

**QLDC Council**  
**29 July 2021****Report for Agenda Item | Rīpoata moto e Rāraki take 10****Department: Property & Infrastructure****Title | Taitara Integrated Three Waters Bylaw 2020 Administration Manual updates****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The purpose of this report is to consider the updates and changes that need to be administered to the Integrated Three Waters Bylaw 2020 Administration Manual to align it with the Bylaw and the current trade waste registration and approval process.

**EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA**

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- 2 The Integrated Three Waters Bylaw 2020 and Administration Manual (the Bylaw and the Administration Manual) were adopted by Council in December 2020 and came into effect on July 1<sup>st</sup>, 2021. Since adoption of the Bylaw and the Administration Manual, the administration tools and systems have been created to support implementation of the Bylaw, specifically to issue consents or approval notices for trade waste discharges, and the Administration Manual now needs to be updated to accurately reflect these processes.
- 3 There have been no significant changes made to the Administration Manual, only administrative updates to wording, grammar, and formatting of the document. The key changes include:
  - a. Section A5 - Administration Procedures has been completed, detailing the process to apply for a trade waste approval notice or consent and clearly summarises in 'plain English' the key points of the Administration Manual.
  - b. Removing specific Fees and Charges to better align with the wording throughout the Bylaw and the Administration Manual and that have been identified as not required for implementation.
  - c. Amending wording to remove time restraints and limitations that are outside of Councils control.
  - d. Correct formatting and punctuation throughout the document and consistent capitalisation of defined terms.
  - e. Schedule D currently only accepts (and charges) for septage waste. Updating this wording will remove limitations and allow for other acceptable waste via tanker to be charged, as is consistent with the Bylaw.
  - f. Update the description of when a Stormwater Management Plan can be requested to allow for Council to request one from businesses other than those that

discharge trade waste, to ensure ongoing protection of the environment. This revised wording is more consistent with the Bylaw.

## RECOMMENDATION | NGĀ TŪTOHUNGA

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That Council:

1. **Note** the contents of this report.
2. **Approve** all of the updates and changes to the Administration Manual.

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12/07/2021

Reviewed and Authorised by:



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13/07/2021

## CONTEXT | HOROPAKI

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- 4 The Integrated Three Waters Bylaw 2020 and Administration Manual (“The Bylaw” and “The Administration Manual”) were adopted by Council in December 2020.
- 5 The Bylaw and Administration Manual came into effect on July 1<sup>st</sup>, 2021.
- 6 The Administration Manual was written to be read alongside the Bylaw as an efficient on-going management approach for implementation.
- 7 The Administration Manual was developed as a tool to allow Council to keep the administrative and technical implementation processes of the Bylaw up to date.
- 8 The administration and technical tools have now been created and the Administration Manual has been updated to reflect these.
- 9 While creating the tools to implement the Bylaw and Administration Manual, there have also been some inconsistencies found in the text. Appropriate changes have been made to the Administration Manual to align with the Bylaw and ensure the document is clear, concise and correctly formatted.
- 10 The updates and changes made to the Administration Manual are administrative, not material, and will provide improved clarity.
- 11 In summary, the below items detail the changes that have been put forward to be updated in the Administration Manual.
  - a. When the Bylaw and Administration Manual were adopted in December 2020, Section A5 - Administrative Procedures of the Administration Manual was left blank. The intent was to write this once the administrative process had been designed. Section A5 has now been written and outlines the procedures for applying to discharge trade waste to the Council wastewater network.
  - b. The description of when a stormwater management plan can be requested under Section C2.1 Stormwater Management Plan is trade based and does not reflect the wording in the Bylaw. An additional point has been added to capture a wider instance of when a stormwater management plan can be requested to ensure proactive management of the stormwater network and of the receiving environment.
  - c. When the Administration Manual was written, it was not stated under Schedule D - Schedule of Fees and Charges, the intent to include or exclude G.S.T. This has been clarified in the updated version as inclusive of G.S.T.
  - d. Under Schedule B - Prohibited Characteristics the wording for flushable wipes under Section B.1.g is restrictive and may impose time restrictions on QLDC that are out of our direct control. The advice on flushable wipes from Water NZ is not yet publicly available and the wording in the Administration Manual currently

states that this will be available late 2020. Removing the date restriction will remove the responsibility QLDC imposes on itself.

- e. Schedule D - Schedule of Fees and Charges has registration fees imposed after two months of either the commencement date or published notification date, however Section A6.2.a states “there will be no charge for registering discharges with the Council”. To resolve this inconsistency, we have removed the \$50 registration fee from Schedule D and stated that the registration fee is \$0. This ensures that there is still an opportunity for future charges to be imposed when they are reviewed annually, but that it initially remains consistent with the wording in Section A6.2.a and with the system that has now been implemented.
- f. Schedule D - Schedule of Fees and Charges has consent fees imposed if a trade waste discharge is deemed prohibited, however it has since been established that an occupier cannot be granted a prohibited consent. Therefore, we have taken out the prohibited trade waste fees and charges under the table in Schedule D.
- g. Schedule D - Schedule of Fees and Charges limits unit tanker waste charges to only be applicable to septage waste. Tanker companies also tanker acceptable waste other than septage waste. The wording has been changed to say “Unit tanker waste charges for approved tankered waste” rather than limiting to only septage waste, and this is now consistent with the wording in the Bylaw.
- h. Throughout the Administration Manual punctuation and formatting errors have been corrected and defined terms have now been correctly capitalised.
- i. Section E12.3 is restrictive as to where sampling point configuration can be found, this wording has been updated to include other relevant codes of practice.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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12 **Option 1:** Status quo - Do not make any changes or updates to the Administration Manual.

*Advantages:*

- 13 All three waters are still managed in an integrated manner and the implementation process has no restrictions.

*Disadvantages:*

- 14 Questions may be directed to the Trade Waste Team about what the administrative procedures are. This will require a lot of time communicating and explaining the process to stakeholders.
- 15 Inconsistencies with the registration fees may be perceived as misleading by stakeholders and raise concern about the intent of the Bylaw.

- 16 Prohibited characteristics are an important section of the Administration Manual and if this cannot be accurately referenced it will be difficult to inform stakeholders which characteristics a discharge may and may not include.
- 17 May impose time limitations on Council that cannot be met.
- 18 **Option 2:** Only make the updates to the administrative procedures under Section A5.
- Advantages:*
- 19 Completing Section A5 will assist stakeholders with the trade waste discharge application process.
- Disadvantages:*
- 20 The remaining Administration Manual text will not be completely consistent with the implementation process.
- 21 The updates and changes will still need to be made in the future. Not doing it now, defers it until next time the Administration Manual is reviewed.
- 22 **Option 3:** Make all of the proposed changes and updates to the Administration Manual. This includes completing Section A5 and other administrative updates as detailed earlier in this document.
- Advantages:*
- 23 Ensures that QLDC's Trade Waste Team can implement the Bylaw effectively. Changes are administrative and support the Trade Waste Team with an efficient implementation process.
- 24 Creates a clear and concise document that accurately reflects both the Bylaw and the new implementation process.
- Disadvantages:*
- 25 Council is reviewing and updating the Administration Manual within the first month of commencement.
- 26 **Option 3** is recommended for addressing the issues identified. Making these changes will allow the Council's Trade Waste Team to effectively implement the Bylaw. By making these changes now, this creates a clear and concise management approach to the implementation phase. There will be less questions about inconsistencies and confusion around the intent behind the Bylaw.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 27 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the changes and updates are administrative only. The Administration Manual was created as a document that can be updated as the technical and administration processes are adapted over time.
- 28 The persons who are affected by or interested in this matter are rate payers and the wider community, all trading premises, consultants, contractors, and environmental groups.
- 29 The Council has already undertaken a comprehensive consultation process during the development of the Bylaw and Administration Manual. These included community engagement through drop-in sessions and "Let's Talk" submissions articles in Scuttlebutt, emails to Iwi representatives, media releases, stakeholder meetings and articles in many of the local newspapers. The proposed changes to the Administration Manual are a natural progression from the work conducted during the Bylaw development process. Since the current amendments are administrative updates, no further consultation has been identified.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 30 The Council has consulted with iwi, including Ngai Tāhu, Awarua Rūnanga and Kāi Tahu Rūnaka during the Bylaw and Administration Manual drafting process, and no material changes are proposed in this update.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 31 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 32 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by having a comprehensive administrative procedure in place and promotes a proactive and consistent management tool for implementing the Bylaw. It creates consistency and aligns the Administration Manual with the principles and intent behind the Bylaw.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 33 Some fees and charges have been removed from Schedule D - Fees and Charges. However, these pose no financial loss as these fees and charges do not fit into the intended registration process or with the intent of the Bylaw, and would not be issued.

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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34 The following Council policies, strategies and bylaws were considered:

- Vision Beyond 2050: <https://www.qldc.govt.nz/vision-beyond-2050/>
- Significance and Engagement Policy: <https://www.qldc.govt.nz/media/5dkns4jx/qldc-significance-and-engagement-policy-aug18.pdf>
- QLDC Enforcement Strategy and Prosecution Policy: <https://www.qldc.govt.nz/media/vxrm3wws/qldc-enforcement-strategy-and-prosecution-policy.pdf>

35 The recommended option is consistent with the principles set out in the named policy/policies.

## LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHA KA WAETURE

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36 The changes to the Administration Manual must comply with the following legislation:

- Resource Management Act 1991
- Health Act 1956
- Local Government Act 2002 (LGA)
- New Zealand Bill of Rights Act (NZBOR)

37 The proposed changes to the Administration Manual have been reviewed from a legal perspective.

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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38 The recommended option:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Adopting the recommendation is in accordance with the purpose of the Act by providing a concise administrative procedure to assist in implementing the Bylaw.
- Can be implemented through current funding under the Ten-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

#### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Admin Manual – tracked changes version for Council meeting
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