasonable time
enter any Premises believed to be discharging Trade
Wastes to determine any Characteristic of any
discharge by:

- (a) Taking readings and measurements; or
- (b) Taking samples or any solids, liquids or
gaseous material or any combination or
mixtures of such materials being discharged; or
- (c) Observing accidental occurrences and clean-
up.

The extent and level of delegation to Authorised
Officers will be in accordance with the Council's
Register of Statutory Delegations and Warrants.

Authorisation for entry to Premises is given under the
ACT and entry shall be in compliance with the health
and safety policies of that particular site.

6.5 *Transfer or
Termination of
Rights and
Responsibilities*

6.5.1 A Trade Waste Consent to discharge shall be issued
in the name of the given Consent Holder. The
Consent Holder shall not, unless written Approval is
obtained from the COUNCIL:

- (a) Transfer to any other party the rights and
responsibilities provided for under this bylaw,
and under the Consent;
- (b) Allow a Point of Discharge to serve another
Premises, or the Private Drain to that point to
extend by pipe or any other means to serve
another Premises; or
- (c) In particular and not in limitation of the above,
allow Sewage from any other party to
be discharged at their Point of Discharge.

NOTE - This clause does not relate to Permitted Discharges.

- 6.5.2** Renewal of a Trade Waste Consent on change of ownership of Premises shall not be unreasonably withheld if the Characteristics of the Sewage remain unchanged.

NOTE - This clause does not relate to Permitted Discharges.

- 6.5.3** The Person discharging shall give 48 hours notice in writing to the COUNCIL of their requirement for Disconnection of the discharge connection and/or termination of the discharge Consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven Working Days. The Person discharging shall notify the COUNCIL of the new address details for final invoicing.

On permanent Disconnection and/or termination the Person discharging may at the COUNCIL's discretion be liable for Trade Waste charges to the end of the current charging period.

- 6.5.4** When a Person discharging ceases to occupy Premises from which Trade Wastes are discharged into the Sewerage System any Consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

6.6 *Service of*

Documents

- 6.6.1** Any notice or other document required to be given, served or delivered under this bylaw to a Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

Delivery or post

- (a) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at the Person discharging's last known place of residence or business;
- (b) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in a Consent to discharge;

- (c) Where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- (d) Personally served on the Person discharging.

6.6.2

If any notice or other document is:

Service

- (a) Sent by post it will be deemed received on the first day (excluding weekends and public holidays) after posting;
- (b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- (c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the Trade Premises or is handed to a designated Person(s) nominated by the Consent Holder then that shall be deemed to be service on, or delivery to the Consent Holder at that time.

NOTE - It should be verified that notice has been served on the correct Person.

6.6.3

Any notice or document to be given, served or delivered shall be signed by an Authorised Officer.

Signature

6.7

Every Person or Consent Holder or owner or Occupier of Trade Premises who:

Offences

- (a) Fails to comply with or acts in contravention of any provision of this bylaw;
- (b) Breaches the conditions of any Consent to discharge granted pursuant to this bylaw; or

- (c) Fails to comply with a notice served under this bylaw,

commits an offence under s. 239 of the ACT, and is liable to a fine as specified in s. 242 of the ACT, or the issue of an Infringement notice under s. 245 of the ACT.

In all cases the COUNCIL may recover costs associate with damage to the COUNCIL Sewerage System and/or breach of this bylaw in accordance with s. 175 and s.176 of the ACT respectively.

Transitional Provisions

6.8

6.8.2

Every existing Trade Waste Consent shall continue in force as if it were a Consent under this bylaw until it reaches its expiry date provided that no Consent shall run beyond 31st March 2010.

Existing trade waste consents

SCHEDULE 1A PERMITTED DISCHARGE CHARACTERISTICS

1A.1

INTRODUCTION

1A.1.1

The nature and levels of the Characteristics of any Trade Waste discharged to the COUNCIL system shall comply at all times with the following requirements, except where the nature and levels of such Characteristics are varied by the COUNCIL as part of an Approval to discharge a Trade Waste.

NOTE - It is very important to refer to the Guideline tables for background reasons for Contaminant concentrations.

1A.1.2

The COUNCIL shall take into consideration the combined effects of Trade Waste discharges and may make any modifications to the following acceptable Characteristics for individual discharges the COUNCIL believes are appropriate.

1A.1.3

An additional column in tables 1A.1, 1A.2 and 1A.3 Limits may be added as required.

1A.1.4

The nature and levels of any Characteristic may be varied to meet any new resource Consents or other legal requirements imposed on the COUNCIL, refer to 3.9 of the bylaw.

1A.2 PHYSICAL CHARACTERISTICS

- 1A.2.1** (a) The 24 hour flow volume shall be less than 5 *Flow*
 m^3 .
- (b) The maximum instantaneous flow rate shall be less than 2.0 L/s.
- 1A.2.2** The temperature shall not exceed 40 °C. *Temperature*
- 1A.2.3** (a) Non-faecal gross solids shall have a maximum *Solids*
dimension which shall not exceed 15 mm.
- (b) The suspended solids content of any Trade Waste shall have a Maximum Concentration which shall not exceed 2000 g/m^3 . For Significant Industry this may be reduced to 600 g/m^3 .
- (c) The settleable solids content of any Trade Waste shall not exceed 50 mL/L.
- (d) The total dissolved solids concentration in any Trade Waste shall be subject to the Approval of the COUNCIL having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.
- (e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of Sewage in the drainage system or treatment plant shall not be present.
- 1A.2.4** (a) There shall be no free or floating layer. *Oil and grease*
- (b) A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the COUNCIL is not biodegradable shall not exceed 200 g/m^3 as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage, throughout the range of pH 6.0 to pH 10.0.

- (c) A Trade Waste with oil, fat or grease unavoidably emulsified, which in the opinion of the COUNCIL is biodegradable shall not exceed 500 g/m^3 when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.
- (d) Emulsified oil, fat or grease shall not exceed 100 g/m^3 as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 There shall be no free layer (whether floating or settled) of solvents or organic liquids. *Solvents and other organic liquids*

- 1A.2.6**
- (a) Where such emulsions are not treatable these may be discharged into the Sewer subject to the total suspended solids not exceeding 1000 g/m^3 or the concentration agreed with the COUNCIL. *Emulsions of paint, latex, adhesive, rubber, plastic*
 - (b) 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 COUNCIL treatment plant e.g. reduces % UVT (ultra violet transmission).
 - (c) Such emulsions of both treatable and non-treatable types, shall be discharged to the Sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public Sewer.

1A.2.7 Radioactivity levels shall not exceed National Radiation Laboratory Guidelines. *Radioactivity*

1A.2.8 No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated Sewage discharge Consent. *Colour*

1A.3 CHEMICAL CHARACTERISTICS

1A.3.1 The pH shall be between 6.0 and 10.0 at all times. *pH value*

1A.3.2

Organic Strength

- 1A.3.2.1** The Biochemical Oxygen Demand (BOD₅) of any waste may require to be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to Mass Limits.

Where there is no COUNCIL treatment system for organic removal the BOD₅ shall not exceed 1000 g/m³. For Significant Industry this may be reduced to 600 g/m³.

NOTE – For biological process inhibiting compounds see table 5 in the Guidelines for Sewerage Systems: Acceptance of Trade Wastes (industrial waste) 12.

- 1A.3.3** The Maximum Concentrations permissible for the chemical Characteristics of an acceptable discharge are set out in table 1A.1, table 1A.2 and table 1A.3.

*Maximum
concentrations*

Table 1A.1 - General chemical characteristics

(Mass limits may be imposed, refer to 4.2)

| Characteristic | Maximum concentration (g/m ³) |
|--|--|
| MBAS (Methylene blue active substances) | 500 |
| Ammonia (measured as N) - free ammonia - ammonium salts | 50 200 |
| Kjeldahl nitrogen | 150 |
| Total phosphorus (as P) | 50 |
| Sulphate (measured as SO ₄) | 500 1500 (with good mixing) |
| Sulphite (measured as SO ₂) | 15 |
| Sulphide - as H ₂ S on acidification | 5 |
| Chlorine (measured as Cl ₂) - free chlorine - hypochlorite | 3 30 |
| Dissolved aluminium | 100 |
| Dissolved iron | 100 |
| Boron (as B) | 25 |
| Bromine (as Br ₂) | 5 |
| Fluoride (as F) | 30 |
| Cyanide - weak acid dissociable (as CN) | 5 |

Table 1A.2 - Heavy metals

(Mass limits may be imposed, refer to 4.2)

| Metal | Maximum concentration (g/m³) | Metal | Maximum concentration (g/m³) |
|--------------|--|--------------|--|
| Antimony | 10 | Manganese | 20 |
| Arsenic | 5 | Mercury | 0.05 |
| Barium | 10 | Molybdenum | 10 |
| Beryllium | 0.005 | Nickel | 10 |
| Cadmium | 0.5 | Selenium | 10 |
| Chromium | 5 | Silver | 2 |
| Cobalt | 10 | Thallium | 10 |
| Copper | 10 | Tin | 20 |
| Lead | 10 | Zinc | 10 |

Table 1A.3 - Organic compounds and pesticides

(Mass limits may be imposed, refer to 4.2)

| Compound | Maximum concentration (g/m³) |
|--|--|
| Formaldehyde (as HCHO) | 50 |
| Phenolic compounds (as phenols) excluding chlorinated phenols | 50 |
| Chlorinated phenols | 0.02 |
| Petroleum hydrocarbons | 30 |
| Halogenated aliphatic compounds | 1 |
| Monocyclic aromatic hydrocarbons | 5 |
| Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs) | 0.05 |
| Halogenated aromatic hydrocarbons (HAHs) | 0.002 |
| Polychlorinated biphenyls (PCBs) | 0.002 |
| Polybrominated biphenyls (PBBs) | 0.002 each |
| Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand) | 0.2 in total |
| Organophosphate pesticides | 0.1 |

SCHEDULE 1 B PROHIBITED CHARACTERISTICS

1B.1 INTRODUCTION

This schedule defines Prohibited Trade Wastes.

1B.2 PROHIBITED CHARACTERISTICS

1B.2.1 Any discharge has prohibited Characteristics if it has 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 Sewage in the Sewerage System;
- (b) Damage any part of the Sewerage System;
- (c) In any way, directly or indirectly, cause the quality of the treated Sewage or residual Biosolids and other solids from any Sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a Consent issued under the Resource Management Act, or water right, permit or other governing legislation;
- (d) Prejudice the occupational health and safety risks faced by sewerage 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 public nuisance; or
- (g) Have a colour or colouring substance that causes the discharge from any Sewage treatment plant to receiving waters to be coloured.

1B.2.2 A discharge has prohibited Characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically Approved for that particular Consent.

1B.2.3 A discharge has a prohibited Characteristic if it has any amount of:

- (a) Harmful solids, including dry solid wastes and materials which 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 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Sewage;
- (c) Asbestos;
- (d) The following organo-metal compounds:

Tin (as tributyl and other organotin compounds);
- (e) Any organochlorine pesticides;
- (f) 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 Hazardous Substances and New Organisms Act. The material concerned may be from Premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- (g) Any health care waste prohibited for discharge to a Sewerage System by NZS 4304 or any pathological or histological wastes; or
- (h) Radioactivity levels in excess of the National Radiation Laboratory Guidelines.

SCHEDULE 1C TRADE WASTE CHARGES

Fees and charges are set by Council resolution. This may be done by the annual planning process, fee setting using a special consultative procedure, or a similar transparent public process in accordance with the ACT.

NOTE - A range of proposed categories has been provided in the following table to promote awareness of future changes in the COUNCIL's Sewerage System requirements.

A. Administrative Charges

| | Category | Description |
|-----|--|---|
| A1 | Connection fee | Payable on application for connection to discharge |
| A2 | Compliance monitoring | The cost of sampling and analysis of Trade Waste discharges |
| A3 | Disconnection fee | Payable following a request for Disconnection from Sewerage System |
| A4 | Trade Waste application fee | Payable on an application for a Trade Waste discharge |
| A5 | Reinspection fee | Payable for each re-inspection visit by the COUNCIL where a notice served under this bylaw has not been complied with by the Trade Waste discharger |
| A6 | Special rates for loan charges | Additional rates for servicing loans raised for the purposes of constructing or improving the Sewerage System |
| A7 | Temporary Discharge fee | Payable prior to receipt of Temporary Discharge |
| A8 | Annual Trade Waste charges | <p>An annual management fee for a Trade Waste discharge to cover the COUNCIL's costs associated with for example:</p> <p>(a) Administration;</p> <p>(b) General compliance monitoring;</p> <p>(c) General inspection of Trade Waste Premises;</p> <p>(d) Use of the Sewerage System.</p> <p>This charge may vary depending on the Trade Waste sector and category of the discharger.</p> |
| A9 | Rebates for Trade Premises within the District | <p>Reduction in fees is provided for in s. 150(2). Section 150(4) of the ACT states that the fees prescribed by the Council shall not provide for the Council to recover more than the reasonable cost incurred by the Council for the matter for which the fee is charged.</p> <p>In no event shall the resultant charge be less than the Council's sewerage charge for the equivalent period.</p> |
| A10 | New or Additional Trade Premises | Pay the annual fees and a pro rata proportion of the various Trade Waste charges relative to flows and loads |

B. Trade Waste Charges

| | Category | Description |
|----|------------------|---|
| B1 | Volume | Payment based on the volume discharged \$/m ³ |
| B2 | Flow rate | Payment based on the flow rate discharged \$/L/s |
| B3 | Suspended solids | Payment based on the mass of suspended solids \$/kg |
| B4 | Organic loading | Biochemical oxygen demand or chemical oxygen demand \$/kg |
| B5 | Nitrogen | Payment based on the defined form(s) of nitrogen \$/kg |

| | | |
|-----|-------------------|--|
| B6 | Phosphorous | Payment based on the defined form(s) of phosphorous \$/kg |
| B7 | Metals | Payment based on the defined form(s) of the metal(s) \$/kg |
| B8 | Transmissivity | A charge based on the inhibiting nature of the Trade Waste to UV light used by the COUNCIL's disinfection process |
| B9 | Screenable solids | Payment based on the mass of screenable solids \$/kg |
| B10 | Toxicity charge | Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³ |
| B11 | Incentive rebate | A rebate for discharging materials beneficial to the COUNCIL's Sewerage System \$/kg and/or \$/m ³ |
| B12 | Depreciation | Operating cost related to capital and normally spread across the volume and mass charges |
| B13 | Capital | Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional Consent |

C. Tankered Waste Charges

| | | |
|----|-----------------|--|
| C1 | Tankered Wastes | Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on Trade Waste category |
| C2 | Toxicity | Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³ |

Appendix A Application for trade waste discharge

(Normative)

| | |
|--|--|
| <p>THE WASTEWATER AUTHORITY OF THE</p> <p>Far North District Council</p> <p>APPLICATION FOR TRADE WASTE DISCHARGE</p> | |
|--|--|

PLEASE PRINT CLEARLY

TRADE NAME AND STREET ADDRESS OF TRADE PREMISES

.....
.....
Phone: Fax:
After hours contact:
Phone:

POSTAL ADDRESS OF CUSTOMER FOR CHARGING

Name:
Address:
.....

OWNER OF PREMISES (if different from above)

Name:
Address:
.....

TERM OF CONSENT SOUGHT

From:
For a period of:
☐ 1 year ☐ 2 years ☐ 5 years ☐ Other (specify)

ADDRESS FOR SERVICE FOR FURTHER ENQUIRIES CONCERNING THIS APPLICATION

Name:
Address:
.....
Phone: Fax:

THIS APPLICATION RELATES TO:

- ☐ Proposed new discharge
☐ An existing discharge for which no consent exists
☐ Current point or place of discharge:
☐ Renewal of a consent
☐ Variation to an existing consent
☐ Nature of variation:

Use and attach additional sheets as required

VALUATION NUMBER

LOT NUMBER

DP NUMBER

ARE THE PREMISES ALREADY CONNECTED TO PUBLIC SEWER?

☐ Yes ☐ No

CONNECTIONS REQUIRED

Size: No.:
Size: No.:
Note – Minimum size 100 mm.

DESCRIPTION OF MAIN TRADE ACTIVITY

.....
.....

DIAGRAM FOR CONNECTION LOCATION

(Show distances from boundaries, kerbs, buildings)

SIGNATURE BLOCK

.....
(Full name)

.....
(Position)

1. I am duly authorised to make this application.
2. I believe that all the information contained in this application is true and correct.

Signature:

Date:

FOR OFFICE USE ONLY

APPLICATION NUMBER

APPLICATION RECEIVED AND CHECKED BY

Inspector/Clerk: Date:.....

☐ Permitted ☐ Controlled ☐ Conditional

PROPERTY LINK IDENTIFICATION NUMBER

BUILDING CONSENT NUMBER

TRADE WASTE CONSENT

Approved by:

No.: Date:.....

APPLICATION FEE

GST \$.....

Total \$.....

Cashier Receipt:

File No.:

Appendix B Description of trade waste and premises

(Normative)

DESCRIPTION OF TRADE WASTE AND PREMISES – PLEASE PRINT CLEARLY

1 GENERAL PREMISES

1.1 Trade name and street address

.....
.....
.....
Phone: Fax:

1.2 Name and address of owner/occupier

Name:
Address:.....
.....
.....

1.3 Contact for enquiries (if different from above)

Name:
Address:.....
.....
.....

1.4 Total volume of wastes:

Average daily volumem³
Maximum volume in any 8 hr periodm³
Maximum daily volumem³
Maximum flowL/sec
Seasonal fluctuation (range)

1.5 General characteristics of wastes: TYPICAL RANGE

| | | |
|-------------------------|-------|-------|
| Temperature (°C) | ..... | ..... |
| BOD ₅ (mg/L) | ..... | ..... |
| COD (mg/L) | ..... | ..... |
| Suspended solids (mg/L) | ..... | ..... |
| pH | ..... | ..... |
| Oil and greases | ..... | ..... |

1.6 The source of water used on the premises is:

(a) from Council m³/working day

(b) from other sources (*state source*)
..... m³/working day
.....

1.7 The wastes do / do not, contain condensing water or storm water and the layout of drains on the premises is / is not, such as to reasonably exclude the possibility of such becoming mixed with trade wastes.

1.8 It is / is not proposed that domestic wastewater and trade waste should be discharged at the same point of discharge.

1.9 The proposed method for flow measurement is:

☐ a permanent installation of suitable flow measuring equipment
☐ based on water usage as measured by meter
☐ other, (*specify*).....

1.10 List any substances contained in Schedule 1A or 1B of the bylaw which are stored, used, or generated on the premises.

.....
.....
.....
.....

Describe mitigation measures employed to prevent accidental spillages of these substances from entering the public sewer or storm water system.

.....
.....
.....
.....

1.11 Site plans of the premises are attached which clearly show the location of the following as appropriate:

| | |
|--|--|
| <input type="checkbox"/> process areas | <input type="checkbox"/> flow measuring devices |
| <input type="checkbox"/> trade waste drains | <input type="checkbox"/> emergency spill devices |
| <input type="checkbox"/> domestic waste-water drains | <input type="checkbox"/> open areas draining to trade waste drains |
| <input type="checkbox"/> stormwater drains | <input type="checkbox"/> emergency spill containment |
| <input type="checkbox"/> other, (<i>specify</i>) | |

Main trade waste pretreatment systems

| | |
|---|---|
| <input type="checkbox"/> screens | <input type="checkbox"/> pH control |
| <input type="checkbox"/> flow balance | <input type="checkbox"/> grease traps |
| <input type="checkbox"/> chemical treatment | <input type="checkbox"/> biological treatment |

1.12 Detailed drawings and descriptions for the following are attached as appropriate:

☐ pretreatment systems
flow measuring devices
☐ emergency spill containment
sampling points
☐ method of flow meter calibration

1.13 An independent waste audit of the premises has / has not been carried out by:

.....

1.14 A Discharge Management Plan is / is not attached.

1.15 The Health and Safety Requirements and security arrangements for Wastewater Authority staff entering the premises are as follows: (*specify*)

.....
.....

2. PROCESS

(Use a separate page for each process and attach copies of typical analyses for wastewater from each separate process)

2.1 Process name and description:

.....

2.2 Type of product processed:

.....

2.3 Volume of wastewater

Average daily volume: m³

Maximum daily volume: m³

Maximum flow: L/s

2.4 If batch discharges:

Quantity: m³

Frequency: m³

Rate of discharge: L/s

2.5 The wastewater contains the following Characteristics which when mixed with other wastewaters and discharged from the premises, are near or in excess of the limits stipulated in Schedule 1B of the bylaw.

(NOTE – The characteristics in table 1A.2 and table 1A.3 have a limit of zero unless approval for that particular characteristic is applied for.)

VALUE OR CONCENTRATION

| | From process | | At point of discharge | |
|-------|--------------|-------|-----------------------|-------|
| | Typical | Max. | Typical | Max. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2.6 The following steps have been / will be taken to improve the trade process as part of a strategy of cleaner production:

.....

Date of improvements:

Appendix C Application for temporary discharge

(Normative)

| | |
|---|--|
| THE WASTEWATER AUTHORITY OF THE Far North District Council APPLICATION FOR TRADE WASTE DISCHARGE | |
|---|--|

PLEASE PRINT CLEARLY
LIQUID WASTE

APPLICANT

Name:
 Company:
 Address:

 Phone:
 Fax:

Applicant responsible for liquid waste

- ☐ Transportation
☐ Generation
☐ Licensed transporter

GENERATOR / TRANSPORTER OF LIQUID WASTE

(Delete applicant's responsibility)

Name:
 Company:
 Address:

 Phone:
 Fax:

APPLICATION SOUGHT FOR

- ☐ One discharge
☐ A number of discharges of the same kind of liquid waste over a period of one year.

PROPOSED POINT OF DISPOSAL

.....

 If from premises to public sewer, which is existing trade waste consent number?

PROPOSED TIMING OF DISPOSAL

Time:
 Date:

Quantity: m³
 Source:

Process in which waste was produced:

General characteristics

BOD₅: mg/L
 COD: mg/L
 Suspended solids: mg/L
 pH:
 Oil and grease: mg/L

List any characteristics which are likely to be greater than 50 % of concentrations stipulated in Schedule 1A of the Trade Waste Bylaw.

ANALYSIS

(Check with Wastewater Authority whether this is required)

- ☐ Appended
☐ Not required

DECLARATION

We hereby certify that the above liquid waste is accurately described

Applicant:

Transporter / Generator:

FOR OFFICE USE ONLY

APPLICATION NUMBER

.....

APPLICATION

Received by: Date:

Discharge: ☐ Approved
☐ Not approved

By:

Date:

TEMPORARY DISCHARGE

If approved:

Where discharged:

Time and date:

If not approved:

Where referred to:

.....

.....

TEMPORARY DISCHARGE FEE

\$.....
GST \$.....

Total

Cashier Receipt:

File No.:

Appendix D Trade waste consent form

(Normative)

| | |
|--|--|
| THE WASTEWATER AUTHORITY OF THE Far North District Council CONSENT TO DISCHARGE TRADE WASTE TO THE PUBLIC SEWER Pursuant to the Far North District Council Trade Waste Bylaw 2008 | |
|--|--|

To:
(Consent Holder trade name)

Address:
(Street address of Trade Premises)

Phone: Fax:

Name:
(Contact name)

Address:
(Address for charging and service of documents)

.....
(Trade activity)

In response to, and in terms of, the information declared in your application of to discharge Trade Waste from the above Premises, the Consent of the COUNCIL is hereby given for the term and subject to the conditions set out below:

1. That this Consent relates to a proposed new discharge / an existing non-consented discharge/ renewal of a Consent / variation to an existing Consent.
2. That this is a permitted/ conditional Consent.
3. That the provisions of the Far North District Council Trade Waste Bylaw 2008 are complied with at all times.
4. That this Consent is valid for a period of years and will expire on.....
5. That the Trade Waste discharged under this Consent shall consist only of wastes from the following processes:

.....
.....
.....
.....
.....

.....
.....
.....

6. That this Consent is subject to the specific conditions set out in Schedule 1A which is attached.

For and on behalf of the WWA of the Far North District Council

Authorised Officer:

Name:

Signature:

Date:

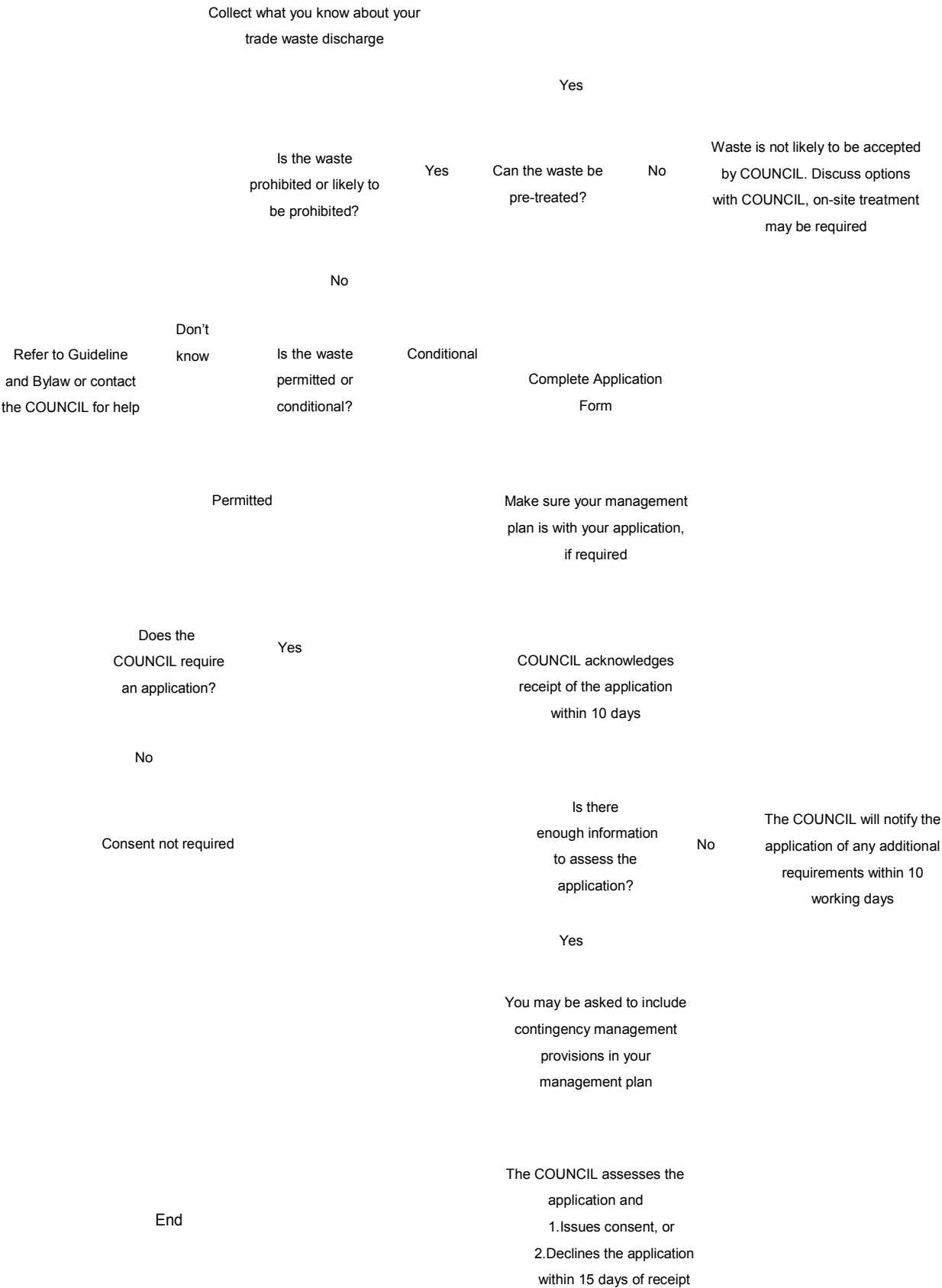
FOR OFFICE USE ONLY

Consent No.:

Application No.:

File No.:

Appendix E Flow Chart for the Application Process



ATTACHMENT 2 Types of trade waste premises

Types of premises that typically *may* need a trade waste consent or permit could include some of the following:

- Bakeries.
- Car washes.
- Churches (with catering facilities).
- Clothing manufactures.
- Doctor surgeries.
- Hotels and motels (with catering facilities).
- Laundries.
- Marae.
- Meat, fish and shellfish processing.
- Mechanical workshops/service stations.
- Photo processors.
- Restaurants.
- Retail butchers and fishmongers (excluding those with commercial waste masters).
- Schools, polytechnics, universities (with laboratories).
- Take away premises.
- Truck wash facilities.
- Veterinary surgeries.
- Beverage manufacturers.
- Concrete batching plants.
- Dairy products processing.
- Dentists.
- Drycleaners.
- Electroplaters.
- Footwear manufacturers.
- Foundries.
- Galvanisers.
- Hospitals.
- Landfills.
- Manufacturers of chemicals, and of chemical, petroleum, coal, rubber and plastic products.
- Manufacturers of clay, glass, plaster, masonry, asbestos & related mineral products.
- Manufacturers of fabricated metal products, machinery and equipment.
- Manufacturers of fertiliser.
- Manufacturers of paper and paper products.
- Metal surfacers.

- Mortuaries.
- Photo and medical laboratories.
- Printers.
- Scientific laboratories.
- Spray painting facilities.
- Stock sale yards.
- Tanneries and leather finishers.
- Textile fibre and textile processors.
- Waste management processors.

Note that this is a list for illustrative purposes only and does not represent any intention or proposal on the part of the Council.

MEETING: **REGULATORY AND ENVIRONMENT COMMITTEE**
21 APRIL 2016

Name of item: **REVIEW OF WASTEWATER BYLAW**

Author: Neil Miller - Policy Advisor

Date of report: 18 March 2016

Document number: A1692834

Executive Summary

The purpose of the report is to complete the review of the Wastewater Bylaw. The Local Government Act states that a bylaw is revoked two years after the last date on which the bylaw should have been reviewed. The existing Bylaw will be revoked on 16 October 2016, unless a review is completed prior to that date. What is required for a review to be completed is a determination that a bylaw is the most appropriate way of addressing the problem. The recommended approach is to maintain a Wastewater Bylaw for the District and to revise the existing Bylaw.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT the Council determines that a Wastewater Bylaw is the most appropriate way of addressing the problem of discharges to the wastewater network.

AND THAT the Council consults on a revised Wastewater Bylaw.

1) Background

The Wastewater Bylaw applies to wastewater drainage into the Council's public wastewater network. The current Wastewater Bylaw is included as Attachment 1. The Bylaw defines wastewater as: "Water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer."

The Trade Waste Bylaw is used to help manage commercial discharges and is the subject of a separate report to this Committee. The Control of On-Site Wastewater Disposal Systems Bylaw covers on-site wastewater disposal and does not require a review at this time.

The Far North District Council Wastewater Bylaw came into force on 1 December 2009. LGA 2002 s 158 requires that review of a new bylaw must take place after five years.

LGA 2002 s 160A states that a bylaw is revoked two years after the last date on which the bylaw should have been reviewed. The existing bylaw will be revoked on 16 October 2016 unless a review is completed prior to that date.

2) Discussion and options

Local Government Act Section 155 Determination

LGA 2002 s 155 requires a determination of the following before making a bylaw:

1. Is a bylaw is the most appropriate way of addressing the problem?
2. Is this the most appropriate form of bylaw?

3. Are there any implications under the New Zealand Bill of Rights Act 1990?

In this instance, the determination takes account of the following considerations:

1. A bylaw is the most appropriate way of managing the discharge of trade waste. LGA 2002 s 146 states that a territorial authority may make bylaws for its District for the purposes of trade wastes.

Most territorial authorities that have public wastewater schemes have wastewater drainage bylaws of some kind. Council has 18 public wastewater schemes and it is important to be able to protect the asset by way of a Wastewater Bylaw. The Bylaw also applies to all types of onsite wastewater treatment and land application systems. Included are the procedures for applying to:-

- Connect to or disconnect from the public wastewater network.
- Discharge domestic wastewater and trade waste into the public wastewater network.
- Excavate or develop close to and some cases (with the written consent of Council) over the public wastewater network.

Not to have an effective Wastewater Bylaw may be inconsistent with the Health Act 1956, given that it is duty of every local authority to improve, promote, and protect public health within its District. This includes sanitary works and the making of bylaws for the protection of public health.

2. Reasonable fees and charges can be levied to meet costs incurred by the Council. This is provided for under the LGA 2002 s 150. The current fees for wastewater consents and permits levied as a result of the Wastewater Bylaw are set out in Attachment 2.
3. A stand alone bylaw is the most appropriate form of bylaw because wastewater is a distinct area of activity which affects households and businesses within the area of benefit.

There are no known implications under the Bill of Rights Act 1990.

Therefore, a standalone bylaw is considered to be the appropriate option to address the problems that arise from wastewater discharges to the wastewater system.

LGA 2002 s 160(1) states that by making a determination under section 155 as above, the review is completed.

Option 1 Revise the Wastewater Bylaw

There are some administrative amendments required, particularly in setting out the relationship to the Trade Waste Bylaw. This means that the Wastewater Drainage Bylaw can be considered a stand-alone document, without cross-reference to the Trade Waste Bylaw.

Option 2 Status quo

The Council would consult on the same Wastewater Bylaw as present. This option is not recommended, because even if the bylaw stays the same, a Special Consultation Procedure is still required. If the Council is to consult, it should do so under a suitably revised bylaw.

Fees and charges have been set each year by the Council as part of the Annual Plan.

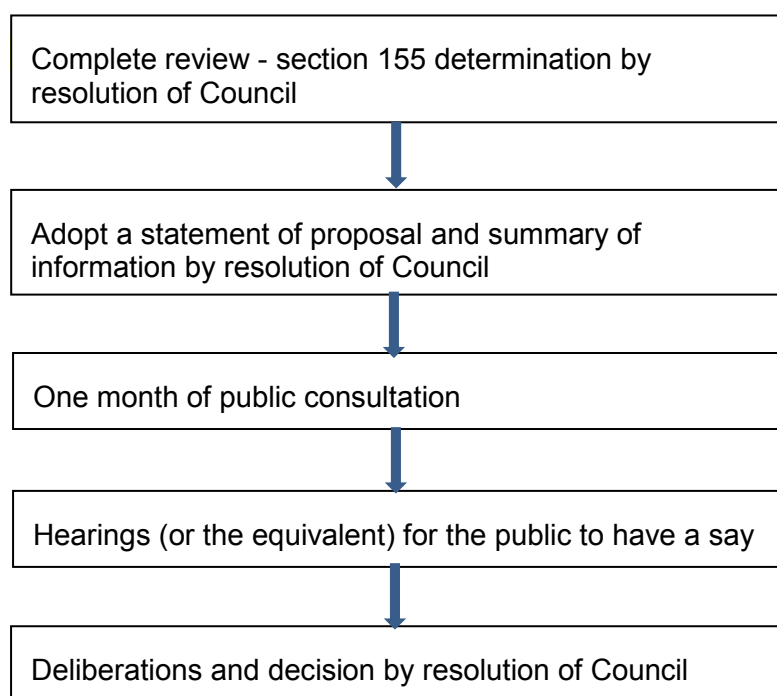
Option one is the preferred option recommended by officers.

Consultation and decision-making process

The Wastewater Bylaw is significant under the Council's Significance and Engagement Policy, because it has a high impact upon households and all other premises that discharge into the wastewater system. Therefore, LGA 2002 s 156 states that a SCP is required to propose the existing, an amended, or a new bylaw.

Statutory requirements mean that the completion of the required process will take a minimum of 4 months even if no changes were proposed to be made to the existing bylaw.

A brief summary of the process required under the provisions of the LGA 2002 and the Bylaws Act 1910 is set out in the diagram below:



3) Financial implications and budgetary provision

There are no direct financial implications to the bylaw review process. Cost associated with the review of this Bylaw and consultation (SCP) have been budgeted for.

4) Reason for the recommendation

A Wastewater Bylaw is the most appropriate way of managing and mitigating the impact of contaminants from premises entering the wastewater network. A Bylaw allows for the development of a consistent regulatory approach across the District that reflects the current wastewater network and business environment.

At the same time, the Bylaw does not replace education and voluntary compliance as ways to reduce the problem of waste entering Council's wastewater network.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Wastewater Drainage Bylaw - Document number A1694651

Attachment 2: Wastewater Drainage Fees - Document number A1694645

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

| | |
|--|---|
| Relationship with existing policies and Community outcomes. | Wastewater impacts upon the outcome: Our environment is protected, enhanced and wisely managed. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Wastewater may impact upon the Mauri of water. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Premises may be significantly impacted by wastewater restrictions, fees and charges. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | Yes |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The matter has District wide relevance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | Cost associated with the review of this Bylaw and consultation (SCP) have been budgeted for by Manager - Infrastructure Planning, Infrastructure and Asset Management Group. The Chief Financial Officer has reviewed this report. |



FAR NORTH DISTRICT COUNCIL BYLAWS

WASTEWATER DRAINAGE

To come into force: 1st December 2009

For the purpose of: Ensuring that all wastewater connections to the Far North District Council public wastewater network are carried out in a controlled manner. This bylaw also regulates applications to connect, disconnect, discharge domestic trade waste and to excavate or develop close to the public waste water network.

Index

| | |
|--|----|
| Introduction..... | 3 |
| 2 Definitions | 3 |
| 3 Domestic wastewater | 6 |
| 4 Point of Discharge | 6 |
| 5 Acceptance of wastewater | 7 |
| 6 Approval to connect | 7 |
| 7 Subdivision | 8 |
| 8 Continuity of discharge | 8 |
| 9 Premises..... | 9 |
| 10 Private Pumping Stations..... | 10 |
| 11 PWC Reticulated Areas | 10 |
| 12 Approval of PWC Installers | 11 |
| 13 Access | 11 |
| 14 Prevention of inflow and infiltration | 12 |
| 15 Maintenance and Repair..... | 12 |
| 16 Blockages | 12 |
| 17 Disconnection | 13 |
| 18 Public drainage system..... | 13 |
| 19 Breaches and remedies | 14 |
| 20 Remedial work | 15 |
| 21 Emergency..... | 15 |
| 22 Payment | 15 |
| 23 Change of ownership | 15 |

Introduction

- 1.1 In exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 the Far North District Council (FNDC) makes this Bylaw to control wastewater discharges.
- 1.2 This bylaw shall apply to:
 - 1.2.1 Wastewater drainage from domestic and trade premises into Far North District Council's public wastewater network. The quality and quantity limits that separate domestic wastewater from trade waste are to be found in the Far North District Council Trade Waste Bylaw.
 - 1.2.2 All types of onsite wastewater treatment and land application systems
- 1.3 This bylaw comes into force on 1st December 2009
- 1.4 The bylaw provides for the application for consent to:
 - a) Connect to or disconnect from the public wastewater network;
 - b) Discharge domestic wastewater and trade waste into the public wastewater network;
 - c) Excavate or develop close to and in some cases (with the written consent of the Council) over the public wastewater network.
- 1.5 Nothing in this bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996, the Local Government Act 2002 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

2 Definitions

- 2.1 For the purposes of this bylaw the following definitions shall apply:

THE ACT means the Local Government Act 2002

ADWF means average dry weather flow

ACCEPTABLE DISCHARGE means a wastewater with physical and chemical characteristics which comply with the requirements of the wastewater authority as scheduled in the Trade Waste Bylaw.

APPROVAL means approved in writing by the wastewater authority, either by resolution of the Council or by an officer of the wastewater authority authorized for that purpose.

APPROVED PWC PRODUCT means a PWC system which meets the performance standards and has the guarantees set out in the Council's current Standards and Guidelines.

APPROVED PWC INSTALLER means a suitably qualified PWC installer and maintenance technician approved by the Council

AREA OF BENEFIT means the area or part thereof of the territorial authority for which the Council may provide a drainage system, including, with the consent of the territorial authority, any area within that district.

AUTHORISED AGENTS means an employee of the Council's Operations and Maintenance Alliance or a Registered Drain layer or an Approved PWC Installer.

BOUNDARY KIT means the connection apparatus on a PWC that is located at the boundary of the customers property.

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the wastewater authority.

CERTIFICATE OF TITLE means a certificate registering the ownership of land available to any owner(s) under the Land Transfer Act 1952.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

COUNCIL means the Far North District Council and any officer authorised to exercise the authority of the Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the wastewater authority.

DEED OF COVENANT means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

DISCONNECTION means the physical cutting and sealing of the drain from a premises.

DOMESTIC WASTEWATER means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 9.1.

DRAIN means that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

INFILTRATION means water entering a public sewer or private drain 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 private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

LEVEL OF SERVICE means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.

PERSON includes a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means the boundary between the public sewer and a private drain.

PREMISES mean either:

- 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 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.

PROHIBITED CHARACTERISTICS means a wastewater which shall not be discharged into the wastewater authority system, as scheduled in the Trade Waste Bylaw.

PUBLIC SEWER means a sewer owned and operated by Far North District Council

PUBLICLY NOTIFIED means published on at least one occasion in a newspaper circulating in the Far North District, or, under emergency conditions, by the most practical means available at that time.

PWC means an approved pressure wastewater collection & disposal system using grinder pumps, for the purpose of delivering domestic wastewater from individual properties to the wastewater network.

RISING MAIN means a sewer through which wastewater is pumped.

SCHEDULE OF RATES AND CHARGES means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the wastewater authority.

SERVICE OPENING means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

SEWER means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the wastewater authority.

STORMWATER means all surface water run-off resulting from precipitation.

TRADE PREMISES means any premises used or intended to be used for carrying on any trade or industry, and include any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE BYLAW means the bylaw of the wastewater authority regulating wastewater discharges from trade premises to a sewer.

TRUNK SEWER means a sewer, generally greater than 150mm in diameter, which forms a part of the principal drainage network of the wastewater authority's wastewater drainage system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

WASTEWATER AUTHORITY (WWA) means the unit of Far North District Council responsible for the collection, treatment and disposal of wastewater.

3 Domestic wastewater

3.1 No domestic wastewaters shall:

- a) Exceed the substance limits scheduled in the Far North District Council Trade Waste Bylaw
- b) Contain the substances prohibited in the Far North District Council Trade Waste Bylaw.

3.2 Where apart of a domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

4 Point of Discharge

4.1 The point of discharge from a customer's premises shall be the point on the public sewer which marks the boundary of responsibility between the customer and the WWA, irrespective of property boundaries.

4.2 Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

4.3 Single ownership

4.3.1 For single dwelling units the point of discharge shall be located at the boundary as shown in **Appendix A** 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 WWA and recorded on the drainage plan. The point of discharge shall be terminated at a rodding eye.

4.3.2 Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

4.4 Multiple ownership

4.4.1 The point of discharge for the different forms of multiple ownership of premises and/or land shall be as shown in **Appendix B** 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 WWA and recorded on the drainage plan.

4.4.2 For company share/block scheme (body corporate)—as for single ownership.

4.4.3 For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the WWA. If not

practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

4.4.4 Each owner's point of discharge must be approved by the Council and recorded on the applicable drainage plan with any other arrangements only to be considered where there are advantages to the Council.

4.4.5 Where each owner's private drain discharges into a public sewer on private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

4.5 Common private drains

4.5.1 Common private drains shall serve a maximum of five (5) single dwelling units, and may also have one point of discharge only (in common), provided that such common drains shall be covered by a certificate from the WWA recording the rights of each party which is registered against the certificate of title for each such dwelling unit.

5 Acceptance of wastewater

5.1 Every domestic premise shall be entitled to have its wastewater accepted by the WWA subject to:

- a) The premises lying within an area of benefit if such an area has been designated by the WWA under the Local Government Act 2002 (LGA); and
- b) The premises lying within an area which is served by public sewers; and
- c) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular;
- d) Fulfilment of the requirements of this bylaw; and
- e) The availability of capacity in the public sewer network.

5.2 Where a premise is within an area of benefit, no person shall discharge any wastewater from any premises except into the wastewater network, unless otherwise approved by the WWA.

5.3 The acceptance of trade wastes is the subject the Far North District Council Trade Waste Bylaw.

6 Approval to connect

6.1 No person other than the authorised agents of the WWA, shall, without approval, make any connection to or otherwise interfere with any part of the WWA's wastewater drainage system.

6.2 No person, other than an Approved PWC Installer, shall install, maintain, repair or renew a PWC system or otherwise make any connection to or interfere with any part of the Council's pressure wastewater reticulation:

6.3 Domestic Wastewater Application

6.3.1 Every application for a wastewater service connection shall be made in writing on the form provided in **Appendix C** together with the prescribed charges. The

applicant shall provide all the details required by the WWA. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

6.4 Domestic Wastewater Application requiring Public Sewer Extension

6.4.1 Where an application has been accepted by the WWA which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such charges as fixed by the WWA for this work. The WWA shall supply and install the public sewer up to the point of discharge except as provided for in 7.1.

6.5 A Council officer may approve an application for a new wastewater discharge point provided the following conditions are met:

- a) The premises is located within an area of benefit served by a sewer; and
- b) Adequate capacity is available in the sewer network to service the premises; and
- c) All applicable fees, charges, rates and / or contributions payable to or levied by the Council have been paid in full.

6.6 For connections to Council's gravity reticulation an as-built plan showing the connection shall be provided to the Council seven [7] days after construction showing the connection.

7 Subdivision

7.1 Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the approval of the design and construction of the works, in accordance with the subdivision process and / or in accordance with any applicable rules in the District Plan.

7.2 New Development of Existing Lots/Titles

7.2.1 All new Lots/Titles in existing areas of benefit shall be individually serviced unless otherwise approved by the WWA.

7.2.2 Dispensation

7.2.2.1 The WWA may at its discretion permit a Private Common Drain in an existing Lot/Title, subject to any or all of the following conditions:

- a) That written application for dispensation be submitted to the WWA;
- b) That proof of operational soundness, capacity, location and integrity of the proposed Private Common Drain is submitted to the WWA;
- c) That proof of adequate maintenance cost share provisions between parties to the proposed Common Private Drain; or registration of appropriate private easement over the proposed Common Private Drain be submitted to the WWA;
- d) Any other conditions that the WWA determines appropriate.

8 Continuity of discharge

8.1 The WWA does not guarantee to receive wastewater without interruption, however the WWA will use all reasonable endeavours to ensure that any disruption is kept to

a minimum.

9 Premises

9.1 Flow rate

- 9.1.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. and shall not exceed 3m³ per day without prior approval of the WWA.

9.2 Prohibited Characteristics

- 9.2.1 No wastewater with prohibited characteristics (as scheduled in the Far North District Council Trade Waste Bylaw) shall be discharged into the WWA system.

9.3 Waste minimization

- 9.3.1 In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991 (RMA), the WWA recommends a customer fits the devices contained in Table 1 on all new installations.

Table 1

| Device | Value |
|---------------------------|--|
| Dual Flush toilet cistern | Flush 1 6 litres Flush 2 3 litres |
| Low flow shower heads | Maximum 9 litres per minute |
| Urinal flushing control | Timed |

- 9.4 As a customer's drainage system is governed by the current Building Act inside the building to the point of discharge the WWA may not unreasonably impose anything on the customer, which is more onerous than is contained in the New Zealand Building Code.

- 9.5 A customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies, as a minimum with Council's current Environmental Engineering Standards (as shall be set from time to time), the Building Act 2004 and the New Zealand Building Code

- 9.6 Drainage from any premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act 2004, does not need to be upgraded to meet the requirements of the New Zealand Building Code. If however any work is required on the customer's drainage system, arising from:

- a) The issuing of a defect notice; and/or
- b) Alteration to the premises; and/or
- c) Change of use of the premises;

Then any such work shall meet the requirements of the New Zealand Building Code.

- 9.7 New Customers with discharges from premises not covered by the Building Act 2004 and the New Zealand Building Code shall nevertheless have a drainage system which complies with the Building Act 2004 and the New Zealand Building Code.

10 Private Pumping Stations

- 10.1 No person shall install or operate a private wastewater pumping station in an area of benefit and being able to be connected to gravity reticulation unless:
- a) there are no other reasonable practical alternatives to a gravity discharge to the network; and
 - b) the occupier meets the provisions of the NZ Building Code and the relevant Standards for Engineering Design and Construction; and
 - c) the private wastewater pumping station complies with the operation and maintenance conditions prescribed by Council.

11 PWC Reticulated Areas

- 11.1 Council will maximise the benefits of new technology to restrict the quantity of stormwater entering the public wastewater system and to minimise the risk of wastewater overflows discharging to the environment. Pressure wastewater collection systems (PWC) will be installed in environmentally sensitive areas and where new gravity systems are impractical or will potentially overload the existing infrastructure.
- 11.2 Pressure wastewater reticulation means that part of the wastewater network designed to receive and convey wastewater through a pressurised system of pumps and infrastructure. These areas are generally shown on the Pressure Wastewater Reticulation Area Plans, which may be amended from time to time by the Council, as geographical areas become serviced by pressure wastewater reticulation. Note: decisions on which areas to provide with wastewater services, and the type of reticulation to receive and convey wastewater (pressure or gravity), are made by Council in accordance with the decision making provisions of the Act and will comply with its statutory consultation requirements.
- 11.3 In areas serviced by or able to be connected to pressure wastewater reticulation, owners and occupiers shall:
- a) Engage only an Approved PWC Installer, who shall be a registered drainlayer, to carry out any work on the PWC main; and
 - b) Not engage any person to undertake an activity which is in breach of this Bylaw or any other law; and
 - c) Meet all provision and installation costs of the PWC system on the property up to but not including the boundary kit connecting to the network; and
 - d) Install the PWC in accordance with Councils Standards and Guidelines; and
 - e) Install only Approved PWC Products in accordance with Councils guidelines for PWC products in the designated area as shown on the Councils GIS systems; and

- f) Provide a certificate from the installers to confirm the PWC system has been fully commissioned in accordance with the manufacturers specification; and
- g) Provide an easement in favour of the Council over the route of the pipeline and PWC pump station, and
- h) Arrange for the PWC system to be vested to Council on completion of the works.

11.4 In areas serviced by, or able to be connected to, pressure wastewater reticulation, the Council shall:

- a) Provide the connection to the PWC main, interconnecting pipework to the boundary kit and the boundary kit. The costs of these works will be borne by the customer.

12 Approval of PWC Installers

12.1 Any person may apply to become an Approved PWC Installer by completing the standard Council application form and payment of the required fee.

12.2 In assessing any application Council may require such further information as is reasonably needed to determine whether to grant the application. No approval may be given until all information requested has been received.

12.3 In considering an application Council shall consider the following matters:

- a) the relevant experience of the person; and
- b) be a registered Drainlayer
- c) the relevant training of the person, any breaches by the person of this (or other) Council bylaws and whether there is an Approved PWC Product that the person is licensed to install; and
- d) whether the person has adequate insurance; and
- e) any other relevant matter needing to be taken into account under the provisions of the Act's decision making process.

12.4 Council may revoke any person's Approved PWC Installer status for good cause or on the following events:

- a) receipt of information of a material error in the Approved PWC Installer status application; or
- b) a breach of any of Council's Wastewater Services Bylaws; or
- c) cessation of work by an Approved PWC Installer for a continuous period of 6 months or more.

13 Access

13.1 Access for inspection

13.1.1 The customer shall allow the WWA, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between

7.30 am and 6 pm on any day. The WWA shall give 24 hours previous notice to the customer of the intended entry.

13.1.2 Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the WWA free access to and about the point of discharge at any hour.

13.1.3 Non-complying connections

13.1.4 The customer shall allow the WWA with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

14 Prevention of inflow and infiltration

14.1 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

14.2 Stormwater shall be excluded from a sewerage system by ensuring that:

- a) There is no connection of any stormwater pipe or drain to the sewerage system; and
- b) Gully trap surrounds are set above stormwater ponding levels, or secondary overland flow path flood levels; and
- c) Inspection covers are in place and are appropriately sealed.

14.3 Private drains shall be kept and maintained in a state, which is free from cracks and other defects, which may allow infiltration.

14.4 For trade premises where stormwater cannot be separated from wastewater refer to the Far North District Council Trade Waste Bylaw.

14.5 Stormwater which is contaminated may be accepted as a trade waste discharge in accordance with the Trade Waste Bylaw.

15 Maintenance and Repair

15.1 Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

16 Blockages

16.1 A customer, whose gully trap is overflowing or has other reasons to suspect a drain blockage, shall promptly advise the WWA or its authorised agents. The customer will arrange to clear and remove any blockage on the private drainage, and clean up all affected areas.

16.2 If a blockage is found to be within the public sewer, then provided that the blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain, or that the customer has not been negligent in discharging a non- acceptable wastewater, and an authorised agent can confirm that the blockage at

the time was caused by a problem in the public sewer network then the WWA shall cover all costs incurred in the unblocking work. If otherwise, the WWA shall recover the costs of the unblocking work from the customer.

17 Disconnection

- 17.1 A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the WWA.
- 17.2 A customer shall give 2 working days notice in writing to the WWA of his or her requirement for disconnection of the discharge connections if re-laying of the private drain is required.

18 Public drainage system

18.1 General

- 18.1.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in 18.2 to 18.4 shall apply. Other restrictions may be applied by the WWA for the protection of the public drainage system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

18.2 Building over buried services

- 18.2.1 No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- a) 1.5 meters from the centre of any main or sewer; or
- b) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 meters from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

18.2.2 Other public sewers

- a) No building shall be built over a public sewer, whether on public or private land;
- b) No building shall be built closer than the greater of:
 - I. 1.5 metres from the centre of any public sewer; or
 - II. the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.
- c) Subject to approval, a building developer may meet the cost of diverting the public sewer (including any manholes) in accordance with WWA standards.

- 18.2.2.1 Where (a) (b) and (c) in 18.2.2 above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These may include the provision of CCTV inspections before and after construction works, access manholes, pipe strengthening, ducting, additional support of the building's foundations and re-locatable construction.

18.3 Loading or material over public sewers

- 18.3.1 No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual).
- 18.3.2 No person shall place any additional material over or near a public sewer without approval.
- 18.3.3 Service openings shall not be covered in any way unless approved. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

18.4 Excavation near public sewers

- 18.4.1 The Council shall keep and maintain drainage plans of the location of its buried services. This information shall be available for inspection during normal business hours at no cost to the user. Reasonable charges may be levied to cover the costs of making copies available.
- 18.4.2 Any person proposing to carry out excavation work shall view the as-built information to establish whether or not the Council or other utility services are located in the vicinity. At least three (3) days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Liability for accurate location of Council services rests entirely with the person proposing to excavate.
- 18.4.3 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roads is also subject to the permit process of the appropriate roading authority.
- 18.4.4 Any damage which occurs to a Council service shall be reported to the Council immediately. Repair costs may be recovered from the person responsible.
- 18.4.5 No person shall excavate, or carry out piling or similar work closer than:
 - a) 5 metres from the centre line of any rising main or trunk sewer; or
 - b) 2 metres from the centre line of any public sewerwithout approval from the WWA. Such approval may impose conditions on the carrying out of any work near the sewer.

18.5 Storage of hazardous materials

- 18.5.1 The occupier shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the WWA wastewater system or the health and safety of WWA staff and the public, without taking all reasonable steps to prevent entry into the WWA sewer from leakage, spillage or other mishap.
- 18.5.2 The occupier shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

19 Breaches and remedies

19.1 Defect notices

- 19.1.1 In the event of a breach of statutory or other legal requirements, the WWA may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the WWA may charge a re-inspection fee.
- 19.1.2 If however the breach is such that public health, or safety considerations, or risk of consequential damage to WWA assets is such that delay would create unacceptable results, the WWA may take immediate action to rectify the defect, and recover all reasonable costs as set out in 20.1

20 Remedial work

- 20.1 At any time after the specified period of 19.1.1 has elapsed, the WWA may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

21 Emergency

- 21.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the WWA, which disrupt the ability of the WWA to receive wastewater, will be deemed an emergency.
- 21.2 During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required by the officer of the Council authorized for that purpose, subject to subsequent Council ratification.
- 21.3 In the event of 3rd Party (contractors) damage to any public sewer the Council may take immediate action to rectify the defect, and recover all reasonable costs from the 3rd Party.

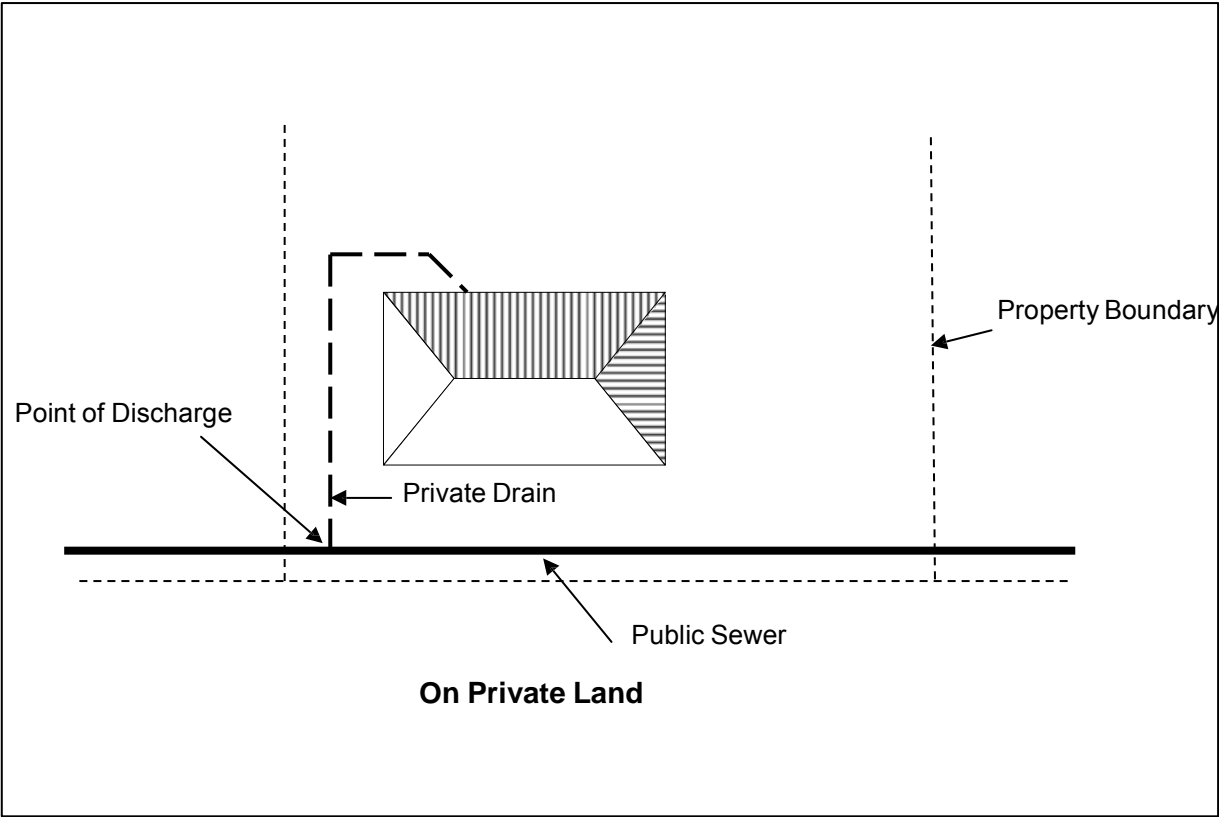
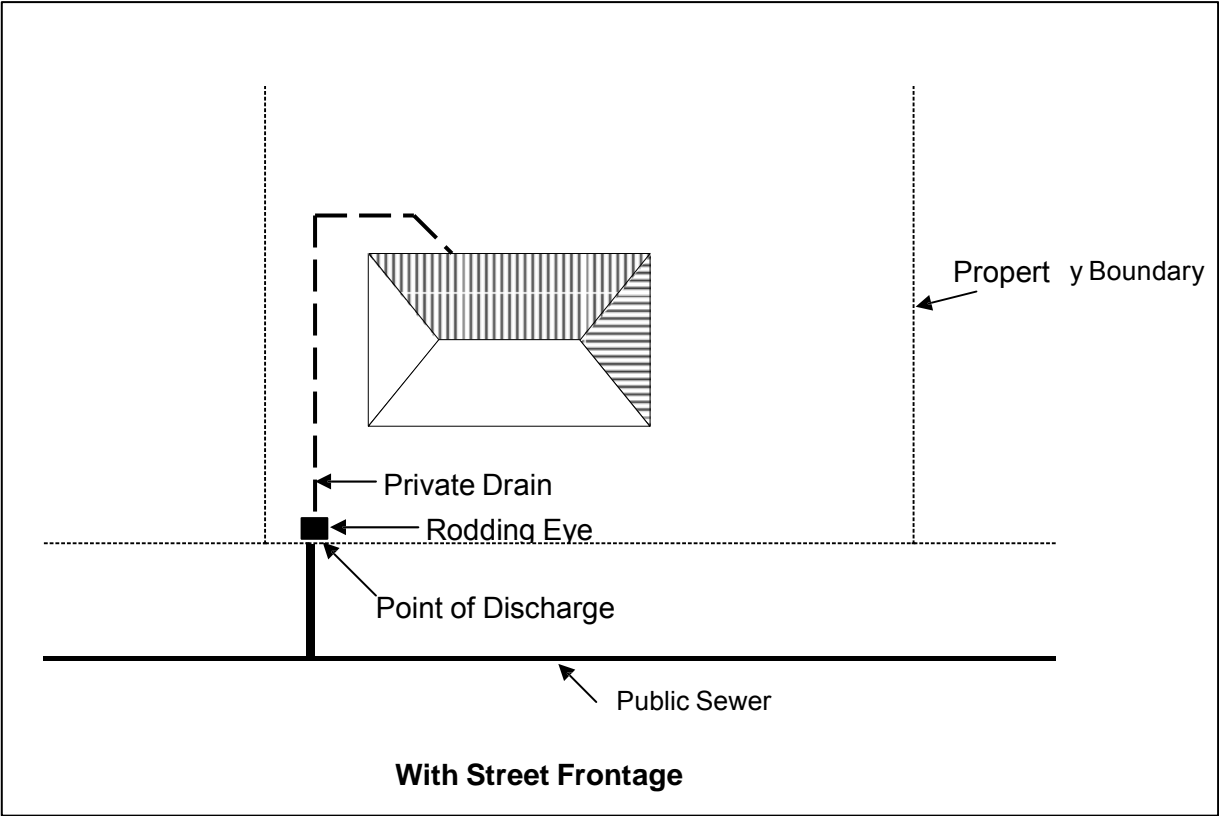
22 Payment

- 22.1 Payment for the discharge of wastewater and related services shall be in accordance with the WWA schedule of rates and charges.
- 22.2 Because of the procedures involved in setting charges as part of a bylaw, the items included in the schedule of rates and charges, and the terms on which they will be charged shall not be prescribed in the bylaw but shall be made by resolution of the Council from time to time. Refer to Appendix D for an example list of payment items and terms.

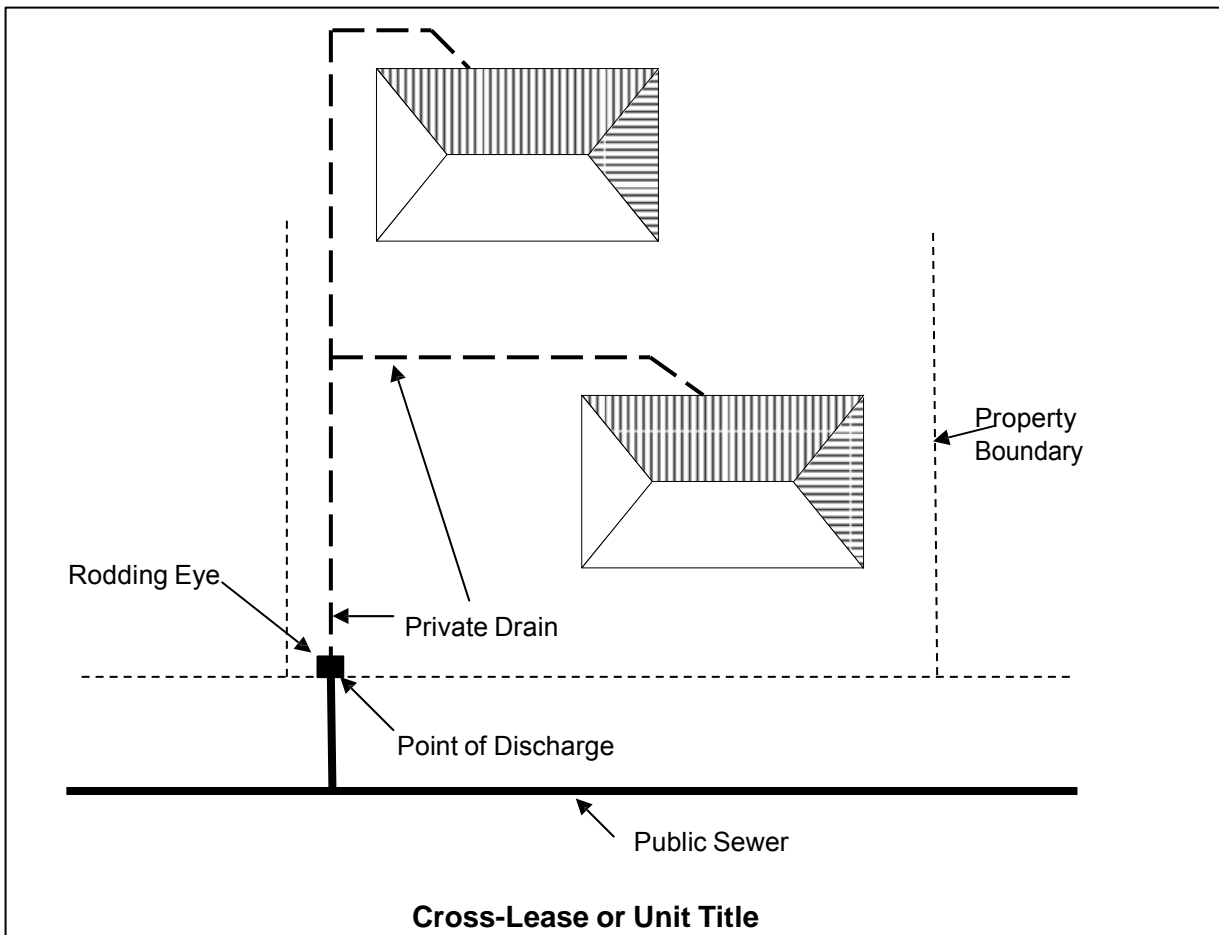
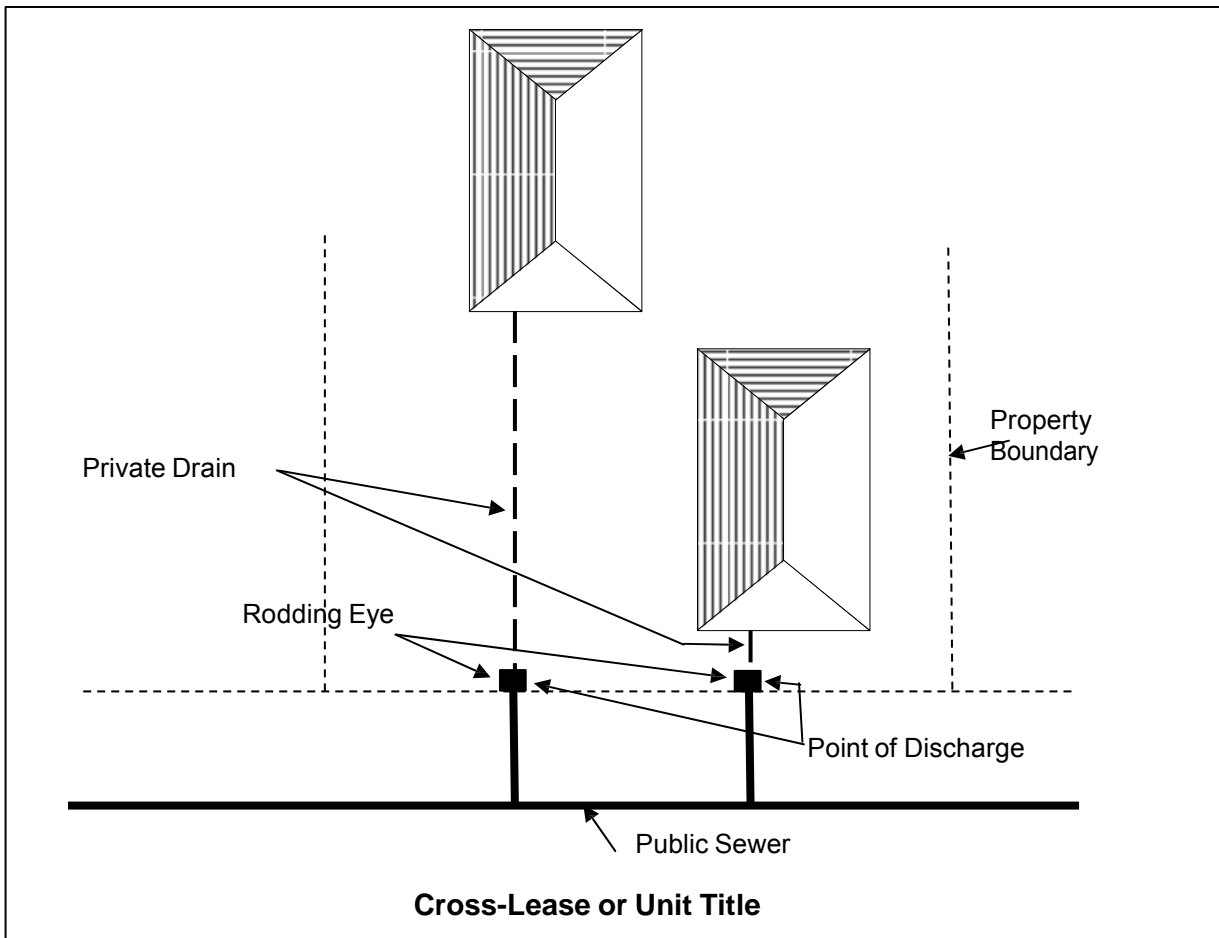
23 Change of ownership

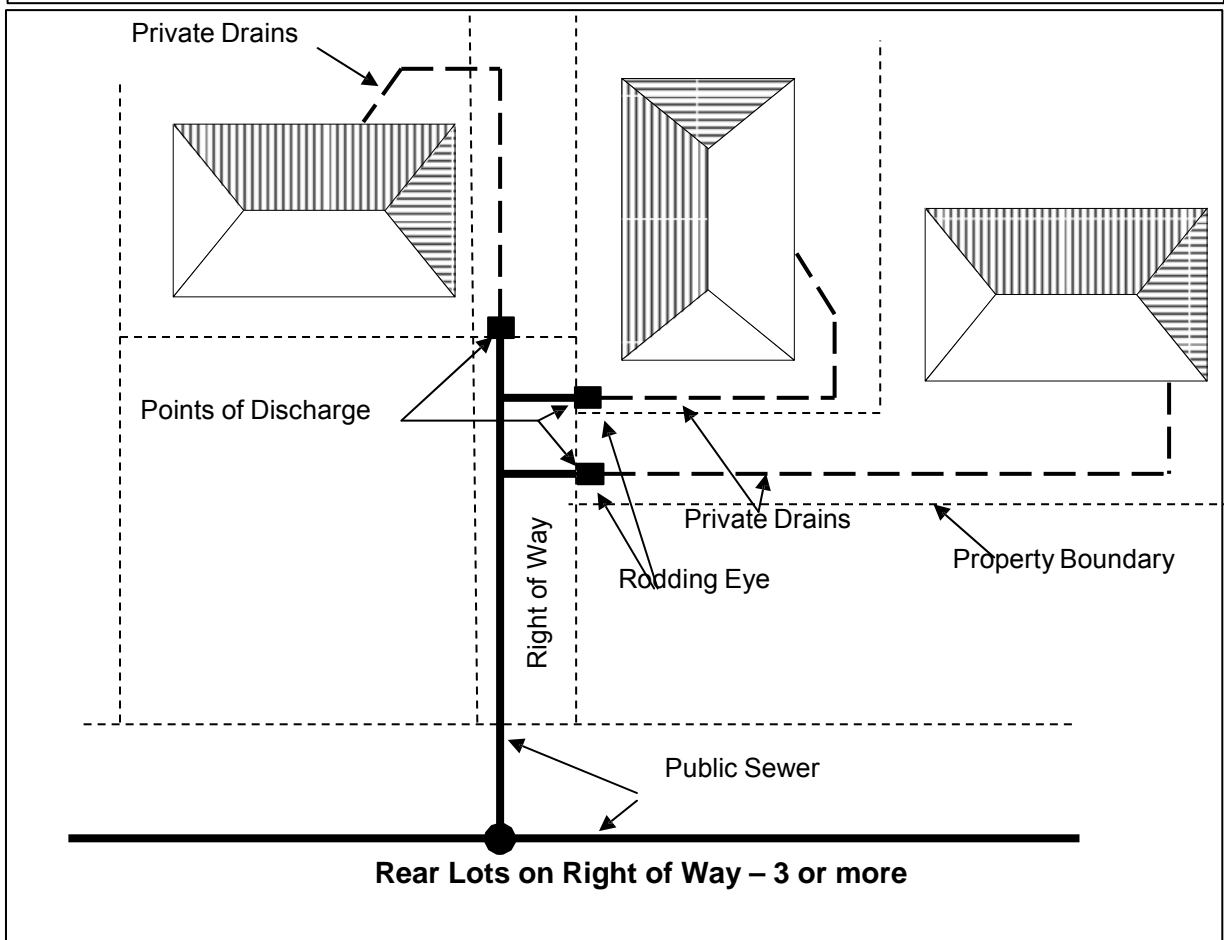
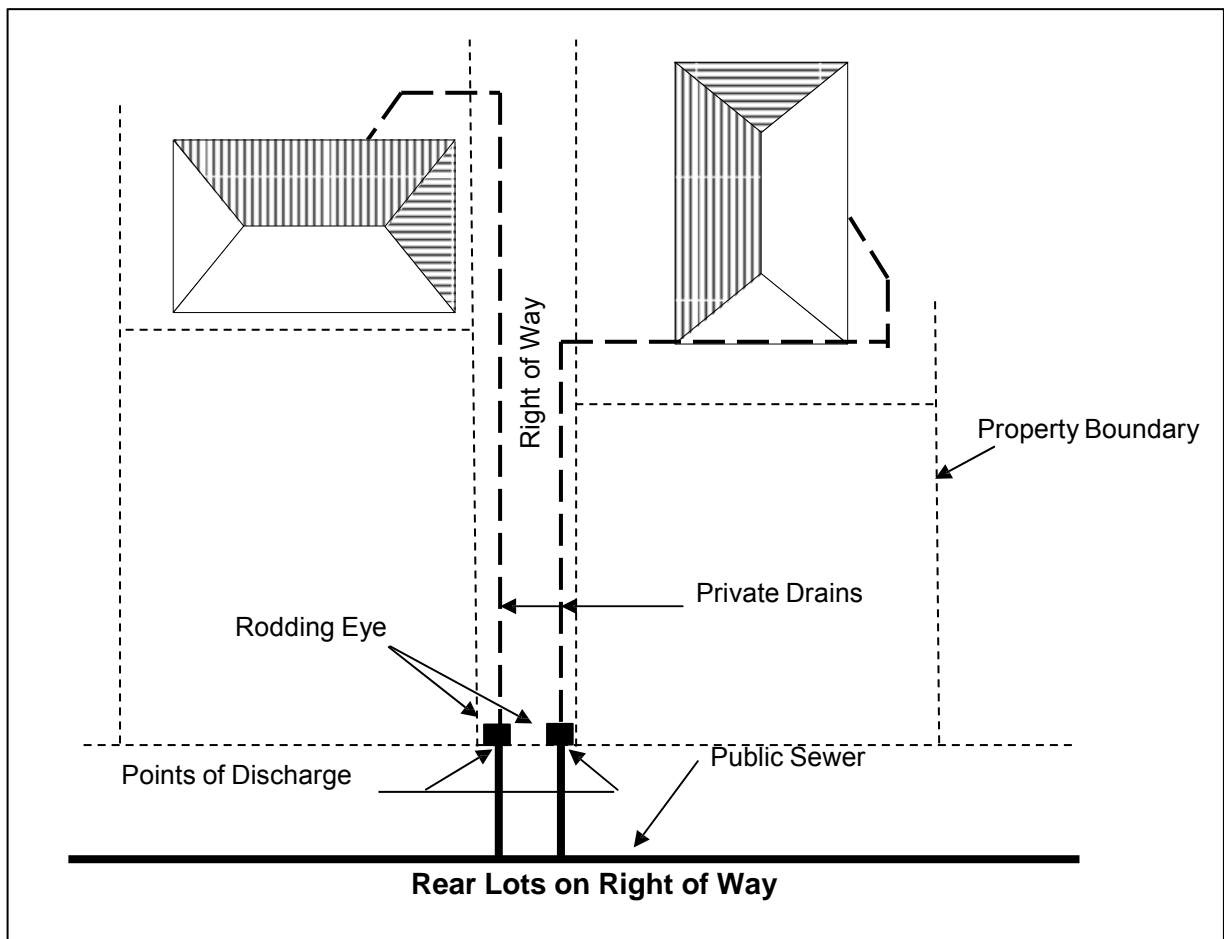
- 23.1 In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

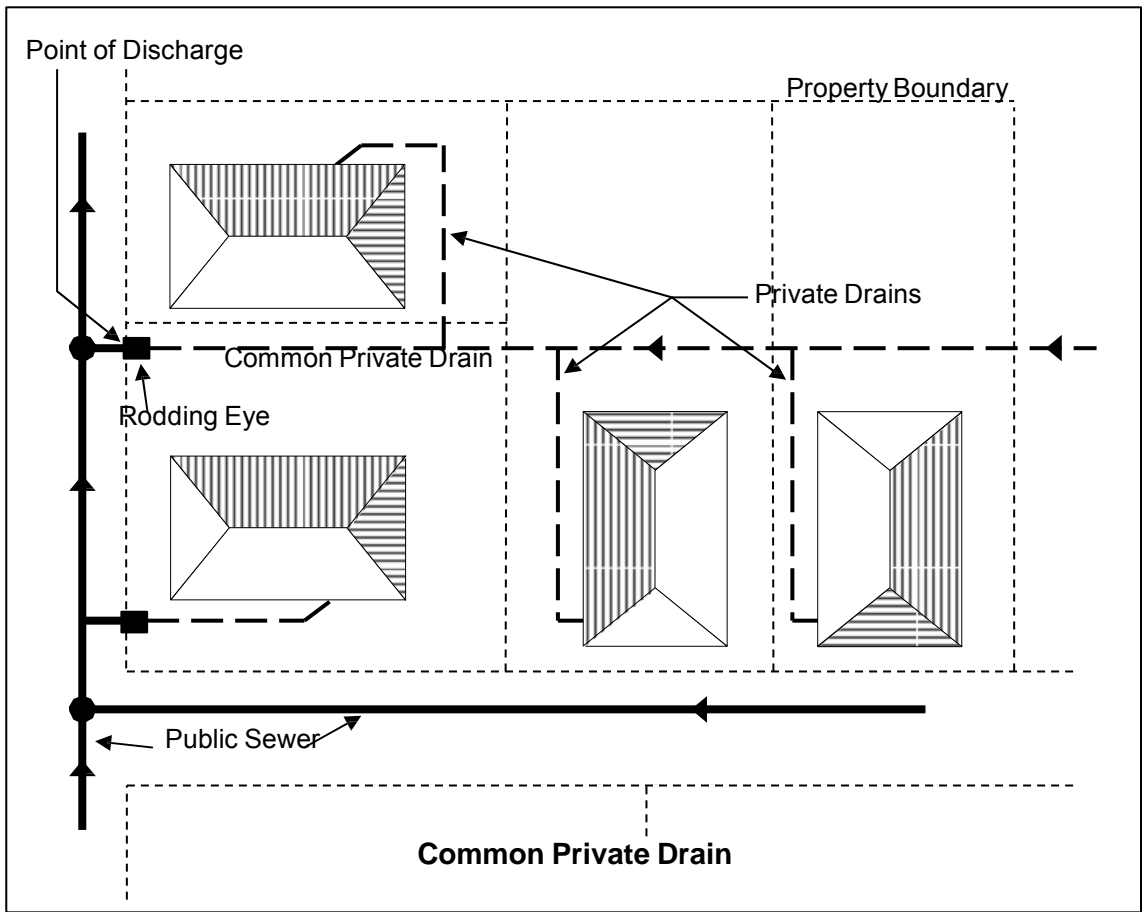
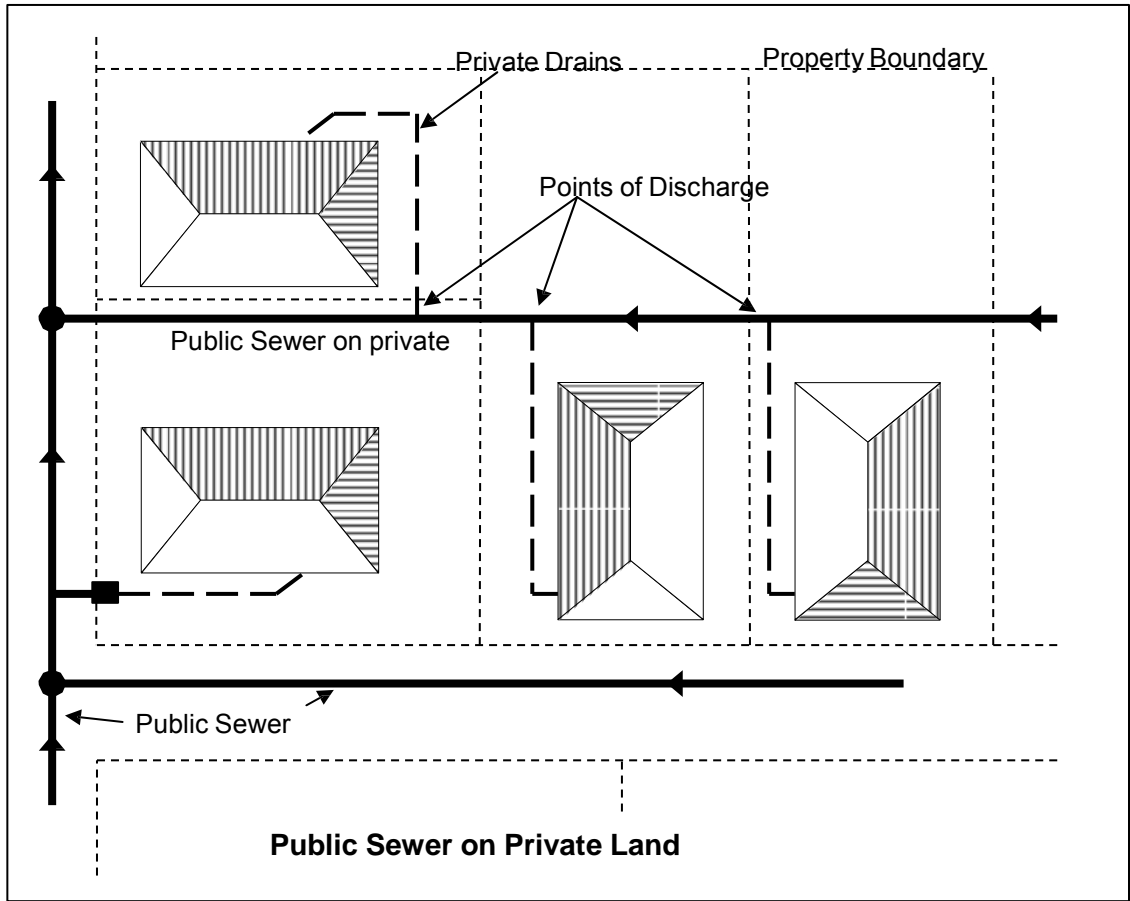
APPENDIX A
SINGLE DWELLINGS

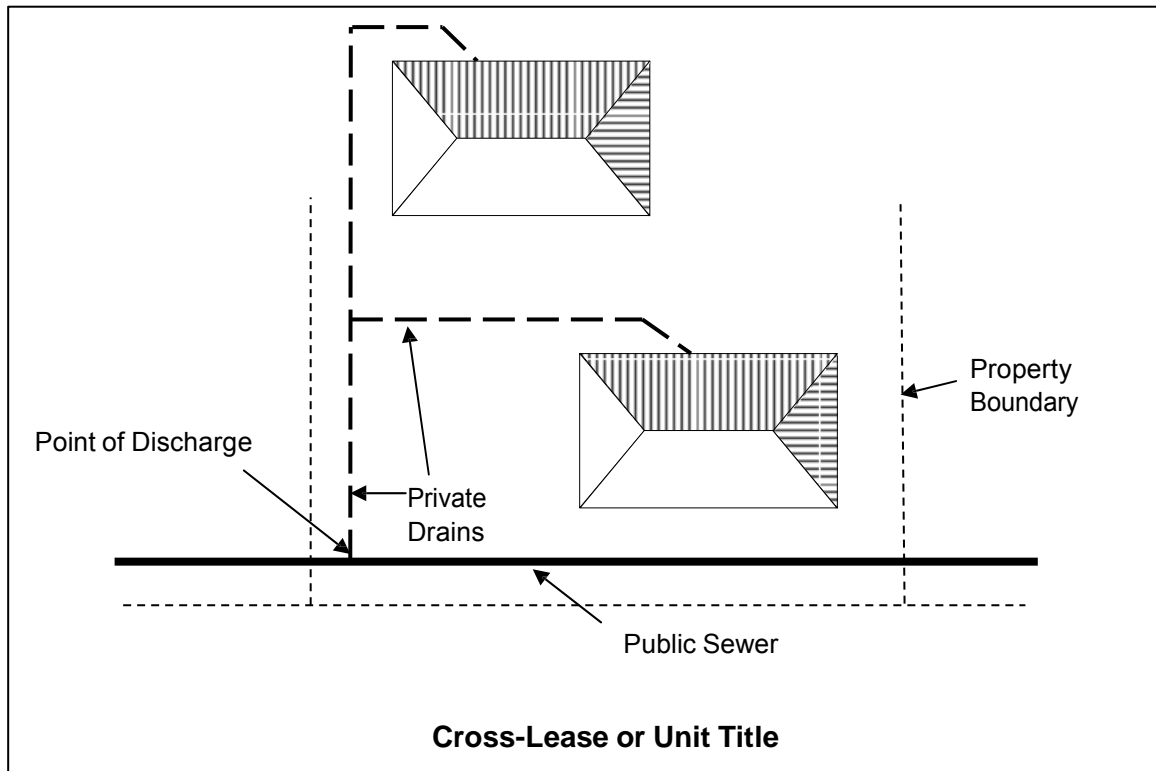


APPENDIX B
MULTIPLE DWELLINGS









APPENDIX C

FAR NORTH DISTRICT COUNCIL APPLICATION FOR WATER SUPPLY OR WASTEWATER CONNECTION



Part A—Customer Details

Applicants Name _____

Owners Name _____

Postal Address _____

Phone _____ Email _____

I the above mentioned hereby apply for a water/sewerage service from the Far North District Council to be laid to the premises below.

I declare that I am the owner or have been authorised by the owner to lodge this application _____
(signature)

Part B—Property Details

Physical Address _____

Lot & DP Number _____ Certificate of Title _____

Part C—I wish to apply to:

☐ Connect to an existing water meter

☐ Connect to an existing sewerage connection

☐ Install a new water meter

☐ Request quote for a new sewerage connection

☐ Relocate an existing water meter

☐ Connect new subdivision to Councils network

☐ Disconnect an existing water meter

☐ Request an inspection of a sewerage connection made by a drainlayer

☐ Upgrade size of existing connection

Part D—Intended Activity (please circle)

Residential Retail/Commercial/Office Industrial (wet/dry) Other _____

Water Connection/Meter Size Required (if over standard 20mm) _____

Estimated water usage/day (if other than residential and information is available) _____

Estimated sewerage discharge/day (if other than residential and information is available) _____

For Office Use Only:

Application Complete: _____ RFS Number: _____

Fees Paid: _____ RC Number: _____

Rates Officer: _____ BC Number: _____

GUIDANCE NOTES:

Who Can Connect?

Council currently has a potable water supply in all or parts of the following: Kaikohe/Ngawha, Okaihau, Kerikeri/Waipapa Business Centre Kaitaia, Opononi/Omapere Kawakawa/Moerewa, Rawene and Waitangi/Paihia/Opua.

Council currently has sewerage in all or parts of Ahipara, Mangonui/Coopers Beach/Taipa, Hihi, Kaeo, Kaikohe, Kaitaia, Kawakawa, Kerikeri, Opononi/Omapere, Paihia/Waitangi/Opua, Rawene, Rangiputa, Russell, Whangaroa and Whatuwhiwhi/Tokerau Beach.

Properties that can connect are those identified as being within the "Area of Benefit" - that is, those properties that the scheme has been designed to cater for. All other properties in the Far North District shall be serviced by water tanks and onsite wastewater disposal systems. Confirmation of whether your property is in an Area of Benefit can be determined by contacting us.

Water Meter Installations:

If the property has an approved existing water meter that is connected to Councils network, your plumber/drainlayer may connect the dwelling/building directly to that meter upon approval of this application. Confirmation of an existing water meter can be found on the rating account for the property or by phoning Councils Rating Department

Where a new standard meter is requested and payment is received, a Request for Service (RFS) number will be allocated to the job and sent to our contractors to proceed with the works. The usual timeframe for completion of the installation is 10 working days within a Council road. If the meter installation is required on a State Highway, approval must be obtained from Transit NZ first and this may take an additional 10 working days.

Where a larger connection/meter is requested or where a connection also requires separate backflow prevention we will request a quote from our contractors which will be forwarded to you when it is received. Please take into consideration the amount of time it may take to receive Transit permission, quotes and install the meter when requesting a new water meter. Any delay in timeframes will be relayed to you as we are notified.

Sewerage Connections-also commonly known as stubs/laterals or tees:

If your property has an existing sewerage connection and you know its location, your drainlayer can lay the pipe from the dwelling/building to that sewerage connection. You must have a Building Consent to do this work and an inspection from a Building Inspector must be undertaken prior to the trench being backfilled. If the location of the sewerage connection is unknown and you are installing a new connection there are two ways for this to be done.

The sewerage connection shall be installed at your cost and may be done either by engaging Council contractors or by engaging a registered drainlayer. If you engage a registered drainlayer to install the new connection you must contact Council to organise an inspection of the connection. A date, time and the drainlayers registration number will be required in order for an inspection to be booked. The connections referred to include only the connection off Councils main line that the drainlayer will connect the dwelling to and do not include the pipe from the dwelling/structure to Councils main line.

Where a connection is being made into a manhole, a Site & Safety Plan must be submitted to Council and approved prior to the commencement of any works.

Connect New Subdivision:

Prior to a subdivision being connected into Councils live network, all pipes intended to be vested to Council shall be tested and approved by an Authorised Officer-refer FNDC Engineering Standards & Guidelines. Any connection to Councils water network can only be made by Council Contractors. Where the Section 224c has not been issued, a bulk water shall be installed.

Either Council contractors or a registered drainlayer can make a connection into Councils sewage system, however a Site

& Safety Plan must be submitted and approved by Council prior to the commencement of any works.

I have read these Guidance Notes: _____ Date _____

Please sketch the layout of the section and required water meter placement here:

Please sketch the layout of the section and required sewerage connection location here:

APPENDIX D

PAYMENT ITEMS AND TERMS

| Item | Terms |
|---|--|
| Uniform Annual (sewer or drainage) charge | A separate charge for wastewater drainage and disposal which is uniform within the WWA area or for areas within it. |
| Rates | Wastewater charges included in property rates |
| Uniform WC levy (pan charge) | A uniform levy on each WC or urinal in each premises. |
| Connection fee | Payable on application for connection to discharge point. |
| Public sewer fee | Payable when a new public sewer connection is required from the existing public sewer to the point of discharge. |
| Deposit | Additional fee payable on application for connection to discharge if required. |
| Special rates for loan charges | Additional rates for servicing loans raised for the purposes of construction or improving the WWA wastewater system. |
| Reinspection fee | A fee payable for each reinspection visit by the WWA where a previous issued default notice has not been remedied by the customer. |
| Disconnection | A fee payable for disconnection of a discharge connection. |
| Development / Financial contribution | A payment to be made for off-setting the impact of development on the system capacity. Such payments shall be defined in Council policy and shall be for the purpose of improving system capacity. |

ATTACHMENT 2 WASTEWATER FEES

| WASTEWATER (Excludes charges included with rates) Any works on Councils wastewater networks can only be undertaken by Council approved contractors. | FEE |
|---|---|
| Administration Fee for a Wastewater Connection | \$40.00 |
| Administration fee to build close to, over, or excavate close to a public sewer not within a legal road | \$40.00 |
| Upgrade or Modify Existing Connection | Quote to be obtained |
| New connection provided by Council's Contractor up to 150mm main (includes connection to main and 1m of pipe from Council main) | Quote to be obtained |
| New connection provided by Council's Contractor to mains greater than 150mm, or connection lengths greater than 1 metre, or where a manhole or chamber is required. | Quote to be obtained |
| New connection to a pressure wastewater network provided by Council's Contractor | Quote to be obtained |
| Inspection by Council Officers Of Connection Work not undertaken by Council's Contractor (single connection) | \$86.25 |
| Inspection by Council Officers of Connection Work not undertaken by Council's Contractor (multiple connections) | Quote to be obtained |
| Wastewater connected rate for all new connections | Where a property connects to sewerage after 1 July in any year, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant Capital, Operating and Additional Pan Rates for the scheme concerned for every complete month until 30th June in the following year |
| Service availability charge where a new wastewater connection is provided but the property does not connect | Where sewerage is made available to a property after 1 July in any year but the property does not connect, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant Availability Rate for the scheme concerned for every complete month until 30th June in the following year |
| Approximate marking of single location services of mains with minimum 3 days notice | \$219.81 |
| Accurate marking of mains including excavation with minimum 10 day notice | Quote to be obtained |
| Accurate marking of mains including excavation with minimum 10 day notice, or location of mains over a wide area | Quote to be obtained |
| Urgent location of mains | At actual cost |
| Inspection of an onsite wastewater system by Council Monitoring Officer | Per instance based on \$85 per hour plus travel |

MEETING: **REGULATORY AND ENVIRONMENT COMMITTEE**
21 APRIL 2016

Name of item: **ADDITION OF COMMISSIONERS**

Author: Tammy Wooster - Senior Policy Planner

Date of report: 21 March 2016

Document number: A1694818

Executive Summary

The purpose of the report is to update the pool of Council hearing commissioners for the joint hearing with Whangarei District Council for Plan Change 18 -Genetically Modified Organisms.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT pursuant to section 34A(1) of the Resource Management Act 1991, Council adds two additional names to the persons listed in the approved hearing commissioners list, who have the powers to hear and determine plan changes under Sections 41-42A of the Resource Management Act:

Giles Bramwell

Barry Kaye.

1) Background

The Council, in 2010, decided that Plan Changes could be heard by independent commissioners, in lieu of having Councillors sit on the hearing panel. It was decided that independent commissioners would be used to hear all resource consent hearings rather than have them heard by a hearings committee consisting of Councillors. Subsequent to those decisions, a list of commissioners were formally delegated the power to hear and determine plan changes and resource consent applications.

Council has decided to hold a joint hearing with Whangarei District Council (WDC) on Plan Change 18 - Genetically Modified Organisms. Two of the WDC nominated commissioners to hear this plan change are only currently approved by WDC.

Council has received registrations of interest from the two (WDC) qualified commissioners who are considered to have suitable skills and background to allow them to be included on the list of independent commissioners. It is necessary to add them to the list and delegate the power to hear and determine plan changes to those persons, if they are used as commissioners for the joint hearing on Plan Change 18 - Genetically Modified Organisms.

2) Discussion and options

The two persons that have registered their interest in being added to the Council list of approved commissioners are:

- Giles Bramwell; and
- Barry Kaye.

Both have a current certificate (accreditation) in making good decisions, have Chair endorsement, and are on the WDC list of approved commissioners. If they are not approved by Council, this could result in a delay to hearing Plan Change 18. If Council adds these additional commissioners on the approved list, they can be used for Plan Change 18 and Council can consider them for hearing other plan changes resulting from the District Plan review.

A resolution from the preceding Regulatory and Environment Committee Meeting on 10 March has provided for the appointment of two independent commissioners by the Manager District Planning (in accordance with existing delegated authority) to hear and make recommendations on Proposed Plan Change 18.

3) Financial implications and budgetary provision

There are no financial implications, as commissioners costs have already been budget for this plan change.

4) Reason for the recommendation

To ensure that approved Commissioners are available for the joint hearing process with WDC for Plan Change 18 - Genetically Modified Organisms.

Manager: Kathryn Ross - General Manager Strategic Policy and Planning Group

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
|--|--|
| Relationship with existing policies and Community outcomes. | Consistent with existing policy. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Not applicable as this is an addition to an existing list of approved persons. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Not applicable. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | No. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | Not applicable. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | There are no financial implications or the need for budgetary review. The Chief Financial Officer has reviewed this report. |

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016

Name of item: FUTURE PROVISION OF ENVIRONMENTAL HEALTH
SERVICES AT FAR NORTH DISTRICT COUNCIL

Author: Darren Edwards - Manager Compliance

Date of report: 22 March 2016

Document number: A1691500

Executive Summary

The purpose of the report is to recommend that the services currently provided by Environmental Health Services (Northland District Health Board (NDHB)) be managed in-house, within the Compliance Department at the Far North District Council (District Services).

Currently, environmental health services are delivered on a contractual basis by NDHB. The current contract is due to expire 30 June 2016.

The recommended approach is to, in future, provide these contracted services within Council, delivered by District Services.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT the Council approve the in-house delivery of environmental health services by District Services from 01 July 2016.

1) Background

The most recent contract for the delivery of environmental health services was agreed in October 2011 for a period of three years, expiring in 2014. To date, the contract has not been reviewed or renewed and has simply been rolled-over in its current state, to ensure the continuation of service. (Refer to Attachment 1).

In the most recent roll-over, the contract has been extended until 30 June 2016. NDHB has indicated that they would not be seeking a renewal at this time, but would prefer to respond to a re-tender of the contract as they believe the cost to deliver this service has increased dramatically.

The contract provides for service delivery in the following areas:

- Inspections and audits of food and alcohol businesses
- Inspections in relation to any Health Act or Resource Management Act complaints or concerns
- Public health advice including notifiable infectious diseases and water sampling
- Reporting to Council monthly on service delivery

These services are currently provided through 5 FTE's at a service delivery ratio of 50% of their time as they also provide service to the DHB as Health Protection Officers. This equates to 2.5FTE's dedicated to Environmental Health services.

In addition to this contracted service, Council also currently provides all of the administrative support through .75FTE. This does not form part of the contracted service, with all costs met by Council.

A recent change in legislation, namely the introduction of the Food Act 2014, requires a more extensive service than that which is currently being delivered.

The NDHB and Council were aware that the legislation would come into force on 1 March 2016 and were given a timeframe of 3 years to work with businesses to transition to the new legislation on a voluntary basis. Within this 3 year timeframe, 23 out of 427 food businesses have been transferred over to the new legislation, which reflects a voluntary transfer rate of 7%. In comparison with both Whangarei District Council (WDC) and Kaipara District Council (KDC), these figures are extremely low. WDC has achieved a voluntary transfer rate of 79% while the KDC has achieved 39%. (Refer to Attachment 5). It should be noted that WDC's Environmental Health Services are delivered in-house and KDC's Environmental Health Services have also recently returned in-house.

With the commencement of the new Food Act 2014, all current premises are required to transition to the new requirements of this legislation over a 3 year period between 2016 and 2019 (Refer to Attachment 4). This transition period is staged, based on food category type.

Commencing 01 March 2016, Council is required to transition 113 alcohol licenced premises by June 2017 as this is the first food category type. Food services to pre-school children and producers of nuts and seeds are also required to transition by June 2017. This additional work within the 2016-17 Financial Year will need to be completed in conjunction with the existing duties of Environmental Health Officers, namely inspections of 314 food businesses, 62 club premises, 67 mobile shop vendors and handling food and environmental health complaints or queries.

Based on the current contract and the transition rate achieved to date, Council is uncertain as to whether the required level of service can be achieved through the current contract.

In discussions to date, the NDHB have estimated that the costs of the current contract would need to be increased by 10% to accommodate the requirements of the new Food act 2014.

A comprehensive stakeholder analysis, including a needs and wants analysis and risk analysis, was carried out to assist with the decision making process of recommending the service be serviced internally rather than through the current contract.

2) Discussion and options

The options for discussion and consideration are:

Option 1 Status Quo

The status quo option would be to retain the contract in its current state, with delivery through NDHB.

However, the NDHB has indicated they would not be seeking a renewal at this time, but would rather want the contract to be re-tendered as they believe the cost to deliver this service has increased dramatically. Also, the current contract performance measures do not meet the legislative requirements for transitioning set by the Food Act 2014. **This is not the preferred option.**

Option 2 Public Tender Process

To continue the delivery of service through NDHB whilst a public tender process is undertaken to determine suitable options for the future delivery of environmental health services inclusive of the Food Act 2014 requirements. (Refer to Attachment 2)

This will result in increased cost to Council in the service delivery costs as indicated by NDHB. The contract will require robust performance measures and service delivery will need to be strictly monitored, to ensure Council meets its requirement of transitioning businesses under the new legislation within the next 3 years. **This is not the preferred option.**

Option 3 Bring Environmental Health Services In-House

To deliver environmental health services in-house through District Services by the formation of a new Food and Alcohol Team. Currently, liquor licensing is administered through the alcohol team which has 2 Full Time Equivalent staff.

Combining environmental health service delivery with alcohol licensing, a team of multi-warranted staff would be better placed to provide the current service delivery levels and those required to support the requirements of the transitioning businesses under the new legislation within the next 3 years. (Refer to Attachment 3)

Furthermore, this option offers an opportunity for Council to deliver a more coordinated service across food, alcohol licensing and management. **This is the preferred option.**

3) Financial implications and budgetary provision

The current service fee for the delivery of environmental health services from NDHB is \$24,549.58 + GST per month. This service fee excludes any additional inspections for liquor licensed premises or environmental inspections. Also, this service fee excludes noise monitoring and enforcement which is charged at a rate of \$53.55 + GST per hour. The current service costs \$294,916.26 each year. Should the current contractor retain the contract, a cost increase of 10% has been indicated. However, if the service were to be transferred in-house, significant cost savings and efficient working dynamics could be achieved.

Transferring environmental health services into District Services, will require 3 additional FTE (1 Food and Alcohol Team Leader and two Food and Alcohol Officers) to deliver alcohol and health services. This recommendation would require an estimated operating budget of \$214,253.00 per annum to remunerate Food and Alcohol Officers and the Food and Alcohol Team Leader appropriately.

Due consideration has been given to the level of skills, experience and qualifications required to carry out these multi-warranted roles and indicative job grading has been determined based on similar role types within the organisation. This estimated operating budget includes provision for salaries, two additional vehicles and I/T connectivity.

4) Reason for the recommendation

The current environmental health services contract expires on 30 June 2016 and arrangements need to be put in place to ensure the continued delivery of service.

Council wishes to deliver a more coordinated service and to manage performance measures and monitoring better by delivering environmental health services internally.

Provision has been made for potential adjustments to job grades and remuneration that would attract applications from individuals with appropriate skills and experience to carry out the duties of these roles. Through the in-house provision of these services, Council will make cost savings of approximately \$80, 000 (based on current arrangements and costings); an additional 10% saving will be achieved through the avoidance of anticipated increases in contract costs.

Manager: Dean Myburgh - General Manager District Services Group

Attachment 1: Northland District Health Board Contracted Service Org Chart -
Document number A1691622

Attachment 2: Far North District Council Internal Org Chart - Document number
A1691623

Attachment 3: Food Act Transition Timetable - Document number A1691889

Attachment 4: Comparative Statistics of Premises Converted to Food Control Plan -
Document number A1691890

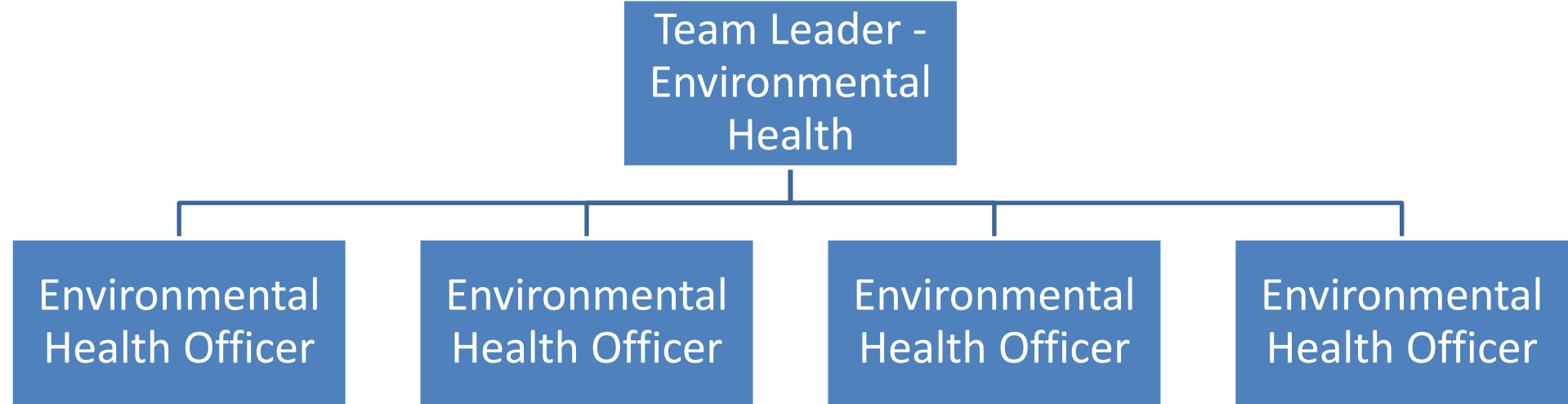
Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

| | |
|--|--|
| Relationship with existing policies and Community outcomes. | Direct links to the Annual Plan and Long Term District Plan. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | No implications believed to be directly linked as a result of this change. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Public consultation and engagement is not required as the level of service delivered to the community will remain the same. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | No. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The matter has District wide relevance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | The financial implications and need for budgetary provision are contained in the report and propose significant cost savings if Council were to approve the service being delivered in-house. The Chief Financial Officer has reviewed this report. |

Attachment 1: Northland District Health Board Contracted Service Organisation Chart

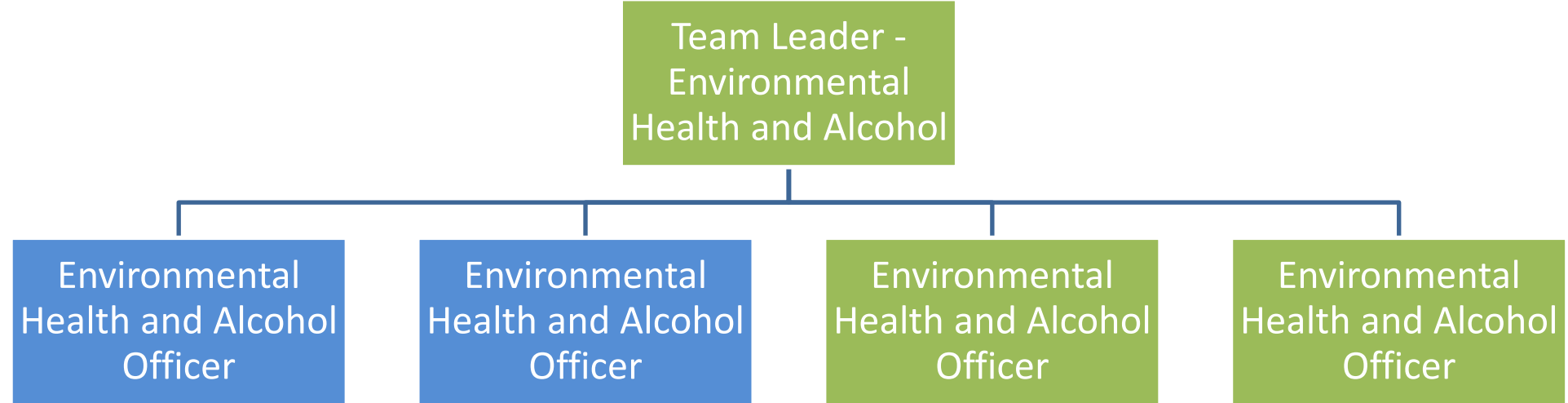


Attachment 1: FNDC Internal Organisation Chart

Colour Code Key:

Green: New FTE required

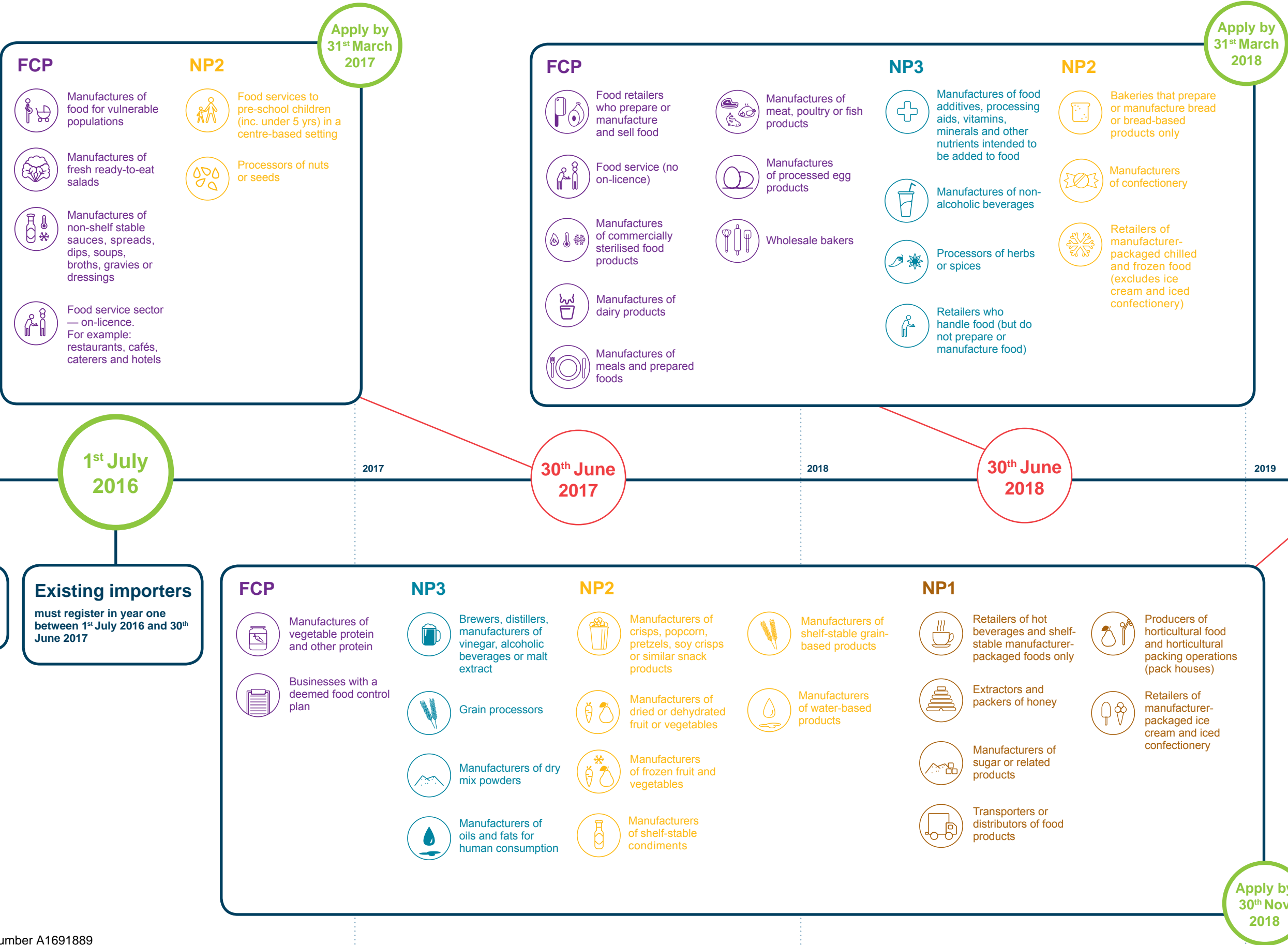
Blue: Role currently filled by an FTE



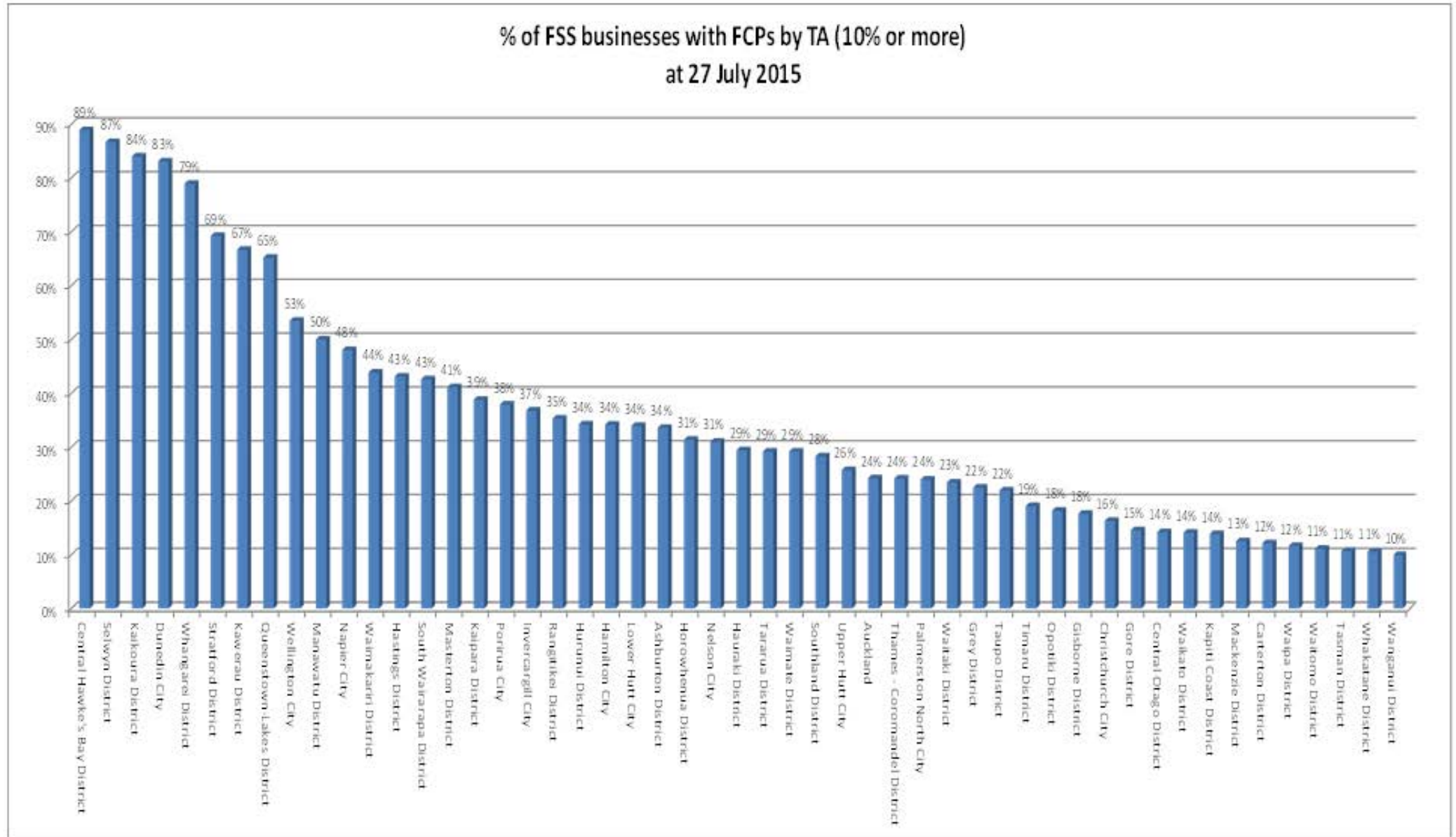
Timetable for moving to the Food Act 2014

Businesses that started before 1 March 2016 will change over to the new Food Act between 2016 and 2019. Check the diagram below to find the deadline for your business

Until the transition time for your food sector ends, you can continue to operate under existing laws.



Comparative Statistics of Premises Converted to Food Control Plan



MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016

Name of item: ANIMAL MANAGEMENT FEES AND CHARGES FOR
2016/17

Author: Darren Edwards - Manager Compliance

Date of report: 17 March 2016

Document number: A1693703

Executive Summary

The purpose of this report is to seek Regulatory and Environment Committee recommendation to Council for the approval of the changes to the annual animal management fees and charges for the registration year 2016-17 commencing 1 July 2016 as required by section 37 of the Dog Control Act 1996.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT the Council approve the changes to the annual animal management fees and charges for the registration year 2016-17 commencing 01 July 2016 as follows:

| Registration fee (01.07.16-31.07.16) | | |
|---|------------------|--------------|
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$50 | \$60 |
| Menacing/Dangerous | \$80 | \$90 |
| Working/Pig Dog | \$38 | \$48 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |
| Multiple Dog Discount (Register 5 dogs, get the 6 th dog free) | \$0 | \$0 |
| Discount for Gold Card or Community Card holders | 10% discount | 10% discount |
| Dogs registered from August 2016: | | |
| Registration fee including penalties (01.08.16-31.08.16) | | |
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$75 | \$85 |
| Menacing/Dangerous | \$118 | \$128 |
| Working/Pig Dog | \$58 | \$68 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |

| | | | | |
|--|--------------|------------------|------------|---------|
| Dogs registered between September 2016 to June 2017 (if paid voluntarily): | | | | |
| Registration fee including penalties (01.09.16-30.06.17) | | | | |
| | | Neutering status | | |
| Dog class | Neutered Fee | | Entire Fee | |
| Normal Pet | \$75 | | \$85 | |
| Menacing/Dangerous | \$118 | | \$128 | |
| Working/Pig Dog | \$58 | | \$68 | |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | | \$0 | |
| Dogs registered between September 2016 to June 2017 (if payment is recovered by Animal Management): | | | | |
| Registration fee including penalties and collection fees (01.09.16-30.06.17) | | | | |
| | | Neutering status | | |
| Dog class | Neutered Fee | | Entire Fee | |
| Normal Pet | \$89 | | \$99 | |
| Menacing/Dangerous | \$132 | | \$142 | |
| Working/Pig Dog | \$72 | | \$82 | |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | | \$0 | |
| Pro-Rata Dog Registration Fees | | | | |
| | Neutered | | Entire | |
| Dog Class: Normal Pet | Jul-16 | \$50.00 | Jul-16 | \$60.00 |
| | Aug-16 | \$45.87 | Aug-16 | \$55.00 |
| | Sep-16 | \$41.70 | Sep-16 | \$50.00 |
| | Oct-16 | \$37.53 | Oct-16 | \$45.00 |
| | Nov-16 | \$33.36 | Nov-16 | \$40.00 |
| | Dec-16 | \$29.19 | Dec-16 | \$35.00 |
| | Jan-17 | \$25.02 | Jan-17 | \$30.00 |
| | Feb-17 | \$20.85 | Feb-17 | \$25.00 |
| | Mar-17 | \$16.68 | Mar-17 | \$20.00 |
| | Apr-17 | \$12.51 | Apr-17 | \$15.00 |
| | May-17 | \$8.34 | May-17 | \$10.00 |
| | Jun-17 | \$4.17 | Jun-17 | \$5.00 |
| | Neutered | | Entire | |
| Dog Class: Menacing/ Dangerous | Jul-16 | \$80.00 | Jul-16 | \$90.00 |
| | Aug-16 | \$73.37 | Aug-16 | \$82.50 |
| | Sep-16 | \$66.70 | Sep-16 | \$75.00 |

| | | | | |
|---|--------|-----------------|---------------|------------|
| | Oct-16 | \$60.03 | Oct-16 | \$67.50 |
| | Nov-16 | \$53.36 | Nov-16 | \$60.00 |
| | Dec-16 | \$46.69 | Dec-16 | \$52.50 |
| | Jan-17 | \$40.02 | Jan-17 | \$45.00 |
| | Feb-17 | \$33.35 | Feb-17 | \$37.50 |
| | Mar-17 | \$26.68 | Mar-17 | \$30.00 |
| | Apr-17 | \$20.01 | Apr-17 | \$22.50 |
| | May-17 | \$13.34 | May-17 | \$15.00 |
| | Jun-17 | \$6.67 | Jun-17 | \$7.50 |
| | | Neutered | Entire | |
| Dog Class: Working/ Pig Dog | Jul-16 | \$38.00 | Jul-16 | \$48.00 |
| | Aug-16 | \$34.87 | Aug-16 | \$44.00 |
| | Sep-16 | \$31.70 | Sep-16 | \$40.00 |
| | Oct-16 | \$28.53 | Oct-16 | \$36.00 |
| | Nov-16 | \$25.36 | Nov-16 | \$32.00 |
| | Dec-16 | \$22.19 | Dec-16 | \$28.00 |
| | Jan-17 | \$19.02 | Jan-17 | \$24.00 |
| | Feb-17 | \$15.85 | Feb-17 | \$20.00 |
| | Mar-17 | \$12.68 | Mar-17 | \$16.00 |
| | Apr-17 | \$9.51 | Apr-17 | \$12.00 |
| | May-17 | \$6.34 | May-17 | \$8.00 |
| | Jun-17 | \$3.17 | Jun-17 | \$4.00 |
| Re-homing Dog Fee (applies to dogs re-homed by the SPCA or via Council Pounds) | | | | |
| | | | | Fee |
| Re-homing dog fee | | | | \$35.00 |
| Dog Collar Fees | | | | |
| | | | | Fee |
| Small Collar | | | | \$11.00 |
| Large Collar | | | | \$16.00 |
| Replacement Registration Tags | | | | |
| | | | | Fee |
| Per tag | | | | \$4.00 |

| | |
|--|--------------------------|
| Neutered Dog Registration Registration of dogs shall be free on receipt of proof of neutering (certificate to be supplied) for the current registration year only. All other years shall be at normal fee. | |
| Dog Impounding Fees | |
| | Fee |
| Impounding - First Impounding | \$65.00 |
| Impounding - Second Impounding | \$99.00 |
| Impounding - Third Impounding | \$135.00 |
| Impounding Afterhours | \$48.00 |
| Daily handling (up to 3 days) | \$20.00 |
| Daily handling (up to 7 days) | \$40.00 |
| Daily handling (8 or more days) | \$60.00 |
| Veterinary Care | Actual Costs |
| Stock Impounding Fees | |
| | Fee |
| Bovine (bull, cow, ox) where 1 - 5 head of stock are impounded | \$90.00 |
| Bovine (bull, cow, ox) where 6 - 10 head of stock are impounded | \$180.00 |
| Bovine (bull, cow, ox) where 11 plus head of stock are impounded | \$270.00 |
| Equine (horse) where 1 - 5 are impounded | \$100.00 |
| Equine (horse) where 6 - 10 are impounded | \$190.00 |
| Equine (horse) where 11 plus are impounded | \$280.00 |
| Ovine (sheep) | \$29.00 |
| Calves; Foals; Lambs; Piglets (feeding off the mother) – no impounding or sustenance charge | \$0 |
| Sustenance fees for impounded stock | \$9.00 |
| NAIT Tagging | Actual Costs |
| Advertising Costs | Actual + \$15 admin cost |
| Transport Costs | Actual + \$15 admin cost |
| Officers Time | \$86.00 |

1) Background

Section 34 of the Dog Control Act 1996, requires Territorial Authorities to keep a register of all dogs within its district. Section 36 of the Act states that every person who owns a dog is required to register their dog/s with the territorial authority in which the dog is ordinarily kept. To maintain the register and provide the information required to be made available for the National Dog Database (NDD), section 37 of the Act permits the territorial authority to set fees applicable to the registration.

Section 37(6) also requires the territorial authority to publicly notify, in newspapers circulated within the district, at least once during the month preceding the start of the registration year, the dog control fees and charges fixed for that registration year.

The Act states that no increase shall come into effect other than at the commencement of that year.

Most of the fees and charges will remain the same, with a few suggested amendments (increase, reduce or introduce new fees):

| Summary of Fees to Increase | | |
|--|----------------------------|---|
| Fee Type | Suggested Amendment | Reason for Change |
| Normal registration fee for menacing and dangerous dogs | Increase by \$20 | Recognises the effect of the dog classification and the impact this has on the community. |
| Penalty registration fee for menacing and dangerous dogs | Increase by \$33 | Reflects the dogs classification and administration fees in late registration. |
| Dogs impounded afterhours | Increase by \$28 | Reflects the increase in cost to recover the dog after hours. |

| Summary of Fees to Reduce | | |
|---|----------------------------|--|
| Fee Type | Suggested Amendment | Reason for Change |
| Normal registration fee for working and pig dogs | Reduce by \$2 | |
| Penalty registration fee for working and pig dogs | Reduce by \$2 | |
| Discount offered to Gold Card holders | Reduce by 10% | Recognises senior citizens in the community and encourages dog registration. |
| Discount offered to Community Card holders. | Reduce by 10%. | Recognises community resilience and encourages dog registration. |

| Summary of New Fees to Introduce | | |
|---|--|---|
| Fee Type | Suggested Amendment | Reason for Change |
| Animal Management Officer collection fee where an officer has to collect the fee from dog owners. | New fee - Additional \$14 on top of applicable registration fee. | Recognises the additional costs associated with dog registration follow up to achieve registration. |
| Multiple registered dogs discount where a dog owner has 5 dogs | New fee - If dog owner registers 5 dogs, the 6 th | Encourages owners of multiple dogs to register all |

| | | |
|---|--|---|
| registered, the 6 th dog is registered free. | dog is registered for Free. | dogs. |
| Second and third dog impounding fees (where a dog has been impounded more than once). | New fee - Applied to dogs that have been impounded on a previous occasion. If a dog has been impounded a second time, the impounding fee is \$99 and third time is \$135. | Acknowledges the additional work involved with dogs that are repeatedly being impounded. The fee seeks to adjust the behaviour. |
| Dog handling fee for impounded dogs charged on a graduated scale. | New fee - Applied for the handling of impounded dogs (feeding, housing and cleaning). Handling fee for up to 3 days is charged at \$20, up to 7 days is \$40 and 8 or more days is \$60. | Allows for more flexibility of imposing handling fees. |
| Separation of bovine (bull, cow and ox) and equine (horse) fees and fee applied based on number of stock impounded. | New fee - Applied based on the number of stock and type impounded. Bovine: 1-5 head is \$90, 6-10 head is \$180 and 11 or more head is \$270 Equine: 1-5 head is \$100, 6-10 head is \$190 and 11 or more head is \$280. | Allows for more flexibility of imposing impounding fees. |

2) Discussion and options

The fees and charges for the 2015-16 FY are not too far removed from those for the 2014-15 FY, with minor changes. Revenue collected for the 2014-15 FY met budgets. The trend for the current registration year looks likely to continue with a shift in focus to working with the community to achieve greater numbers of dog registration. The last significant change to the fees and charges occurred in the 2013-14 registration year.

The lowering of fees and the recognition of superannuitants and community services card holders would be well received by those dog owners who currently register their dogs every year without hesitation. This would result in decreased revenue forecasts for 2016-17, based on the average number of dogs registered each year. However, this would be offset by the increase in the number of dog registrations through new community initiatives working to identify unknown / unregistered dogs. Enforcement action over the last two years has resulted in an increase in Infringement Notices being issued to owners of unregistered dogs resulting in increased revenue through fines collection.

The changes in fees represent a shift in focus and an attempt to change the behaviours of dog owners with less than desirable dogs. The recent numbers of reported incidents of unacceptable dog behaviour requires a shift in focus (not only through fees) to ensure that these behaviours are not tolerated.

The proposed reduction in fees represents recognition of responsible dog owners who currently register their dogs every year without hesitation.

The summary of new fees as proposed also recognises the additional costs associated with dog registration follow up, dogs that are repeatedly being impounded, stock impounds and sustenance costs.

The options for discussion and consideration are:

Option 1 Status Quo

All fees and charges remain in their current format with no changes.

This is not the preferred option.

Option 2 New Fees Accepted

That the proposed fees and charges be set out in this report and attached are accepted for 2015-16.

This is the preferred option.

3) Financial implications and budgetary provision

All revenue from dog registration fees accrues to the Animal Control operating budget, and all costs relating to that group's activity come from that budget.

This budget is based on the anticipated revenue generated from an expected number of registrations and other associated fees, and the operating expenditure is based on a resource of six officers throughout the district, and associated costs.

4) Reason for the recommendation

The reason for the recommendation is to ensure that the current strategies in place to encourage the registration of dogs are supported by the fee structure. The financial results achieved last year have confirmed that the current approach is successful and has contributed to meeting budget forecasts and retaining the registration of those owners who register their dogs as required. The financial results in the current financial year are following the same trends and it is felt that the minor changes proposed in option two will support the desired outcomes.

Manager: Dean Myburgh - General Manager District Services Group

Attachment 1: 2016-2017 Animal Management Fees - Document number A1695397

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

| | |
|--|--|
| Relationship with existing policies and Community outcomes. | Direct links to the Annual Plan and Long Term Plan. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | No implications believed to be directly linked as a result of this change. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Public consultation and engagement is not required as the level of service delivered to the community will remain the same. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | No. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | The matter has District wide relevance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | All revenue from dog registration fees accrues to the Animal Control operating budget. The Chief Financial Officer has reviewed this report |

ANIMAL MANAGEMENT FEES

Dog Registration Fees

Dog Registration is now calculated based on dog class and neutering status.

Dogs registered in **July 2016**:

| Registration fee (01.07.16-31.07.16) | | |
|---|------------------|--------------|
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$50 | \$60 |
| Menacing/Dangerous | \$80 | \$90 |
| Working/Pig Dog | \$38 | \$48 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |
| Multiple Dog Discount (Register 5 dogs, get the 6 th dog free) | \$0 | \$0 |
| Discount for Gold Card or Community Card holders | 10% discount | 10% discount |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Dogs registered from **August 2016**:

| Registration fee including penalties (01.08.16-31.08.16) | | |
|---|------------------|------------|
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$75 | \$85 |
| Menacing/Dangerous | \$118 | \$128 |
| Working/Pig Dog | \$58 | \$68 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Dogs registered between **September 2016 to June 2017 (if paid voluntarily)**:

| Registration fee including penalties (01.09.16-30.06.17) | | |
|---|------------------|------------|
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$75 | \$85 |
| Menacing/Dangerous | \$118 | \$128 |
| Working/Pig Dog | \$58 | \$68 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Dogs registered between **September 2016 to June 2017 (if payment is recovered by Animal Management)**:

| Registration fee including penalties and collection fees (01.09.16-30.06.17) | | |
|--|------------------|------------|
| | Neutering status | |
| Dog class | Neutered Fee | Entire Fee |
| Normal Pet | \$89 | \$99 |
| Menacing/Dangerous | \$132 | \$142 |
| Working/Pig Dog | \$72 | \$82 |
| Disability Assist Dog (Certified by an approved organisation) | \$0 | \$0 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Pro-Rata Dog Registration Fees

| Dog Class: Normal Pet | Neutered | | Entire | |
|-----------------------------|----------|---------|--------|---------|
| | Jul-16 | \$50.00 | Jul-16 | \$60.00 |
| | Aug-16 | \$45.87 | Aug-16 | \$55.00 |
| | Sep-16 | \$41.70 | Sep-16 | \$50.00 |
| | Oct-16 | \$37.53 | Oct-16 | \$45.00 |
| | Nov-16 | \$33.36 | Nov-16 | \$40.00 |
| | Dec-16 | \$29.19 | Dec-16 | \$35.00 |
| | Jan-17 | \$25.02 | Jan-17 | \$30.00 |
| | Feb-17 | \$20.85 | Feb-17 | \$25.00 |
| | Mar-17 | \$16.68 | Mar-17 | \$20.00 |
| | Apr-17 | \$12.51 | Apr-17 | \$15.00 |
| | May-17 | \$8.34 | May-17 | \$10.00 |
| | Jun-17 | \$4.17 | Jun-17 | \$5.00 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

| Dog Class: Menacing/ Dangerous | Neutered | | Entire | |
|--------------------------------------|----------|---------|--------|---------|
| | Jul-16 | \$80.00 | Jul-16 | \$90.00 |
| | Aug-16 | \$73.37 | Aug-16 | \$82.50 |
| | Sep-16 | \$66.70 | Sep-16 | \$75.00 |
| | Oct-16 | \$60.03 | Oct-16 | \$67.50 |
| | Nov-16 | \$53.36 | Nov-16 | \$60.00 |
| | Dec-16 | \$46.69 | Dec-16 | \$52.50 |
| | Jan-17 | \$40.02 | Jan-17 | \$45.00 |
| | Feb-17 | \$33.35 | Feb-17 | \$37.50 |
| | Mar-17 | \$26.68 | Mar-17 | \$30.00 |
| | Apr-17 | \$20.01 | Apr-17 | \$22.50 |
| | May-17 | \$13.34 | May-17 | \$15.00 |
| | Jun-17 | \$6.67 | Jun-17 | \$7.50 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

| Dog Class: Working/ Pig Dog | Neutered | | Entire | |
|-----------------------------------|----------|---------|--------|---------|
| | Jul-16 | \$38.00 | Jul-16 | \$48.00 |
| | Aug-16 | \$34.87 | Aug-16 | \$44.00 |
| | Sep-16 | \$31.70 | Sep-16 | \$40.00 |
| | Oct-16 | \$28.53 | Oct-16 | \$36.00 |
| | Nov-16 | \$25.36 | Nov-16 | \$32.00 |
| | Dec-16 | \$22.19 | Dec-16 | \$28.00 |
| | Jan-17 | \$19.02 | Jan-17 | \$24.00 |
| | Feb-17 | \$15.85 | Feb-17 | \$20.00 |
| | Mar-17 | \$12.68 | Mar-17 | \$16.00 |

| | | | | |
|--|--------|--------|--------|---------|
| | Apr-17 | \$9.51 | Apr-17 | \$12.00 |
| | May-17 | \$6.34 | May-17 | \$8.00 |
| | Jun-17 | \$3.17 | Jun-17 | \$4.00 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Re-homing Dog Fee (applies to dogs re-homed by the SPCA or via Council Pounds)

| | Fee |
|-------------------|---------|
| Re-homing dog fee | \$35.00 |

* Council Resolution dated **INSERT DATE** supports no changes to fees effective 1 July 2016.

Dog Collar Fees

| | Fee |
|--------------|---------|
| Small Collar | \$11.00 |
| Large Collar | \$16.00 |

* Council Resolution dated **INSERT DATE** supports no changes to fees effective 1 July 2016.

Replacement Registration Tags

| | Fee |
|---------|--------|
| Per tag | \$4.00 |

* Council Resolution dated **INSERT DATE** supports no changes to fees effective 1 July 2016.

Neutered Dog Registration

Registration of dogs shall be free on receipt of proof of neutering (certificate to be supplied) for the current registration year only. All other years shall be at normal fee.

Dog Impounding Fees

| | Fee |
|---------------------------------|--------------|
| Impounding – First Impounding | \$65.00 |
| Impounding – Second Impounding | \$99.00 |
| Impounding – Third Impounding | \$135.00 |
| Impounding Afterhours | \$48.00 |
| Daily handling (up to 3 days) | \$20.00 |
| Daily handling (up to 7 days) | \$40.00 |
| Daily handling (8 or more days) | \$60.00 |
| Veterinary Care | Actual Costs |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

Stock Impounding Fees

| | Fee |
|--|----------|
| Bovine (bull, cow, ox) where 1 – 5 head of stock are impounded | \$90.00 |
| Bovine (bull, cow, ox) where 6 – 10 head of stock are impounded | \$180.00 |
| Bovine (bull, cow, ox) where 11 plus head of stock are impounded | \$270.00 |
| Equine (horse) where 1 – 5 are impounded | \$100.00 |

| | |
|---|-----------------------------|
| Equine (horse) where 6 – 10 are impounded | \$190.00 |
| Equine (horse) where 11 plus are impounded | \$280.00 |
| Ovine (sheep) | \$29.00 |
| Calves; Foals; Lambs; Piglets (feeding off the mother) – no impounding or sustenance charge | \$0 |
| Sustenance fees for impounded stock | \$9.00 |
| NAIT Tagging | Actual Costs |
| Advertising Costs | Actual + \$15 admin cost |
| Transport Costs | Actual + \$15 admin cost |
| Officers Time | \$86.00 |

* Council Resolution dated **INSERT DATE** supports changes to fees effective 1 July 2016.

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016

Name of item: COMMITTEE INFORMATION REPORTS

Author: Aisha Huriwai - Meetings Administrator

Date of report: 31 March 2015

Document number: A1695215

Executive Summary

Council has resolved that meeting agendas should consist of reports that seek a decision for matters of substance. Reports that provide information only will be listed on this cover report in the agenda and also listed as attachments under separate cover. This will allow any matters arising from these reports to be discussed at the meeting if necessary. The attachments will be emailed to the Elected Members and included online in the electronic agenda. One copy of each report will be available at the meeting for reference. Where there is a need to disseminate the information to the wider public, the full information report will be included in the agenda as a separate item.

Recommendation

THAT the following reports and documents entitled and dated:

- a) ***“Monthly Reporting - Building, Resource Consents and Compliance” 30 March 2016***
 - b) ***“District Plan Update” 21 March 2016***
- be noted.**

1) Background

At the Council meeting of 12 March 2015 it was resolved, as part of the resolution relating to wider Governance matters, that:

“AND THAT meeting agendas consist of reports seeking decisions for matters of substance and that reports intended for information only be excluded from meeting agendas unless there is a need for broader community information dissemination;”

This report is a cover report for the Information Reports to which this resolution applies and which are referred to as an Attachment to this report.

While the attachment noted has been excluded from the hard copy agenda, the attachment will be emailed directly to Elected Members and will be electronically available to members of the public via the meeting agenda page on the Council's website.

At the Council meeting of 23 March 2016 a report was presented to Council to ask them to revisit the process for information reports to discuss how effectively it was working. As a result of that discussion Council passed the following resolution:

THAT Council confirm the decision of 12 March 2015 to exclude information reports from the printed meeting agenda, unless there is a need for broader community information dissemination, providing that the printed material is distributed at the request of members except for Committee

members where information reports and information are to be included in the printed agenda.”

The Committee agenda produced for the members of each committee will contain a printed copy of any information reports as an attachment to the cover report. The electronic copies and references will remain in the attached information at the end of this report to provide access to the electronic copies of each report on the website.

2) Discussion and options

The attached reports are information only reports. As such they meet the criteria set out in the 12 March 2015 Council resolution for exclusion from the meeting agenda. The attachments will be emailed to Council Members and will be available online with the electronic agenda, except for Committee members where members will receive copies of information reports in their printed agenda. One copy of the reports will be at the meetings for reference.

3) Financial implications and budgetary provision

There are no financial implications or budgetary provision required as a result of this report.

4) Reason for the recommendation

To provide the Committee with a list of information only reports as part of the agenda as provided for in the Council resolution of 12 March 2015 thereby allowing matters arising from these reports to be discussed at the meeting if required.

Manager: Sue Thomas - Team Leader Governance Support

The following attachments are available on the Council's website at:

<http://www.fndc.govt.nz/your-council/meetings/council-meetings-calendar/meetings-calendar-events/2016-04-21-11.00am-regulatory-and-environment-committee>

Attachment 1: Monthly Reporting - Building, Resource Consents and Compliance to February 2016 - Document number A1696701

Attachment 2: District Plan Update - Document number A1694916

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
|--|---|
| Relationship with existing policies and Community outcomes. | Not applicable |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Not applicable |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Not applicable |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | Not applicable |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | Not applicable |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | There are no financial implications or the need for budgetary provision. The Chief Financial Officer has not reviewed this report. |

MEETING: **REGULATORY AND ENVIRONMENT COMMITTEE**
21 APRIL 2016

Name of item: **MONTHLY REPORTING - BUILDING, RESOURCE**
CONSENTS AND COMPLIANCE - TO FEBRUARY 2016

Author: Dr Dean Myburgh - General Manager District Services Group

Date of report: 30 March 2016

Document number: A1696701

Executive Summary

The purpose of this report is to provide information to the Regulatory and Environment Committee in relation to Building, Resource Consents and Compliance to February 2016.

The report has been prepared for the Regulatory and Environment Committee. It will be emailed to those on the Committee distribution list and made available to the public online, as part of the 21 April 2016 Regulatory and Environment Committee agenda.

1) Background

Monthly statistical information in relation to the District Services Group's Building, Resource Consents and Compliance departments, is provided to the Regulatory and Environment Committee to provide an overview of activity and performance within the department.

2) Discussion and options

Building Consents

Key points of data gathered over the last period include:

- Statutory time frame performance continues to remain at 99% for the year.
- Building consents received and issued to February 2016 show a trend that the number of building consents issued are higher than for the same period in the 2013 and 2014 Financial Years. For February 2016 an average increase of 20 consents issued compared to the previous two years.
- Customer days versus statutory days - figures indicate an average of 30 days. Increases in January and February can be accounted for in shutdown time and staff leave taken.
- New dwelling applications continue to remain relatively high. There has been an expected drop in the level of Residential 1 applications as a percentage of certain application types, e.g. the lower value items like fire places, has slowed through spring and summer.
- Presently applications numbers issued for Residential 2 are 5% greater than for the previous year and the highest number for the last three years, with approximately 80 additional applications for the last six months compared to the previous year.

Statistical Data

Building consent numbers July 2015-January 2016

- Te Hiku 28%
- Bay of Islands-Whangaroa 48%
- Kaikohe-Hokianga 24%

Building consent values

- Te Hiku 24%
- Bay of Islands-Whangaroa 53%
- Kaikohe-Hokianga 23%

The southern area (Kerikeri, Kawakawa, Paihia and Russell) continues to account for 50% of the application numbers received.

The total of building consent values for July 2015-February-2016 has reached \$975,127,280.

Building Resource

Vacant positions in the building team have now been filled; an experienced building officer starts work in the building team department beginning of April and two new building field officers start training as building officers.

Work load continues to remain high especially in the building field inspections area.

Building Department projects

The following projects continue to be worked on:

- a. Re design building consent invoice and statement project (nearing completion)
- b. IANZ (International Accreditation of New Zealand) Audit follow up
- c. Process Improvements
- d. Electronic devices for Inspectors
- e. Processing building consents online
- f. Processing of Fire Place consents (fast tracking)

A number of meetings have been held with IT staff providing progress in Mobile inspections project and Process improvements.

Process Improvements

| Initiative | Developing | WIP | Complete |
|---|------------|-----|----------|
| Electronic processing sheets - Office Based | | √ | |
| Electronic inspection sheet | √ | | |
| Update the web pages for the building area | | √ | |
| Guidance notes for Potable water supplies | | | √ |
| Maintain the internal audit program - accreditation | | | √ |

| | | | |
|---|--|---|--|
| Guidance Notes for filling in the BC Application Form | | √ | |
| Training and upskilling building staff toward recognized building qualifications | | √ | |
| Work toward an increased number trade/provisional practitioners at practitioners meetings | | √ | |

Resource Consents

Key points regarding the statistical data shown in Attachment 2 include:

- Following the huge spike in applications received in October 2015, there has been another huge spike in February 2016. This has resulted in our forecast application numbers for the full year being well above the four year average and originally forecast numbers as at 1 July 2015.
- We appear to have moved through the peak of subdivisions for which a “re-approval” was applied for in order to avoid Development Contributions payments, with subdivision applications now being largely new ones.
- The Department continues to have to rely on external professional consultancy services to handle the workload.
- The gap between customer and statutory days remains high, although February showed a marked reduction.

Recent applications and/or consents of note include:

- Subdivision application from Kerikeri Cruising Club to give effect to a land swap with conservation land (publicly notified as required by the District Plan);
- Designation (Notice of Requirement) for Council’s Kerikeri proposed wastewater treatment plant (processed by independent consultant as Council is its own applicant/requiring authority) - currently being processed;
- Waipapa/Kerikeri Flood Protection works (still under appeal);
- Focus Paihia’s application for a Waitangi Mountain Bike Park - consent issued non-notified;
- Vodafone NZ Limited application for a telecommunications facility at Taupo Bay - part of ultra-fast broadband initiative and improving mobile phone coverage - consent issued non notified;
- Application received from the Omapere Taraire E & Rangihamama X3A Ahu Whenua for a 15 house papakainga development near Kaikohe - at time of writing this was undergoing the planner’s assessment;
- Outline Plan and a consent issued under the NES - Soil Contamination (asbestos) for demolition works and ground preparation for the Northland College re-build;
- Revised application for expansions to the Waipapa Pine operation at Waipapa. At time of writing discussions were under way in regard to conditions of consent.

Statistics indicated a continuing trend to have at least two thirds of all applications for development in the Whangaroa/ Kerikeri/ Kawakawa area:

| Ward | Community | Percentage |
|---------|-----------------------------------|------------|
| Te Hiku | Kaitaia | 27% |
| Western | Kaikohe Hokianga | 9% |
| Eastern | Kerikeri Whangaroa Kawakawa | 64% |

Staffing and Recruitment Update

Recruitment for a replacement RMA monitoring officer is nearly complete. The department's additional RC Engineer has commenced his duties. Recruitment is currently underway for a replacement staff member in the administration team.

The administrative team is still being temporarily boosted with an additional fixed term position, ending 30 June 2016.

Recruitment is also now underway for an additional senior resource planner to help cope with the increased workloads associated with both application/consenting and public good element of resource consenting (advice/enquiries/practice and guidance notes/process improvements).

Resource Consenting Process improvement projects

Still very little progress as all staff in the department remain focused on core functions of processing applications and responding to public and internal enquiries.

| Initiative | Awaiting Feedback | WIP | Complete |
|---|-------------------|-----|----------|
| Review of templates | | √ | |
| Practice Notes (internal only) and Guidance Notes (internal and external) - continuing programme restricted by resource availability. | | √ | |
| Review processes (templates and workflows) for Notices of Requirements - ongoing programme again restricted by resource availability | | √ | |
| Investigate and implement streamlined processes for identified 'quick' consents - focus initially on controlled activity applications | | √ | |
| Web Page facelift - working with webmaster - timetable dependent on other departments | | | |
| Revised Decision Summary sheet (to form part of RC decisions and assist with NMS data entry) | | | √ ☺ |

| | | | |
|--|--|---|-----|
| Review and update process manuals and workflows/templates. Priority items now identified and project planned. However, due to changes to staffing arrangement, there will be a delay in that project plan. | | √ | |
| Review of internal protocols and processes for the identification of iwi as an interested party (in conjunction with other departments of Council) - new initiative identified for some of the team to complete this financial year (in conjunction with other relevant departments of Council). Inclusion of statutory acknowledgements into application pre check process in order to correctly identify when these will require comment from iwi | | √ | √ ☺ |
| Review and update internal systems for identifying, logging, and track progress on those RCs requiring conditions to be monitored. Now stalled due to the resignation of Monitoring Officer. | | √ | |
| Continue with Practitioner meetings | | | √ ☺ |

Compliance

Key points regarding the statistical data shown in Attachment 3 include:

Alcohol Licensing

- As of January 2016 the Alcohol Licensing Team is now fully staffed with 2 fulltime Licensing Inspectors.
- The decisions online project is nearing completion with DLC decisions being made available on Council's website.

Animal Management

- Review of overdue RFS's completed with improvements being implemented to improve response times.
- Unregistered dog programme continuing with the focus now shifting to Kaitaia.
- 44 infringements issued for the month.

Building Compliance

- Review of overdue RFS's completed with improvements being implemented to improve days in progress.
- Technical review of Council's building warrant of fitness processing completed by the Ministry of Business Innovation and Employment (MBIE) completed with recommendation on business process improvements. These are currently being developed and implemented.

Health Licensing

- Implementation planning for the new Food Act 2014: from 01 March 2016 all food premises are to be transitioned to a more risk based framework between 2016-2019.

- In the first 12 months all alcohol on-license premises are to be transitioned to the new food control plans.

Monitoring

- Review of failed vehicle crossings currently in progress to identify opportunities for improvement.
- Review currently underway to streamline the processing of litter offences.

Noise Control

- The current security contractor has recently undergone a realignment which is seeing improved services delivered operationally with a reduction in dissatisfied customers.
- In an attempt to raise public awareness a 'Door Knocking' campaign is to be implemented where Noise Control Officers will notify the occupant of an address of a noise complaint even if no noise is heard from the address.

Onsite Wastewater Disposal Systems. (OST)

- OST project initiated in Moerewa and Te Hapua to identify any OSD systems that are not on Council's records.

Parking Enforcement

- Council now has a permanent full-time Parking Enforcement Officer.
- Currently reviewing the parking offence codes to ensure they are relevant.
- 280 infringements issued during February.

Staffing and Recruitment

Recruitment is currently underway for a Building Specialist to replace the incumbent who is internally to a new role. Also recruiting for a Building Compliance Officer as a result of a vacancy created. Once these roles are recruited the Compliance Department will be fully operational.

3) Financial implications and budgetary provision

The report is for information purposes and as such has no financial implication or the need for budgetary provision.

4) Reason for the recommendation

The report is to provide information to the Regulatory and Environment Committee Members.

Manager: Dr Dean Myburgh - General Manager District Services Group

Attachment 1: Building Consent Statistics - Document number A1696705

Attachment 2: Resource Consent Statistics - Document number A1696712

Attachment 3: Compliance Statistics - Document number A1696592

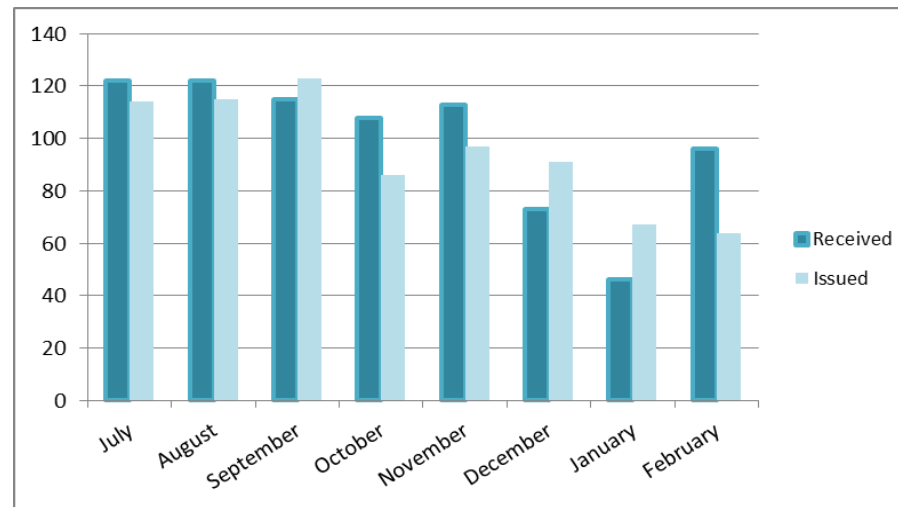
Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

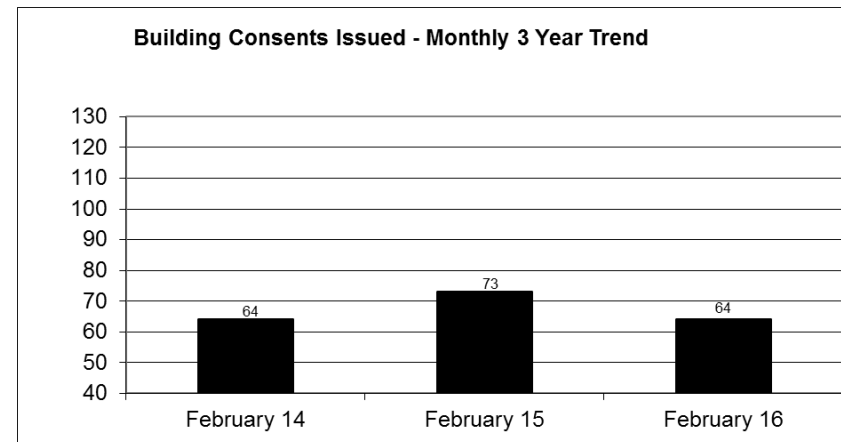
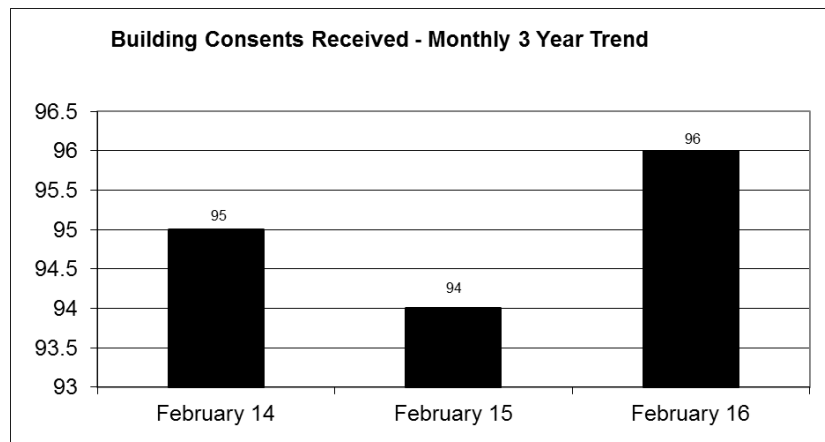
1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
|--|---|
| Relationship with existing policies and Community outcomes. | Not applicable. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | Not applicable. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Not applicable. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | Not applicable. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | District wide significance. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review | There are no financial implications or the need for budgetary provision. The Chief Financial Officer has reviewed this report. |

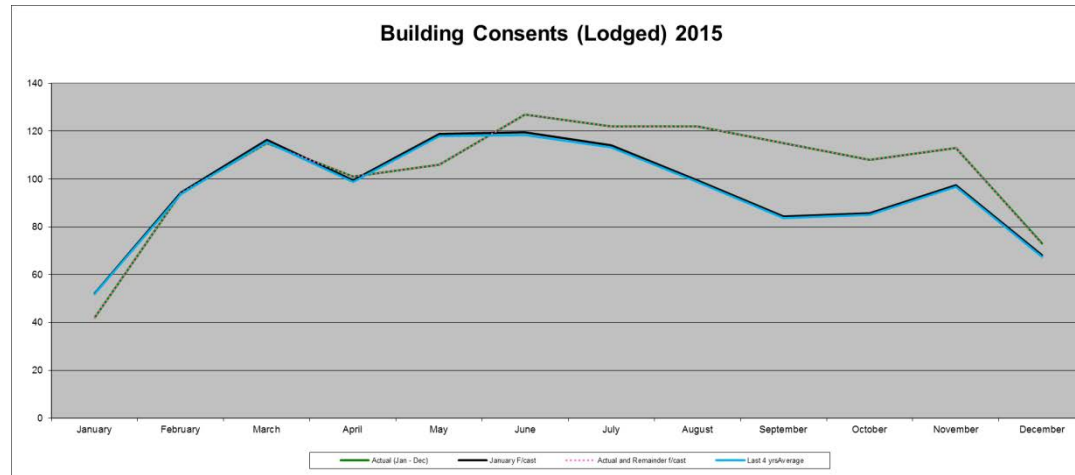
Building Consents Received and Issued Year to Date July 2015 - February 2016



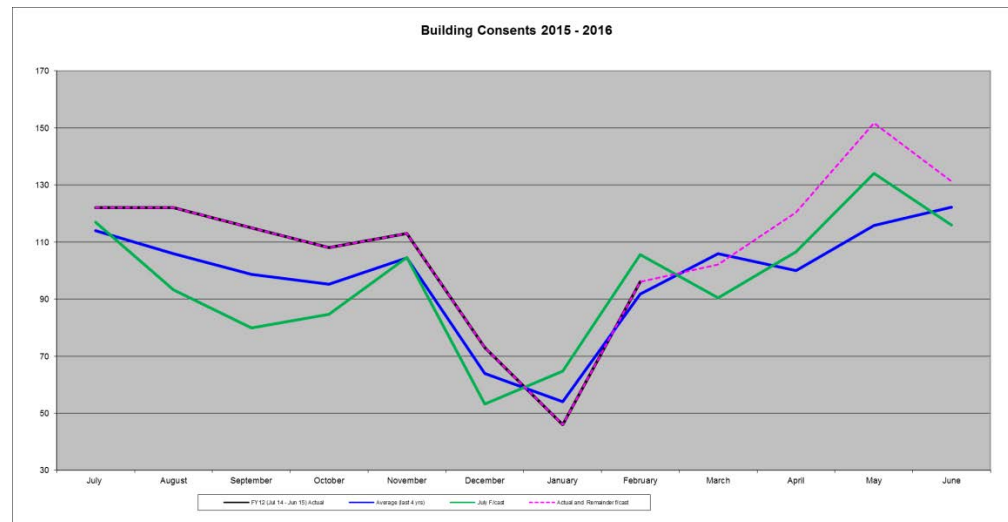
December and January are usually lower months for applications but February shows numbers returning to pre Christmas levels.



The above graphs show the relative number of consents received and issued for the last three years for comparison

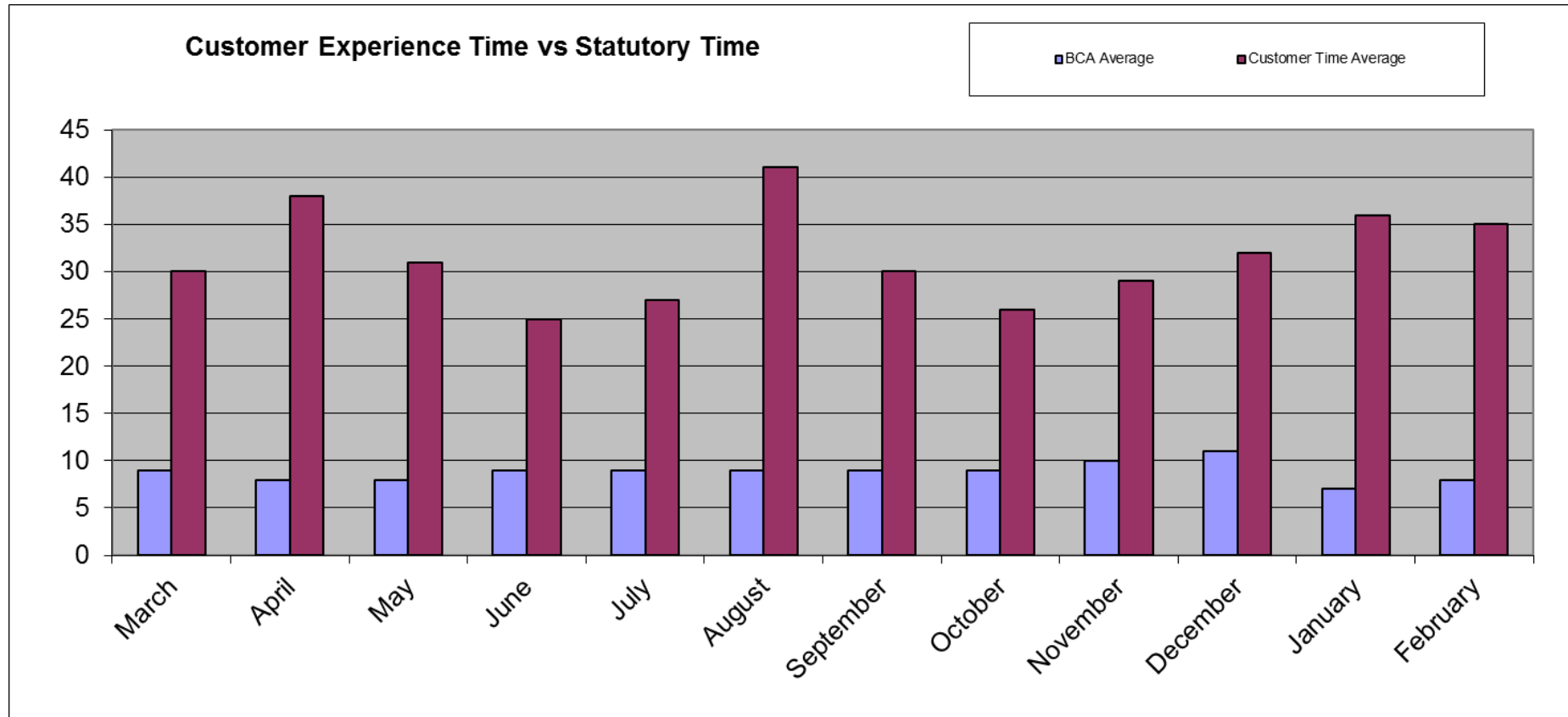


As can be seen the high number of applications continued through to December. This has added approximately 80 applications to the forecasted number over a 6 month period or around 10% for the for the year as a total.

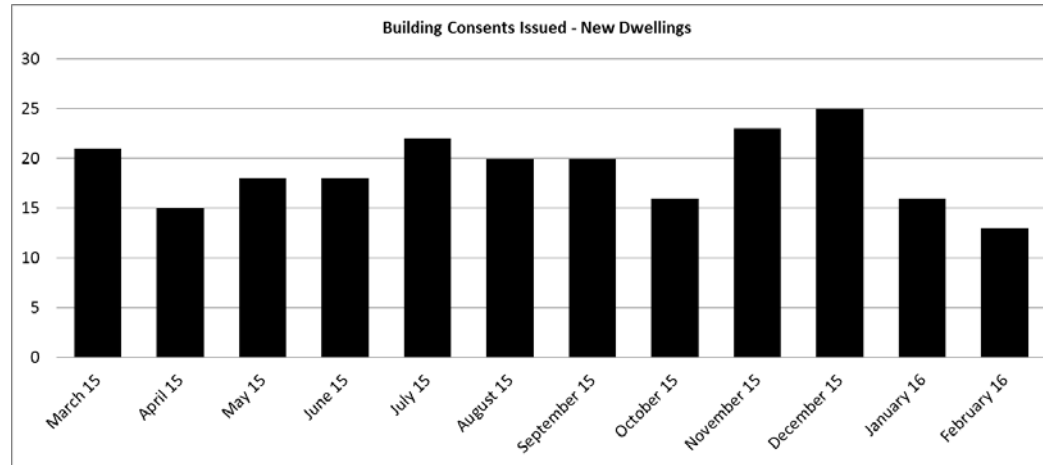


This graph is showing the forecast and demand from July 2015 to June 2016 and if current levels are maintained applications could be see an increase of around 15% based on the initial forecast of 1150. It can be expected also that there will be an increase in demand for inspections as the new year progresses.

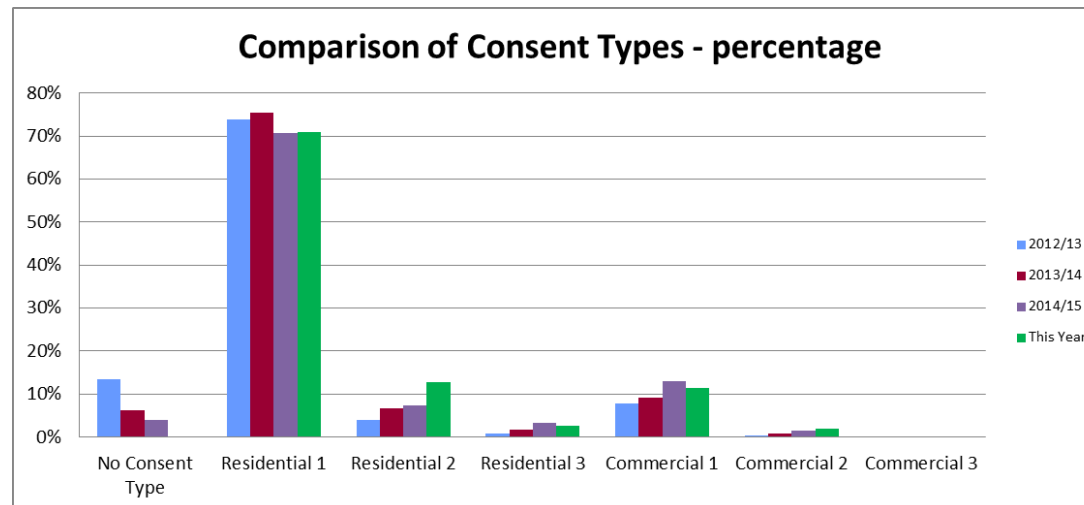
The averages shown here highlight the fact that although our statutory days are relatively low, our “customer experience” time frame has also reduced to a reasonable level, one that has been expected for some time. Our compliance to the statutory time frame is around 99% for this current year (July to June 2016) and this is the fourteenth (14) month in a row that we have achieved a result of below a ten day average for this measure.



Customer days are still a focus of the team and have remained mainly at around 30 days. Increases in January and February can be accounted for in “shutdown time” and staffing holidays.



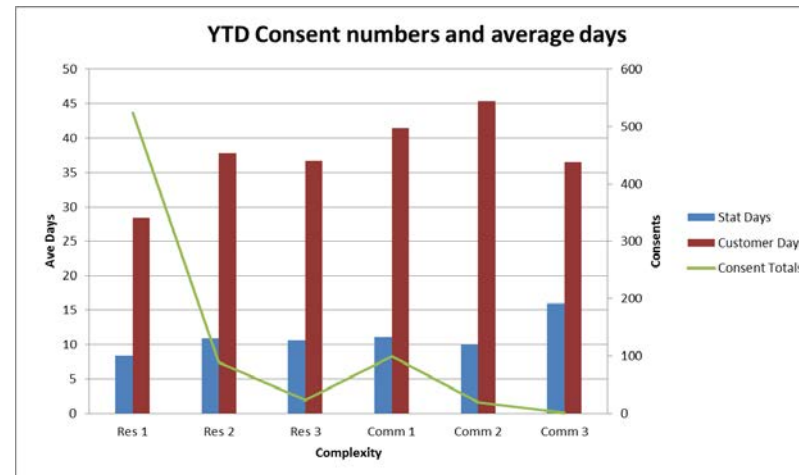
New dwelling applications continue to remain relatively high.



There has been an expected drop in the level of Residential 1 applications as a percentage of the application types as the lower value items like fire places have slowed through spring and summer.

A breakdown of time frames for the different categories of building is included below.

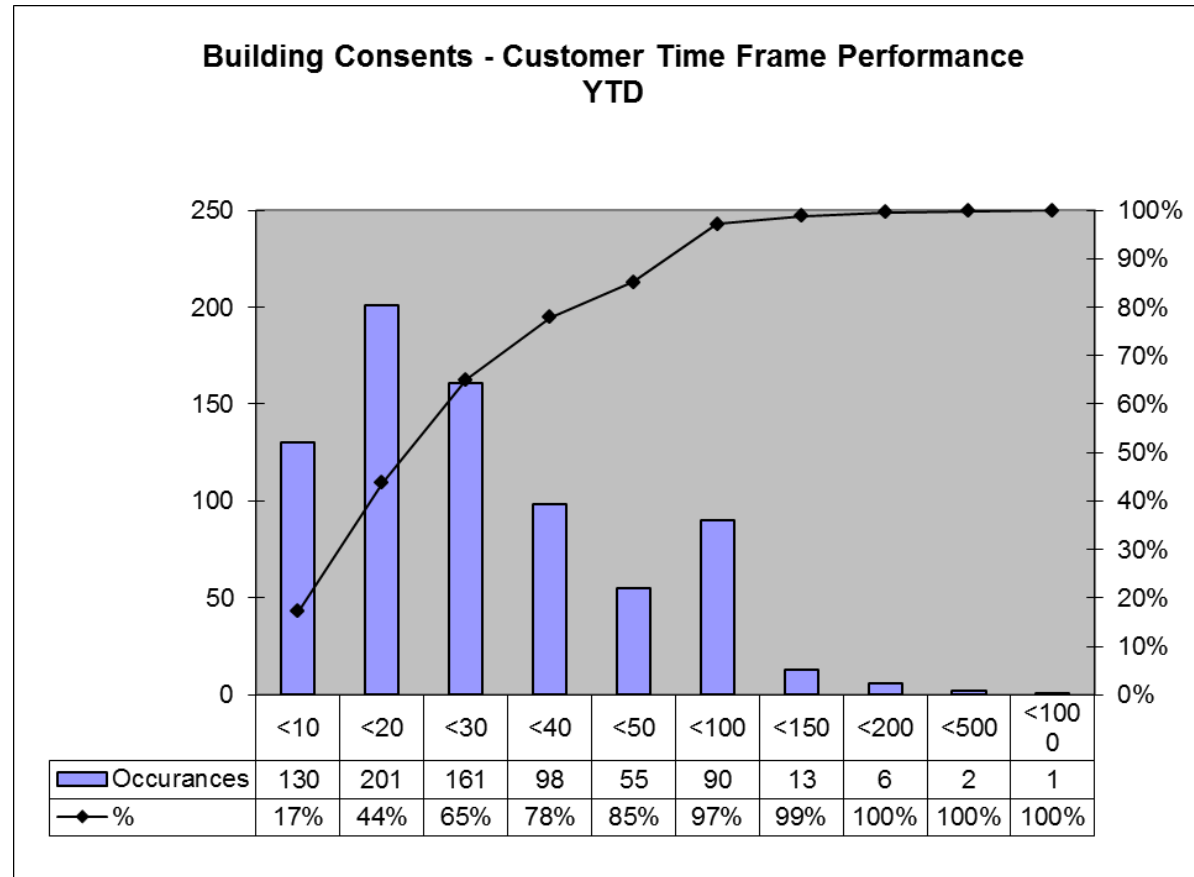
| Month | Statutory Days | | | Customer Days | | | Totals |
|--------|----------------|-----|-----|---------------|-----|-----|--------|
| Cat | Max | Min | Ave | Max | Min | Ave | |
| Res 1 | 14 | 2 | 7 | 77 | 3 | 27 | 44 |
| Res 2 | 17 | 3 | 10 | 92 | 6 | 49 | 9 |
| Res 3 | 18 | 8 | 13 | 105 | 20 | 54 | 3 |
| Comm 1 | 18 | 4 | 8 | 238 | 10 | 62 | 7 |
| Comm 2 | 10 | 10 | 10 | 25 | 25 | 25 | 1 |
| Comm 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |



The green line shows, in each graph, the number of consent applications by type. The blue and maroon columns indicate the statutory and customer time frame averages for each category of building.

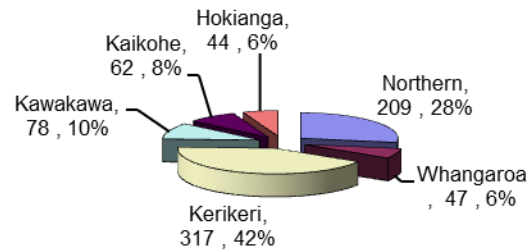
As discussed previously, these results are not unexpected - the more complex the application, the more complex or time consuming any RFI's might be.

2015 - 16 Full Year (July to February)



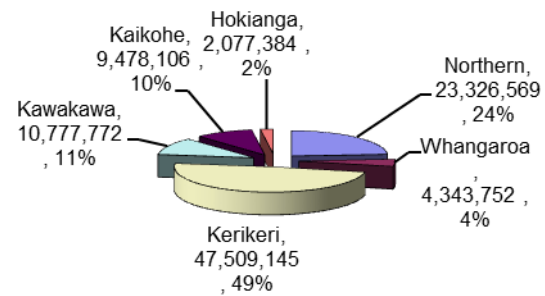
These two graphs show that approximately 80% of applications have been processed within 40 “Customer days” (or approximately 30 “working days” if weekends are removed) and approximately 50% of applications this year have been processed in 20 customer days or less. As suggested earlier, some customer time frame increase has been experienced over the January period due to shutdown/holidays – remember, this measure has no “discounts”. Our statutory time frame performance for the year to date is 99% within this time frame for Consent issuing.

Building Consent Numbers July 2015 - February 2016



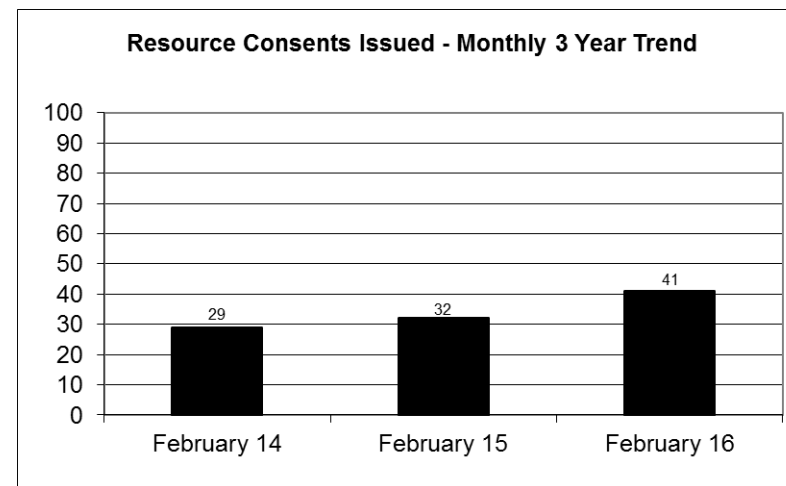
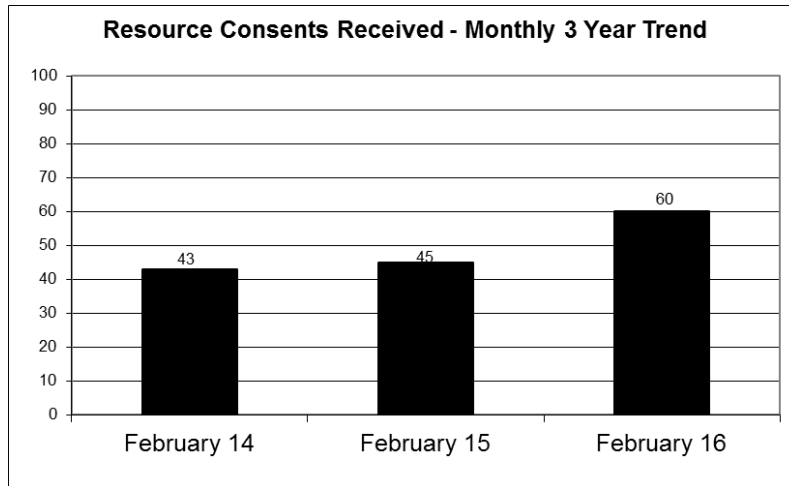
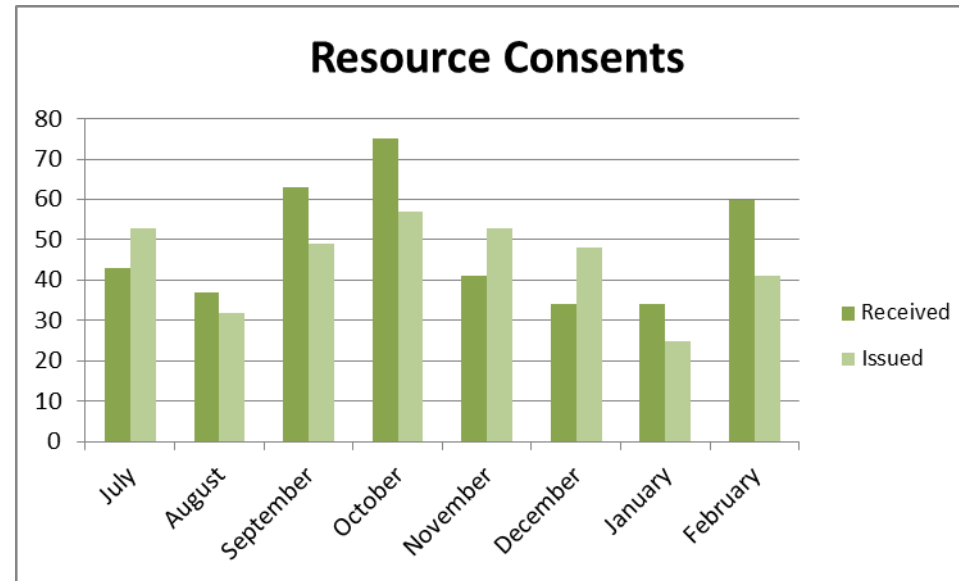
The southern area - Kerikeri, Kawakawa, Paihia and Russell usually account for just over 50% of the application numbers received.

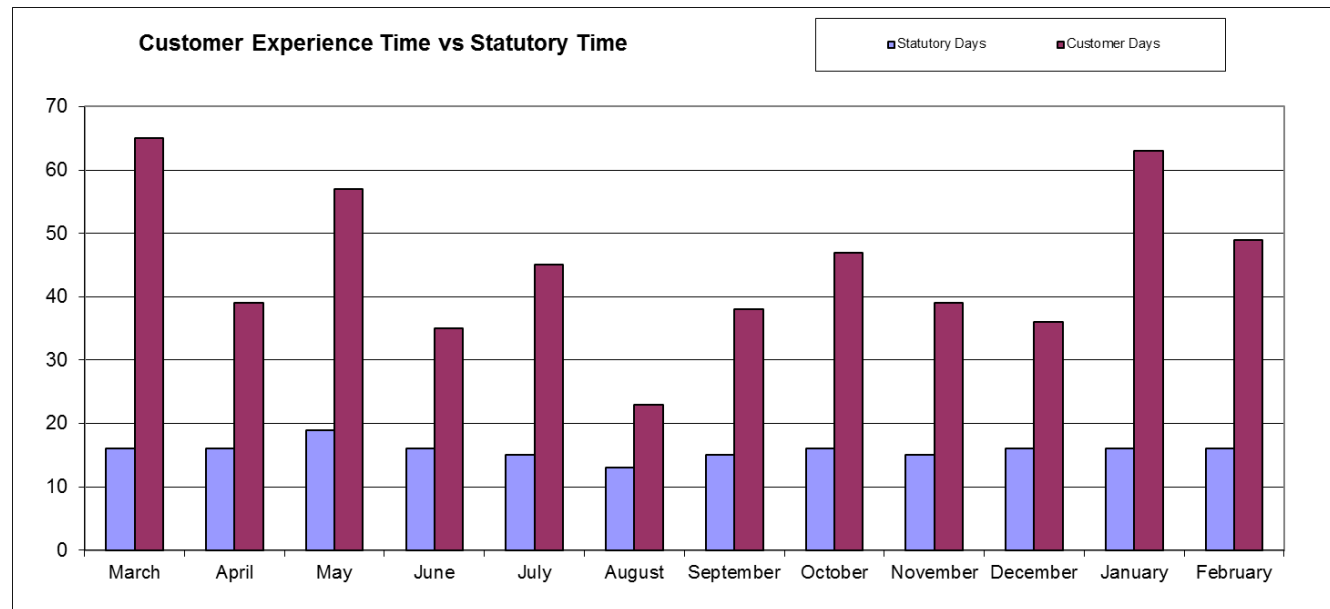
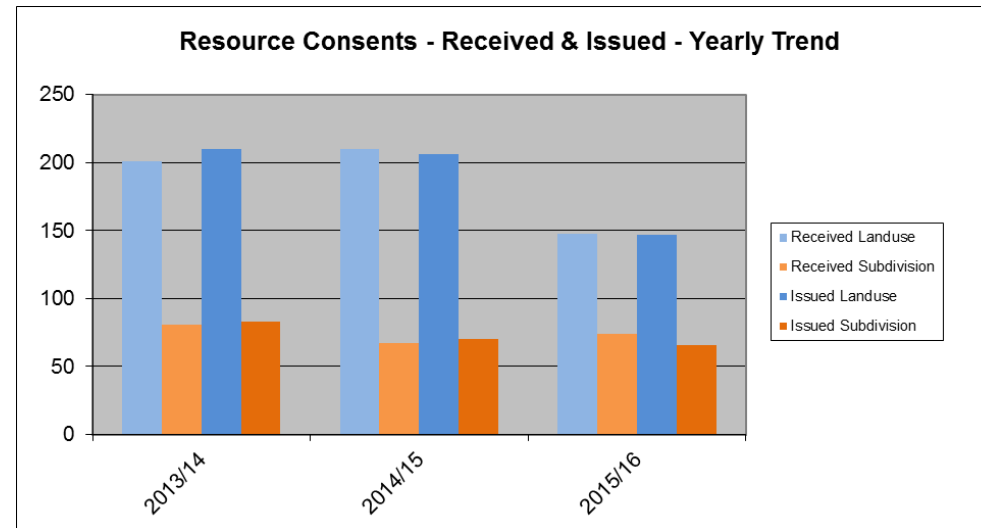
Building Consent Values July 2015 - February - 2016

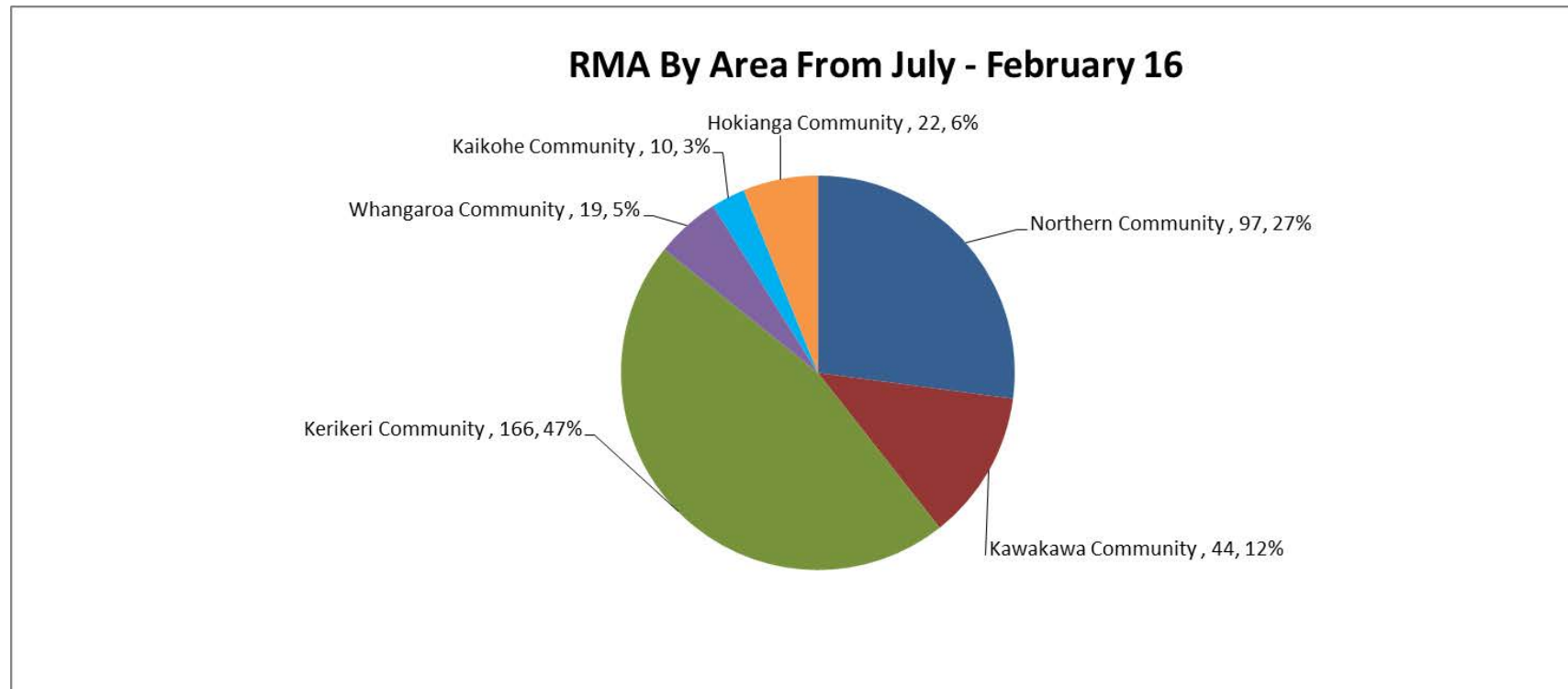


This chart shows that the higher value projects are in the southern area also, as may be expected with areas like Paihia and Russell.

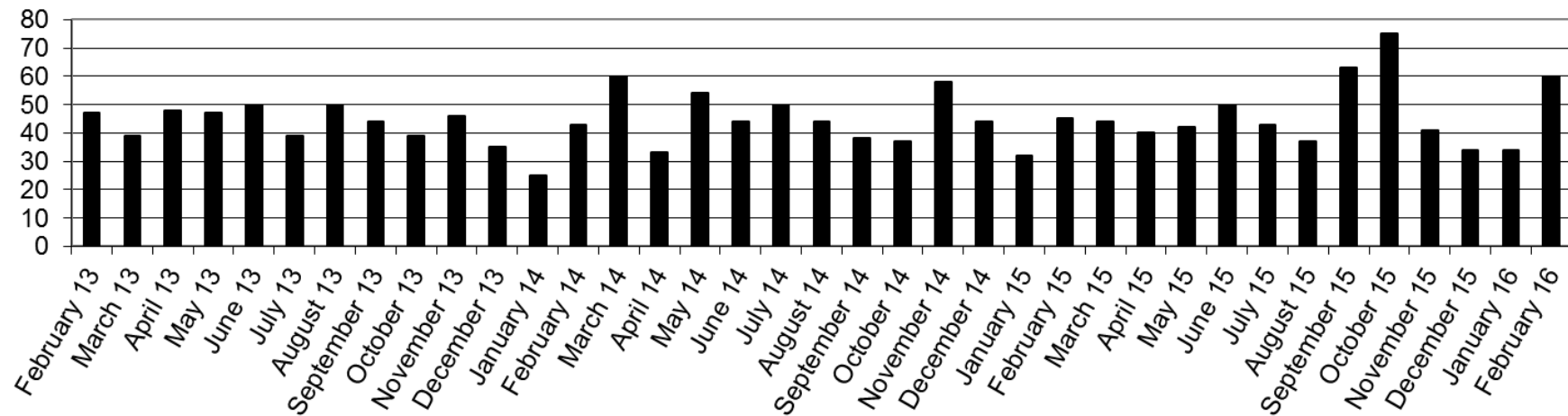
Resource Consents Received and Issued July 2015 - February 2016



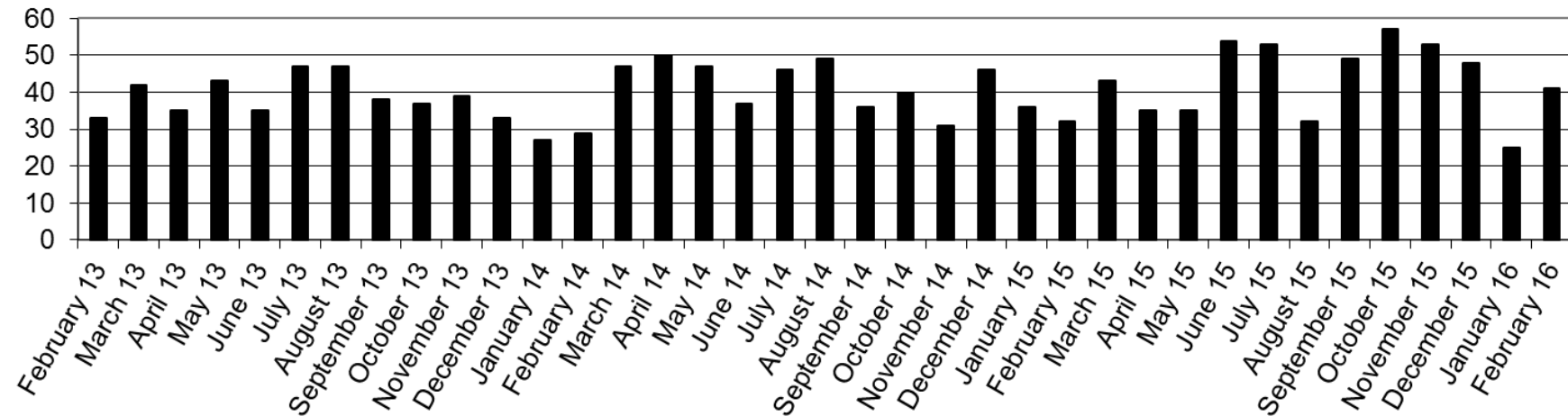


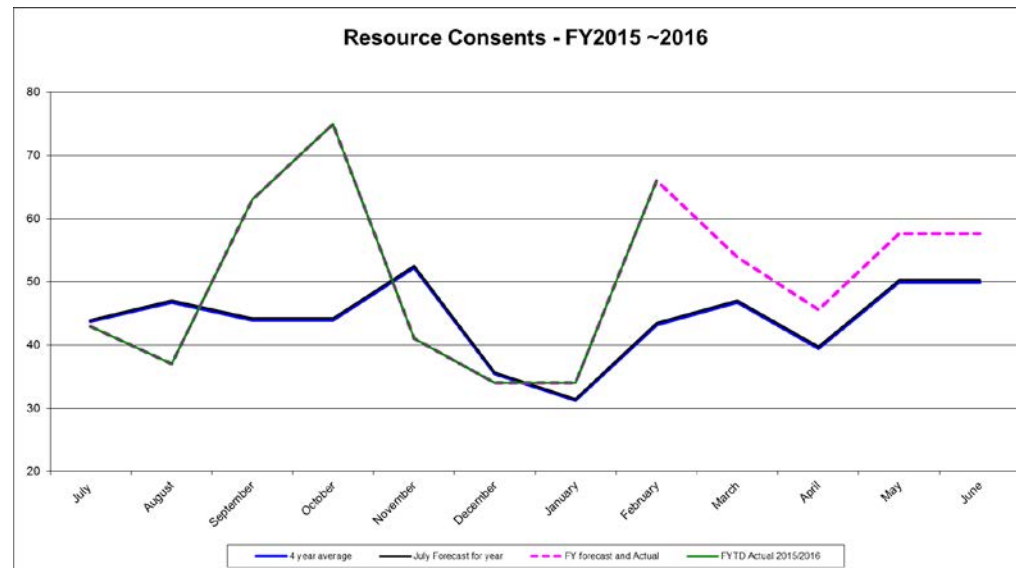
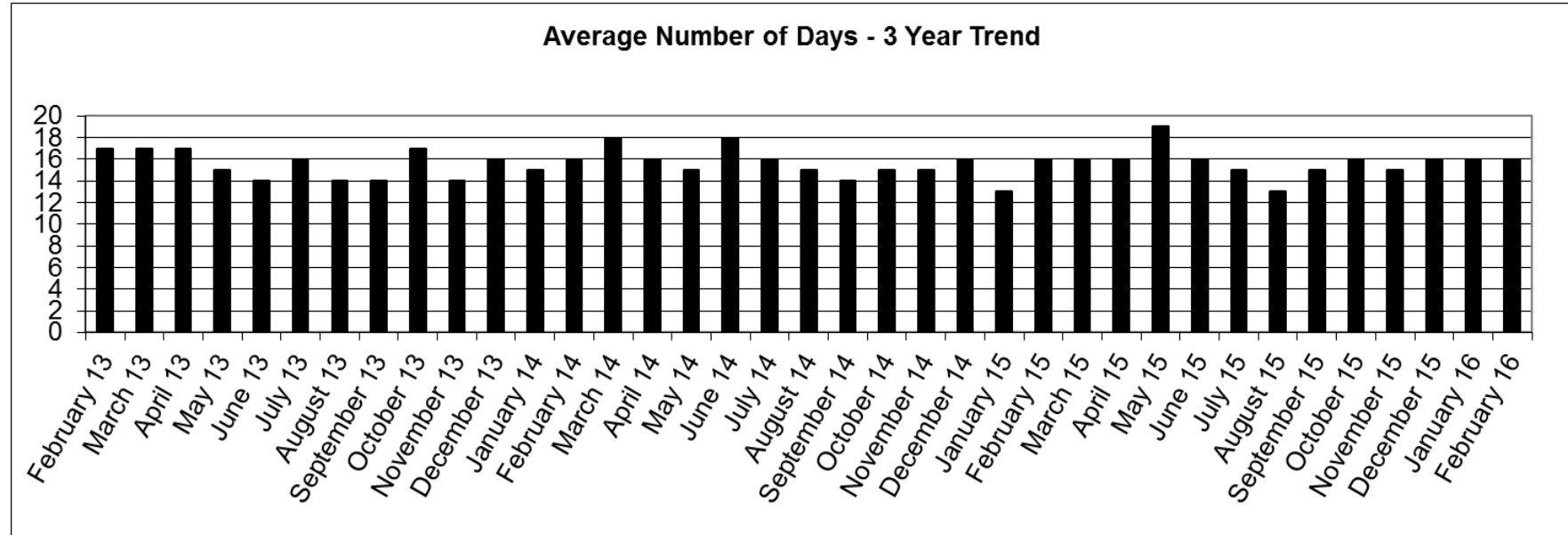


Resource Consents Received - 3 Year Trend



Resource Consents Issued - 3 Year Trend



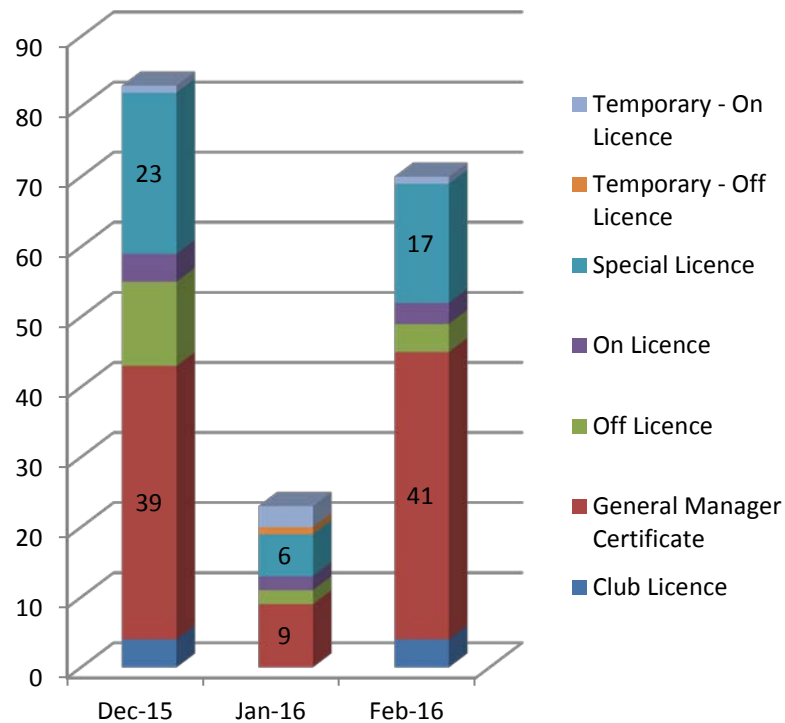


Compliance: Alcohol Licensing (February 2016)

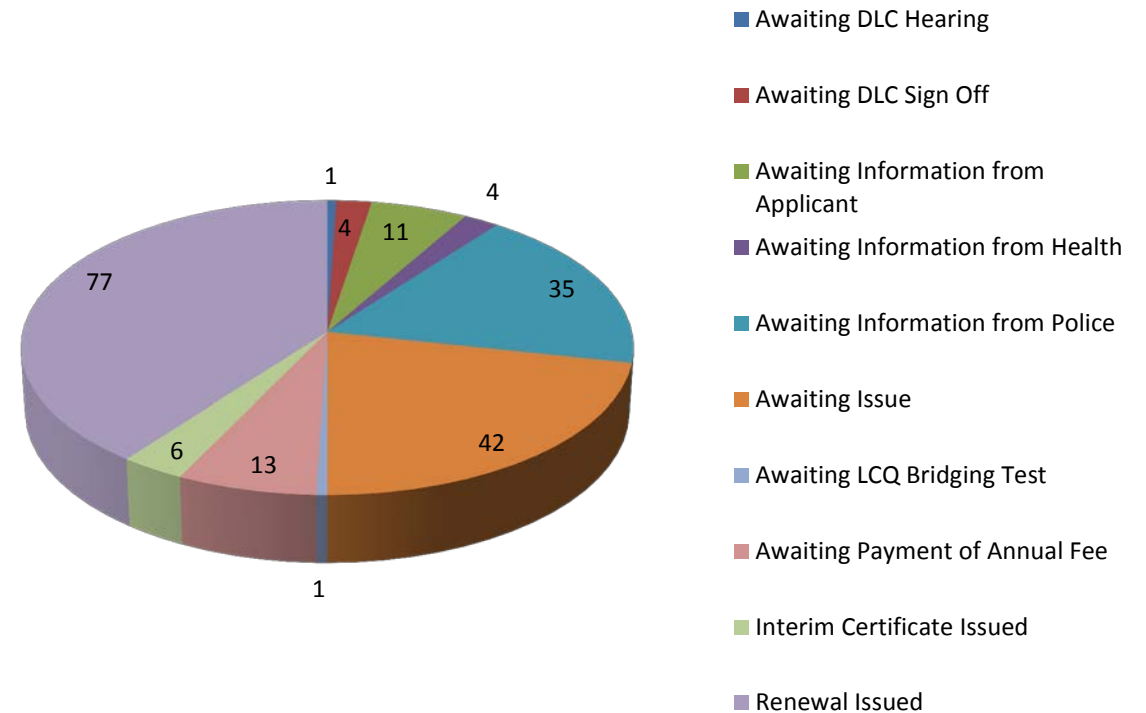


Summary of Activity: The Compliance team is responsible for processing alcohol related licences. There are two Alcohol Licensing Inspectors that assess applications, prepare reports and submit to the District Licensing Committee for decision.

Applications by Type



Applications by Status (Work in Progress)



Highlights for the month (February 2016):

- 355% (+32) increase in the number of General Manager's Certificates issued compared to previous month as a result of staff being on leave during prior period as well as the Council shut down period. The number reported for the month is consistent with December 2015.
- 40% (77) of applications have been issued with a reminder notice advising them to renew their licence or certificate
- 22% (18) of applications are awaiting preparation of a report by the Alcohol Licensing Inspector or preparation of documentation ready for sign off by the District Licensing Committee

Project Status Updates (February 2016):

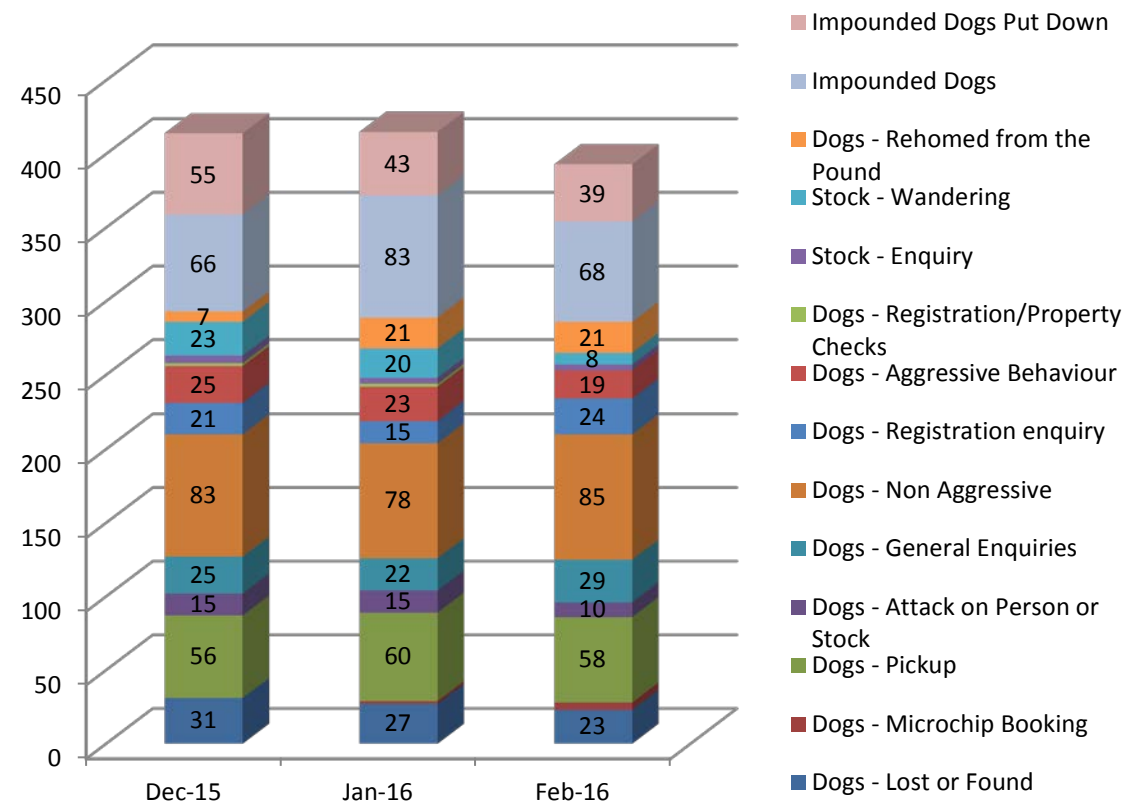
- Initiated Public Notices Online project to enable applicants to publicly notify through Council via the website rather than in local newspapers
- Decisions Online project near completion in which decisions made by the District Licensing Committee are made available on Council's website

Compliance: Animal Management (February 2016)

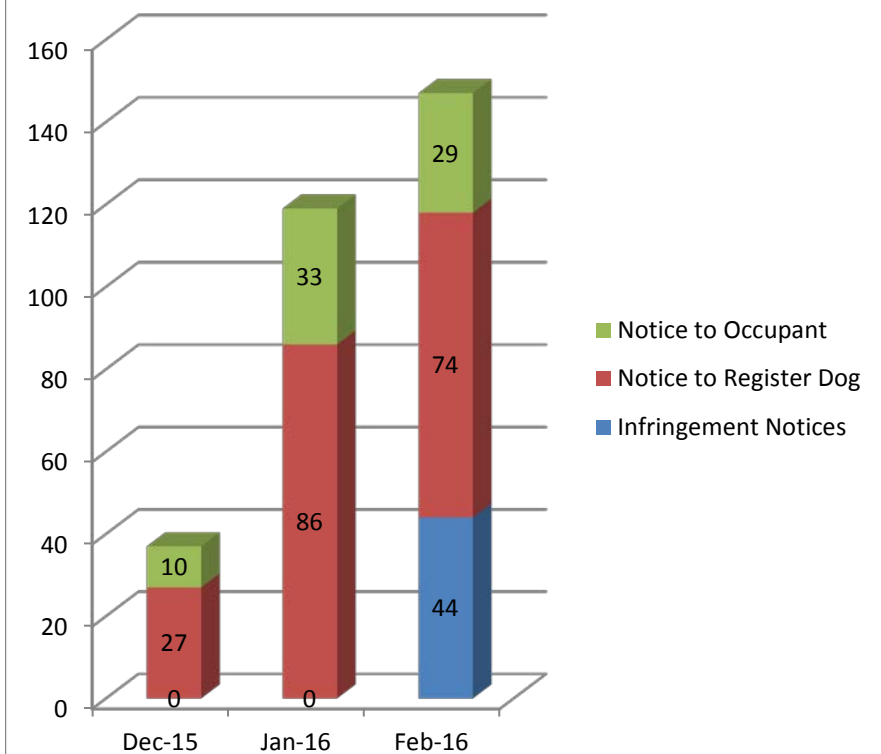


Summary of Activity: The Compliance team is responsible for enforcing the Dog Control Act and Stock Impounding Act throughout the District. There are 7 full-time officers that carry out this activity, based in Kaikohe and Kaitia.

Animal Management Activity by Type



Notices Issued by Type



Highlights for the month (February 2016):

- 22% (85) of activity carried out relate to RFS of a 'Non-Aggressive' nature, which includes: barking, straying or fouling complaints
- 17% (68) of activity carried out relate to dogs impounded by officers as a result of a request for a stray dog to be collected or as part of pro-active street monitoring
- 44 infringement notices issued during the month. No infringements issued in previous months due to holiday period.

Project Status Updates (February 2016):

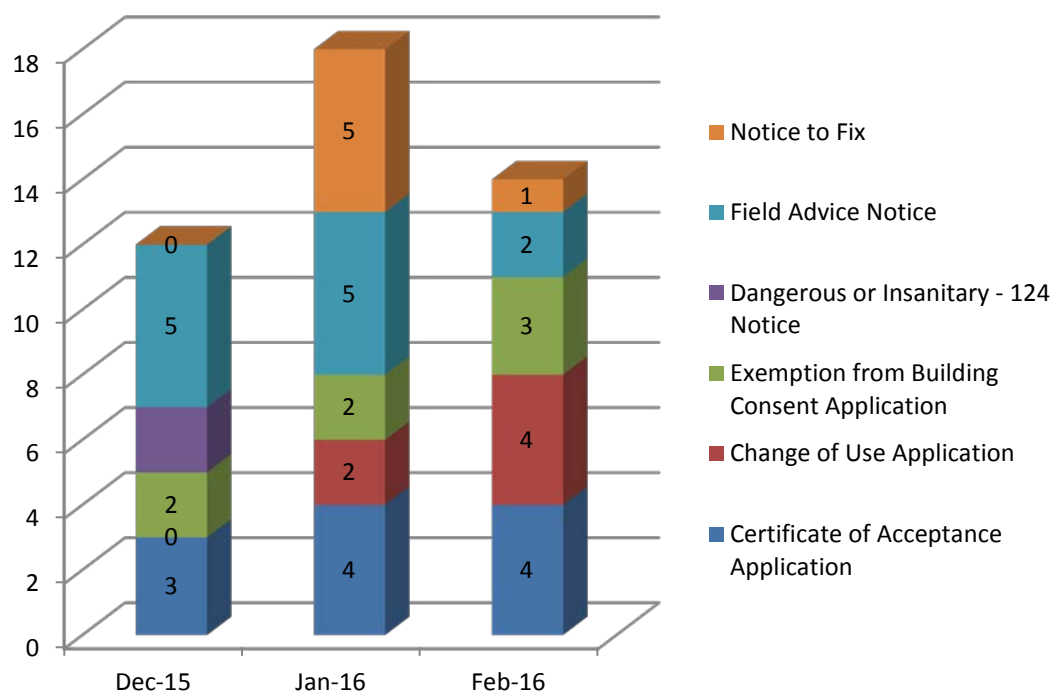
- Unregistered dog checks project near completion in the Southern area
- Unregistered dog checks project in progress in the Northern area
- Process improvement implemented to address overdue RFS for Animal Management

Compliance: Building Compliance (February 2016)

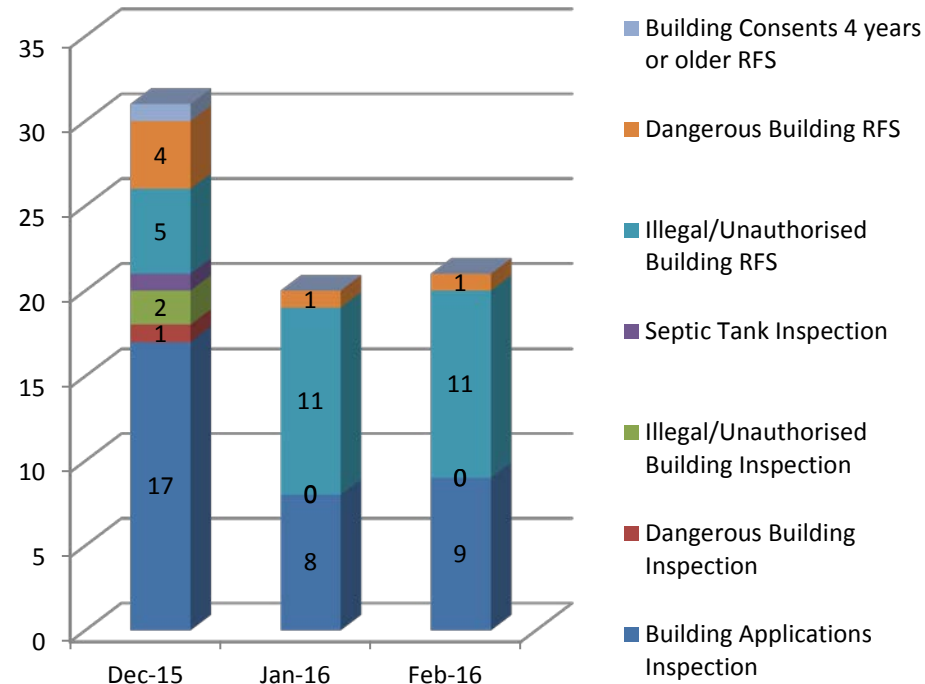


Summary of Activity: The Compliance team is responsible for carrying out inspections, processing applications and lodging notices for Building Compliance. There are three officers and two specialists working in the Building Compliance area.

New Applications and Notices Lodged by Type



Inspections Completed and RFS Received by Type



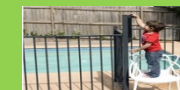
Highlights for the Month (February 2016):

- 1 Notice to Fix issued for the month for unconsented building work carried out in Rawhiti
- 100% (+2) in change of use applications received and processed compared to previous month
- Number of Inspections and RFS completed for the month are consistent with previous month

Project Status Updates (February 2016):

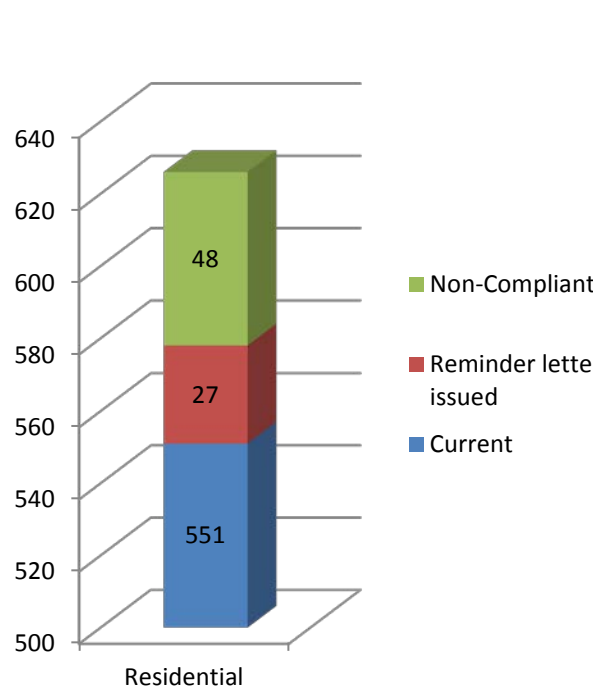
- Process improvement implemented to address overdue RFS for Building Compliance

Compliance: Building Warrant of Fitness & Pools (February 2016)

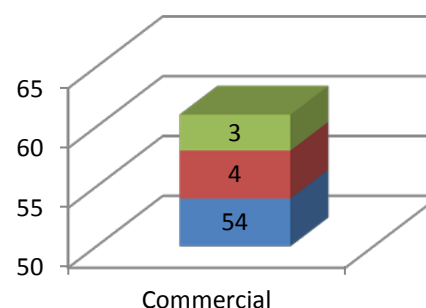


Summary of Activity: The Compliance team is responsible for ensuring that specified systems are regularly inspected by an Independently Qualified Person (IQP) and that a Building Warrant of Fitness is renewed annually. The Compliance team is also responsible for ensuring that swimming pools registered in the district have a fence that is compliant with the Fencing of Swimming Pools Act.

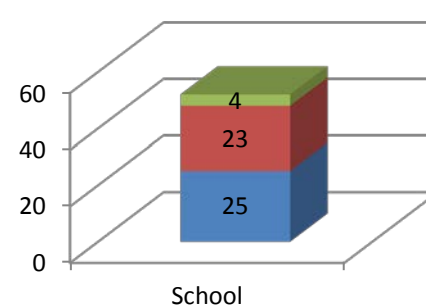
Residential Pools by Status



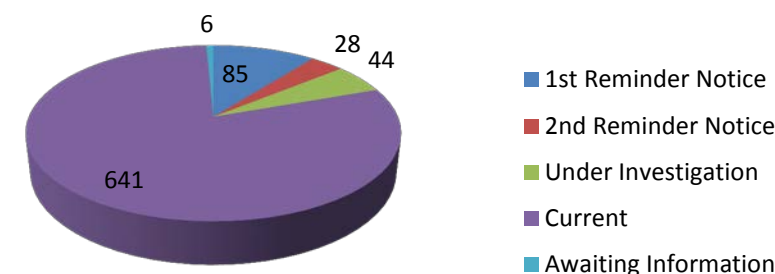
Commercial Pools by Status



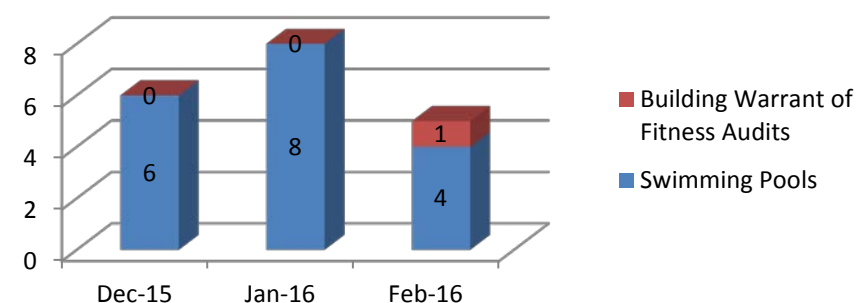
School Pools by Status



Building Warrant of Fitness by Status



Total Inspections by Type



Highlights for the month (February 2016):

- 8% (48) of recorded residential pools are non-compliant; 4% (3) of recorded commercial pools are non-compliant and 8% (4) of recorded school pools are non-compliant. A total of 55 non-compliant recorded pools in the district.
- 14% (113) of Building Warrant of Fitness have been issued a reminder notice and are pending renewal
- 1 Building Warrant of Fitness audit carried out during the month. This audit is to ensure that the annual checks of specified systems done by an Independently Qualified Person (IQP) are consistent with the compliance schedule.

Project Status Updates (February 2016):

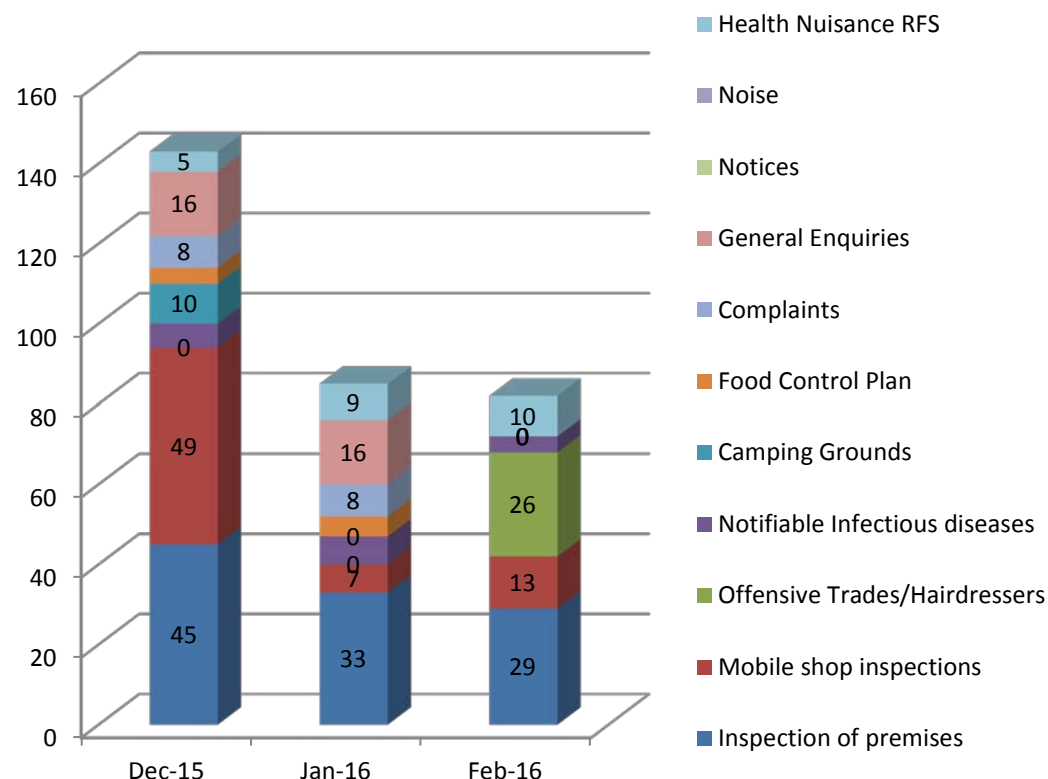
- Technical Review of Building Warrant of Fitness processing conducted by Ministry of Business, Innovation and Employment (MBIE). Council has received recommendations on process improvement opportunities.

Compliance: Health Licensing (February 2016)

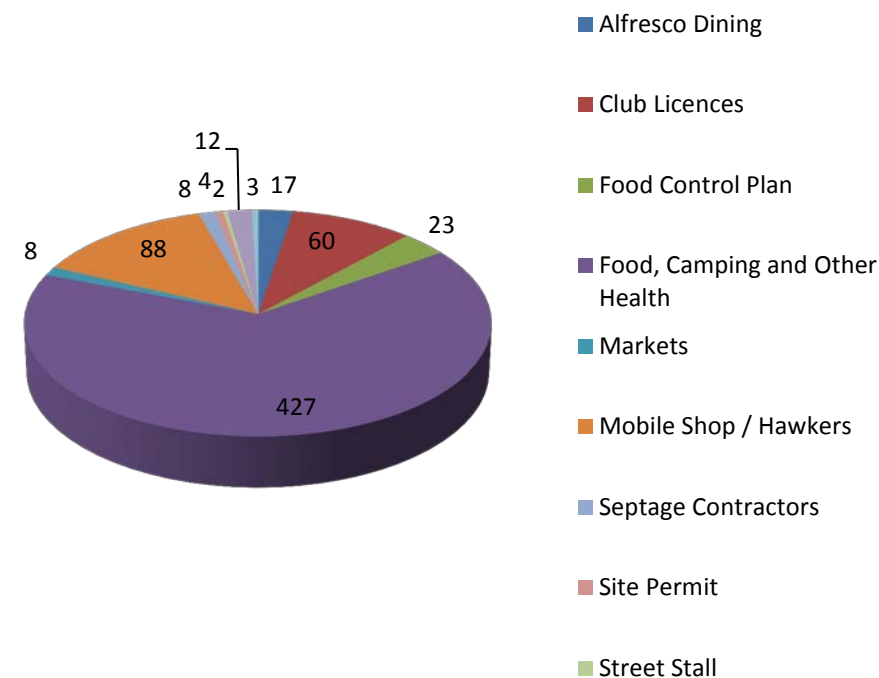


Summary of Activity: The Compliance team is responsible for ensuring food businesses throughout the District comply with the Food Act and that food is safe for the public. There are 4 Environmental Health Officers that carry out this activity and this service is contracted by the Northland District Health Board.

Health Activity by Type



Health Licence by Type



Highlights for the month (February 2016):

- Significant increase (+26) in number of offensive trade/hairdresser inspections carried out during the month compared to previous months
- Number of Mobile inspections (13) consistent with this time, than compared with December during holiday period
- Majority (65% or 427) of licence types relate to Food, Camping and Other Health licences

Project Status Updates (February 2016):

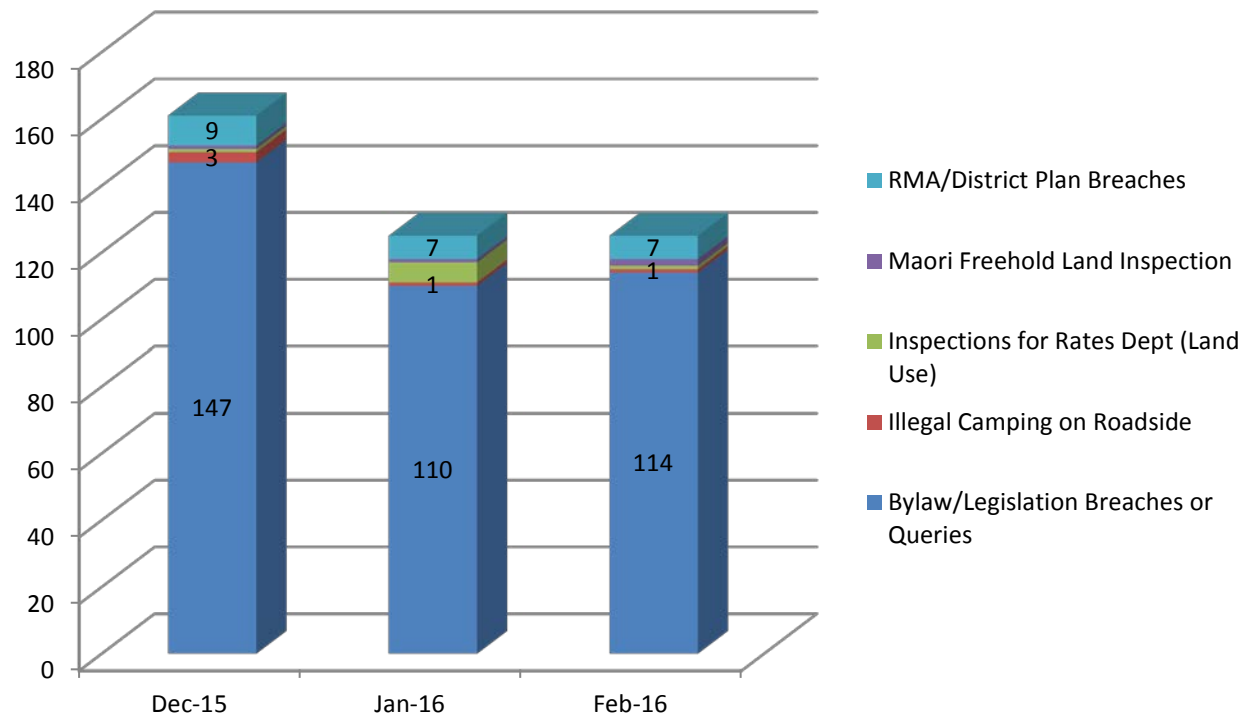
- Preparation for new Food Act which comes into force on 1st March 2016 requiring certain food businesses to transition from health registration to Food Control Plans

Compliance: Monitoring (February 2016)

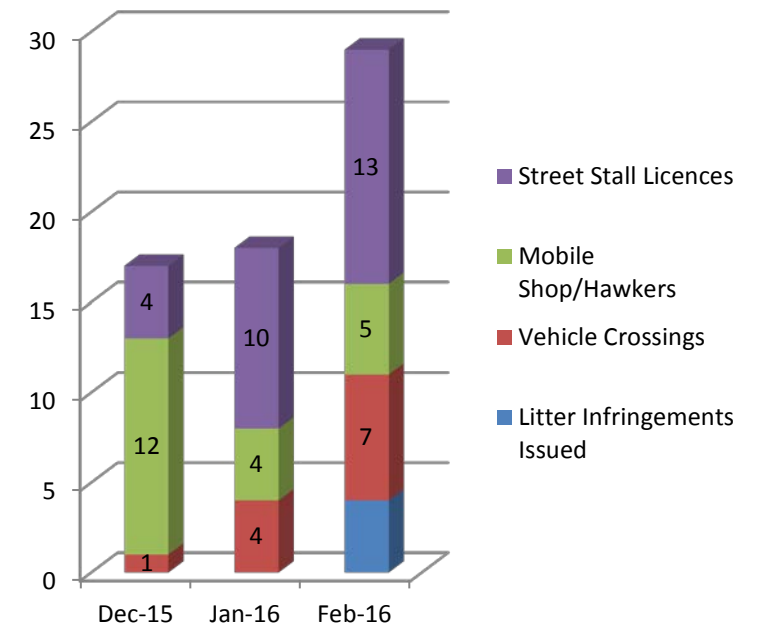


Summary of Activity: The Compliance team is responsible for enforcing bylaws and legislation within the District. There are 6 officers that carry out this activity. This activity includes the monitoring of the following bylaws: Keeping of Animals, Poultry and Bees; Public Places; Vehicle Crossings; Brothels; Mobile Shops and Hawkers. This activity also includes the enforcement of the following legislation: Resource Management Act; Litter Act and Local Government Act.

Total Request For Service (RFS) by Type



Applications, Licences and Infringements Issued by Type



Highlights for the month (February 2016):

- 91% (114) of RFS received relate to bylaw or legislation breaches or queries. This would include complaints or queries relating to keeping of pig or bees; mobile shops; abandoned vehicles; overgrown sections; storm water issues or smoke nuisances.
- 4 Litter Infringements issued during the month for evidence collected during December and January
- 75% (+3) increase in number of vehicle crossing applications received

Project Status Updates (February 2016):

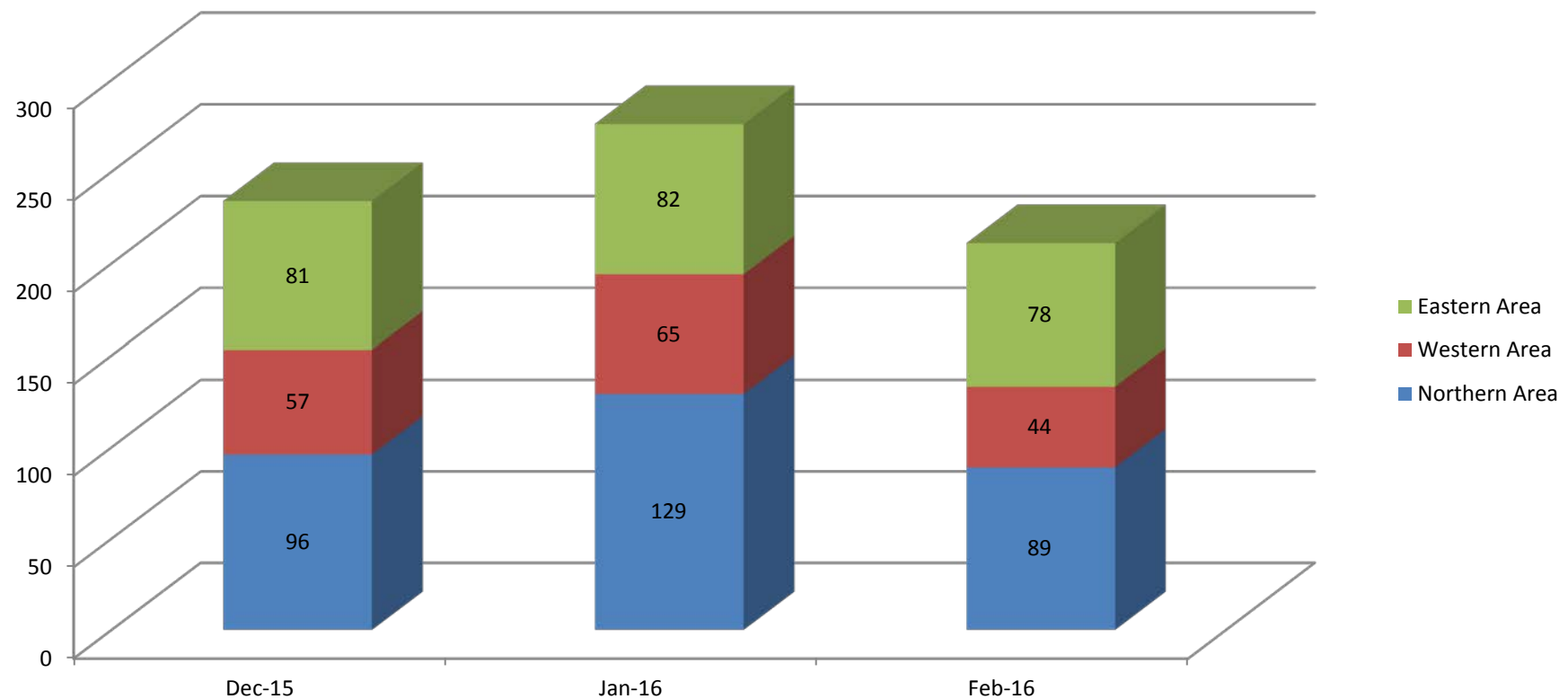
- Vehicle crossings installed across the district that are not compliant with engineering standards have been highlighted and requires the development of a follow up process
- Process improvement implemented to address overdue RFS for Monitoring

Compliance: Noise Control (February 2016)



Summary of Activity: The Compliance team is responsible for monitoring noise complaints throughout the District. This service is contracted by First Security. Complaints received within the urban area have a response time of 1 hour, and complaints within the rural area of 2 hours.

Noise Callouts by Area



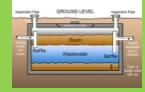
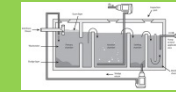
Highlights for the month (February 2016):

- 23% decrease in number of noise complaints received compared to previous month as a result of higher volumes of complaints received during the Christmas/New Year period
- 42% (89) of complaints received are from the Northern area (Kaitaia and surrounds); 37% (78) from the Eastern area (Kerikeri, Bay of Islands and Kawakawa); 21% (44) from the Western Area (Kaikohe and Hokianga)

Project Status Updates (February 2016):

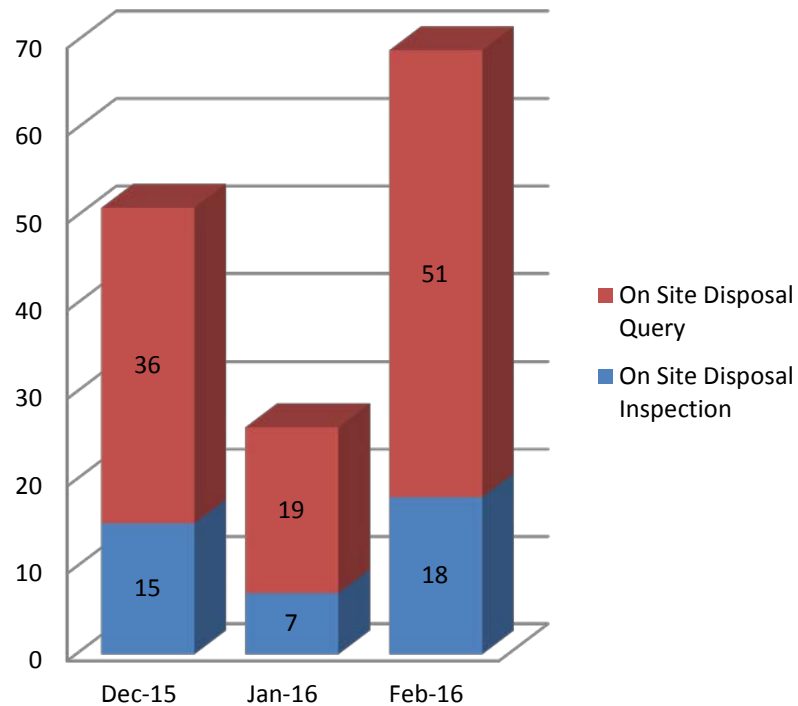
- 'Door Knocking' project initiated where the officer attending will door knock at the noisy house even if no noise is heard to alert the occupant that a complaint has been received.

Compliance: Onsite Wastewater Disposal Systems (February 2016)

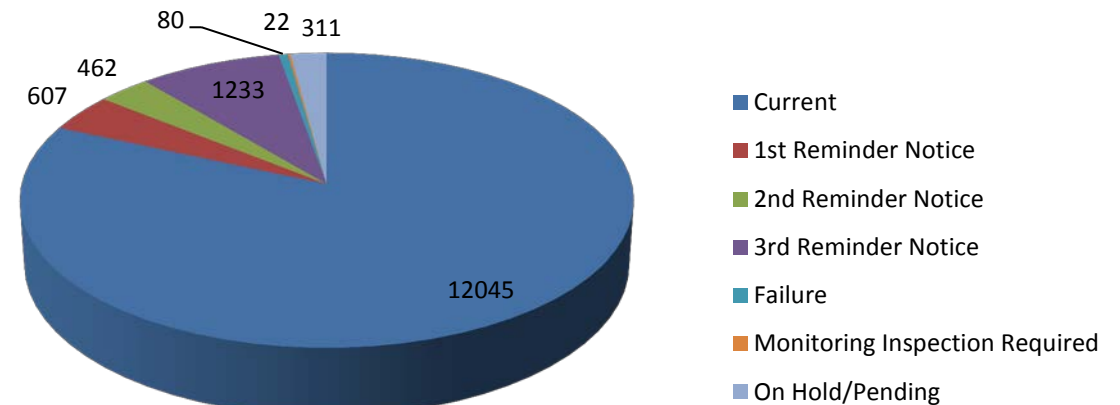


Summary of Activity: The Compliance team is responsible for enforcing the Onsite Wastewater Disposal Systems bylaw. According to the bylaw, septic tanks require an assessment every 5 years and aerated or alternative wastewater treatment systems are to be serviced as per the manufacturer's specifications. Council currently offers an inspection service to determine whether an extension under the bylaw can be granted.

RFS Received by Code



Onsite Wastewater Disposal Systems by Status



Highlights for the month (February 2016):

- 157% (+11) increase in inspection of OSD system requests received as a result of reminder notice process re-started in late January after the Christmas/New Year period.
- 168% (+32) increase in queries relating to OSD systems as a result of reminder notice process re-started in late January after the Christmas/New Year period.
- 18% (13114) of OSD system owners in the district have been issued a reminder notice to have their systems serviced, the majority (54% or 1233) of which are at the final reminder notice stage.

Project Status Updates (February 2016):

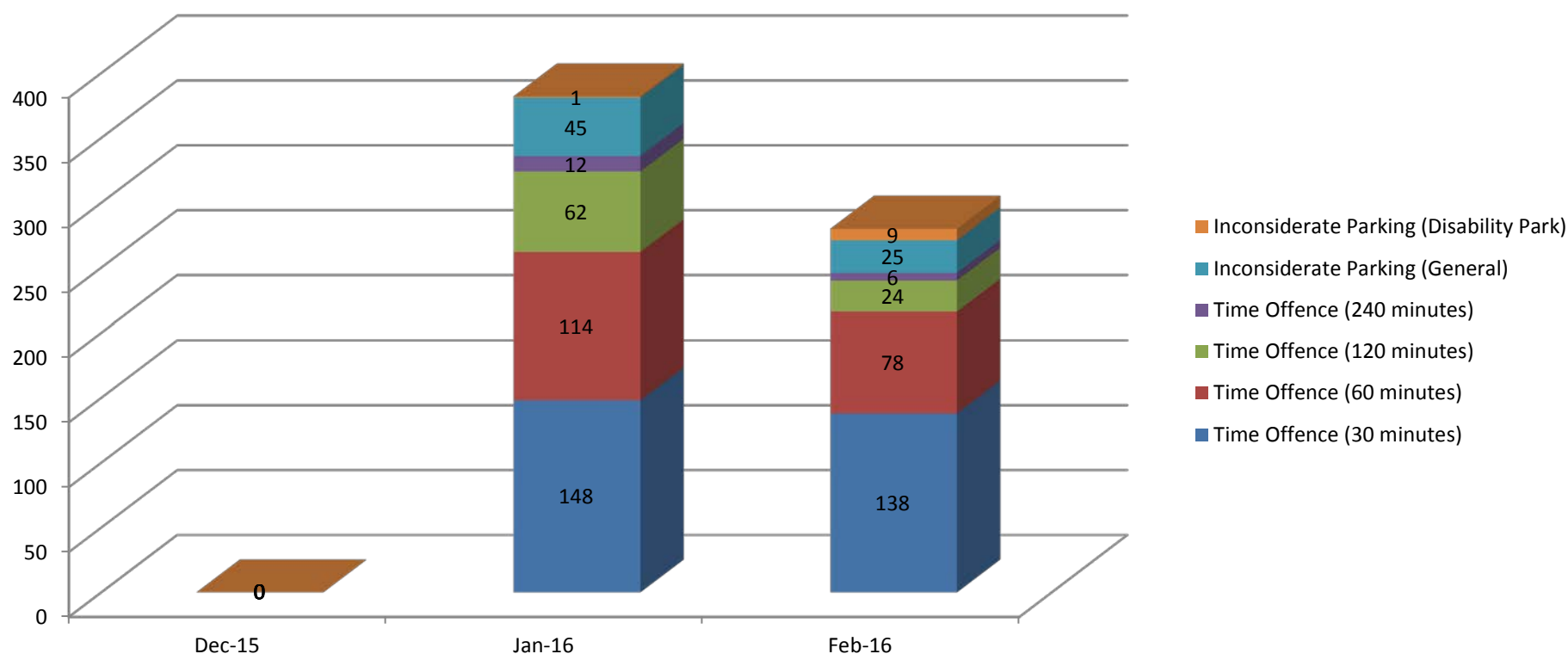
- Initiation of a project to check properties in Moerewa and Te Hapua that do not have a recorded septic tank or aerated wastewater system. Some properties that are missing from our database have already been identified.

Compliance: Parking Enforcement (February 2016)



Summary of Activity: The Compliance team is responsible for enforcing parking restrictions throughout the District. There is one full-time parking warden that carries out this activity, primarily in the Paihia and Kerikeri area each week day. Other members of the Compliance team are multi-warranted and therefore able to enforce parking restrictions as well.

Parking Infringements Issued by Type



Highlights for the month (February 2016):

- 27% (-102) decrease in the number of parking infringements issued compared to previous month as a result of holiday period and high volume of traffic in Paihia and Kerikeri during the month of January
- Majority (88% or 246) of parking infringements issued are for time related offences as the parking warden has a travel routine and is able to monitor these types of offences compared to previous wardens

**MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
21 APRIL 2016**

Name of item: DISTRICT PLAN UPDATE

Author: Tammy Wooster - Senior Policy Planner

Date of report: 21 March 2016

Document number: A1694916

Executive Summary

The purpose of the report is to update progress on current plan changes, submissions, appeals and strategic alignment of District Plan review processes to the Regulatory and Environment Committee (R&EC).

1) Background

The Regulatory and Environment Committee has requested a regular update of the status of various Plan Changes, submissions, appeals and the strategic alignment of the District Plan review processes.

The update includes an Update Schedule (refer to Attachment 1) and a graphic representation of Plan Change status (refer to Attachment 2).

2) Discussion and options

Current Plan Change Processes

Appeals to the Environment Court

Plan Change 15 - Rural Provisions (PPC15)

The Environment Court on the 17 March 2016 dismissed the request by Horticulture NZ to impose a 30m setback for residential buildings and the 100m setback from boundaries for non rural commercial and industrial activities sought by Turners and Growers. The court has issued a consent order for the matters resolved via mediation.

If no High Court appeals are lodged by either party within 20 working days (18 April 2016), the next step in the plan change process will be making the plan change operative.

One Notified Proposed Plan Change is subject to pre hearing mediation

- Proposed Plan Change 21 - National Policy Statement on Electricity Transmission (NPSET)

Pre hearing mediation occurred on the 17 February 2016 and information is still being circulated between the parties to try and resolve as many issues as possible prior to the hearing. This may result in the hearing date being deferred until May 2016.

Four Proposed Plan Changes are subject to a Section 42A Hearing Report and are waiting for Hearing dates

A joint hearing (by Independent Commissioners) was proposed for late April in Kaikohe for the following three proposed plan changes:

- Proposed Plan Change 21 - National Policy Statement on Electricity Transmission (NPSET)
- Proposed Plan Change 20 - Proposed Traffic, Parking and Access Plan Change
- Proposed Plan Change 19 - Signs and Lighting

However, with a pre hearing mediation still continuing for Plan Change 21, the date may need to be moved to May 2016. A joint hearing is still considered a viable option for greater efficiency and administrative cost savings.

- Proposed Plan Change 18 - Genetically Modified Organisms (GMOs)

The appeal by Federated Farmers to the High Court on jurisdiction matters is still outstanding and the Environment Court has not yet heard the appeal on GMOs in relation to the Northland Regional Policy Statement (RPS). Also the Resource Management Act Reform Bill, as drafted, provides for the Minister to remove undesirable duplication and overlap between consenting regimes.

As a member of the Inter-Council Working Party on GMOs, Council continues to work with Whangarei District Council on a joint approach to progress the GMO plan change, and a hearing has been scheduled for the 13 June 2016. However, the scheduling of this hearing will be kept under review due to the potential changes that may occur to higher order documents.

The Section 42A Planners' Reports are being prepared for all four plan changes.

District Plan Review Processes and Activities

The District Plan Team continues to implement the plan review programme and over the summer had a presence at local events as part of the wider engagement and consultation strategy.

A series of place planning exercises have occurred in the District, and this is ongoing until June 2016. The Kerikeri pop up shop opened on the 22 March 2016 and stakeholders have been invited to attend individual meetings with staff.

Other agencies and Council teams are joining the planning team at targeted locations. The schedule of place planning venues is outlined on the next page.

Preliminary Schedule for Community Consultations 2016

| LOCATION | Times | February | March | April | May | June |
|---|---|----------|----------------|-------|-------|-------|
| Kerikeri/Waipapa | | | 22-24 29-31 | | | |
| Kaero | | | | | 19 | |
| Mangonui Waterfront Rd, Mangonui | Wed 9/3 10am-7pm Thur 10/3 10am-4pm | | 8-9 | | | |
| Karikari Peninsula Community Hall 16 Matai Bay Rd, Karikari Peninsula | Thur 17/3 10am-7pm Fri 18/3 10am-4pm | | 17-18 | | | |
| Ahipara | | | | 15 | | |
| Kaitia | | | | 20-22 | | |
| Opononi/ Omapere South Hokiang Memorial Hall 15 SH 12 Opononi | Wed 24/2 10am-4pm Thur 25/2 10am-7pm | 24-25 | | | | |
| Pukenui | | | | 7 | | |
| Kaikohe | | | | | 10-12 | |
| Kawakawa/ Moerewa | | | | | 24 | |
| Rawene | | | | | | 14-15 |
| Paihia/Opua | | | | | | 1-2 |
| Russell | | | | | | 7-8 |

This information is available on the “Let’s Plan Together” website, which also promotes the use of the “put a pin on it” application.

Proposed Regional Policy Statement - Update on Mediation Proceedings and Hazard Mapping Projects

The High Court appeal regarding GMOs is the only item not yet resolved, therefore Northland Regional Council (NRC) will seek to make the RPS operative (in part) as early as April 2016.

On 22 March 2016, staff attended a NRC workshop regarding updated Coastal Hazard maps. Staff were advised that potentially draft coastal hazard maps will be sent to affected land owners in May/June 2016; but this is still subject to approval from the relevant NRC committee. Landowners will have the opportunity to provide feedback to NRC before the draft maps are finalised. These amended hazard maps will need to be incorporated into the District Plan as part of the consolidated review.

Proposed Regional Plan(s) Review

The current timeline for having a draft (one) regional plan is mid 2016, giving potential alignment with the District Plan review process.

Regulatory Reform Proposal for the RMA

A submission to “the Bill” was prepared and has been submitted to central government.

Further Reform Considerations

Submissions have been called for the “next steps for fresh water reform”. A submission has been drafted by Council staff and this is a separate agenda item. A workshop on the submission and to advise elected members on the implications of further reform has been scheduled for the 11 April 2016, and will be facilitated by the District Plan Team.

3) Financial implications and budgetary provision

Costs associated with the “Schedule 1” statutory district planning work streams for the 2015/16 financial year (such as appeals on the Proposed Plan Change 15, pre hearing mediation, joint hearing and any appeals for Proposed Signs and Lighting, Traffic Parking and Access, NPSET Plan Changes) are budgeted for.

From a “plan review” perspective, a consolidated plan review will have associated costs once the plan is notified and subsequent hearings and plan appeals occur. Stage 1 Processes involving the Research and Investigation Framework, is mostly in-house. Stage 2 - Issues and Options may have a moderate to high funding requirement in the 2016/17 financial year. Hearings and appeals are in the 2017/18 or subsequent financial year may have a greater cost, especially in relation to specialist involvement and legal processes and support. The budgets and timing of work proposed in the Long Term Plan 2015-25 will be kept under review and may need to be adjusted in future Annual Plans as the programme for the plan review is refined.

4) Reason for the recommendation

To inform the Regulatory and Environment Committee of the status of District Plan review and plan change processes.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Plan Change Update Schedule - Document number A1695006

Attachment 2: District Plan Change Progress Graphic - Document number A1695008

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| | |
|--|--|
| Relationship with existing policies and Community outcomes. | Every component of the District Plan review will need to be assessed against existing policies of Council and outcomes of any community planning. |
| Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga. | The review of a District Plan requires (by legislation) consultation with tangata whenua. |
| Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons. | Any review of a District Plan requires (by legislation) consultation with affected persons. |
| Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124? | This item relates to timetabling as opposed to actual content of any plan change or review. Assessed as low significance. |
| If the matter has a Community rather than a District wide relevance has the Community Board's views been sought? | Some aspects of the Plan review will be more community orientated than district wide. However, it is intended to involve Community Boards in most aspects of the District Plan review. |
| Financial Implications and Budgetary Provision. Chief Financial Officer review. | Provision has been made in the District Plan budget. Budgets proposed in the Long Term Plan 2015-25 will be kept under review and may need to be adjusted in future Annual Plans. The Chief Financial Officer has reviewed this report. |

Plan Change Update Schedule

| Number | Title | Status | Comment |
|---------------|--|--|---|
| 15 | Rural Provisions | Three Appeals to the Environment Court | Transpower appeal withdrawn. Outstanding appeal matters by Horticulture NZ and Turners and Growers NZ Ltd dismissed by the Environment Court on 17 March 2016. Appeal period currently open. |
| 18 | Genetically Modified Organisms | Preparation of Planners Report | Preparation of section 42A Report currently being prepared, with a scheduled hearing date of the 13 June 2016. This will be reviewed prior to the hearing due to higher order documents being reviewed or under appeal. |
| 19 | Signs & Lighting | Further Submissions Closed 17 April | A draft section 42 Report has been prepared. A hearing date is now likely to be May 2016 to enable it to coincide with hearings on Plan Change 20 and 21. |
| 20 | Traffic, Parking and Access | Public Notification scheduled. | Drafting of section 42A report is near completion. A hearing date is now likely to be May 2016 to enable it to coincide with hearings on Plan Change 19 and 21. |
| 21 | Plan Change on National Policy Statement on Electricity Transmission | Public Notification to be scheduled. | Pre Hearing mediation is still occurring. A hearing date is now likely to be May 2016. |

