

**Chairperson and Committee Members**  
STRATEGY AND POLICY COMMITTEE

29 NOVEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Information

## **REVIEW OF THE TRADE WASTE BYLAW**

### **PURPOSE OF REPORT**

- 1 The purpose of this report is:
  - to provide Council with a copy of the submissions received on the DRAFT of Kāpiti Coast District Council Trade Waste Bylaw 2018
  - to provide the opportunity for those submitters who wish to speak to the Council on their submission to be heard at this meeting.

### **DELEGATION**

- 2 Under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies and bylaws.

### **BACKGROUND**

- 3 A report was presented to Council on 6 September 2018 (SP-18-601, see Appendix 1) recommending that the Strategy and Policy Committee:
  - determines that a bylaw continues to be the most appropriate way to address the perceived problems associated with the discharge of trade waste into the Council's waste water system;
  - determines, subject to consultation, that the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Included in Appendix 1) is the most appropriate form of bylaw and that there is no inconsistency with the New Zealand Bill of Rights Act 1990;
  - adopts for consultation the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Appendix 1); and
  - agrees to making the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 publicly available as part of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002.
- 4 Under Sections 83 and 85 of the Local Government Act 2002, Council undertook a special consultative procedure from 13 September 2018 to 13 November 2018.
- 5 Te Whakaminenga o Kāpiti was briefed on the review on 28 August 2018 and staff worked with Iwi representatives to support their consideration of the DRAFT

of Kāpiti Coast District Council Trade Waste Bylaw 2018. Te Āti Awa ki Whakarongotai have prepared a submission and wish to speak to Council on it.

- 6 Consultation involved public notices in the Kapiti News on 19 September 2018 and in the Kapiti Observer on 20 September 2018 and again on 31 October 2018 and 1 November 2018; advertisement of the consultation on Councils Website and facebook pages; a media release; pre-notification of the review and a reminder to all current Tradewaste customers.
- 7 A total of two submissions have been received and one has asked speak to Council on the content of their submission.

## NEXT STEP

- 8 Once the submitters have been heard by Council, officers will prepare a report for the Council meeting on 24 January 2019 with a recommendation to either uphold or not uphold the submissions and finalise the bylaw and policy review.

## RECOMMENDATIONS

- 9 That the Strategy and Policy Committee notes:
  - That two submissions were received on the DRAFT of Kāpiti Coast District Council Trade Waste Bylaw 2018
  - That one submitter has asked to speak to their submission; and
  - That a report will be presented to Council on 24 January 2019 with a recommendation from officers to either uphold or not uphold the submissions received and finalise the bylaw and policy review.

### Report prepared by

### Approved for submission

### Approved for submission

Martyn Cole

Sean Mallon

Natasha Tod

**Water and Wastewater  
Asset Manager**

**Group Manager  
Infrastructure Services**

**Group Manager  
Regulatory Services**

## ATTACHMENTS

Appendix 1 Report SP-18-601

Appendix 2 Submissions received

**Chairperson and Committee Members**  
STRATEGY AND POLICY COMMITTEE

6 SEPTEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

## **REVIEW OF THE TRADE WASTE BYLAW**

### **PURPOSE OF REPORT**

- 1 This report seeks the Committee's approval for:
  - a) Proposed amendments to the Trade Waste Bylaw 2007 to create a draft Kāpiti Coast District Council Trade Waste Bylaw 2018; and
  - b) Publicly notifying the draft Statement of Proposal for the draft 2018 Bylaw using the special consultative procedure (see Appendix 1).

### **DELEGATION**

- 2 Under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies and bylaws.

### **BACKGROUND**

- 3 The Trade Waste Bylaw 2007 was adopted on 14 November 2007 and came into force on 1 January 2008, replacing the previous Trade Waste Bylaw 2000.
- 4 The Trade Waste Bylaw 2007 allows for the management of Trade Waste discharges into the Council's Wastewater system to protect the environment, staff, public health, infrastructure and Kāpiti Coast District Council's (Council) ability to meet its Resource Management Act requirements, provide equitable spread of costs and promote the use of waste minimisation and cleaner production techniques.
- 5 The Local Government Act 2002 (LGA2002) requires the 2007 bylaw to be reviewed 10 years from the date it was adopted and a new bylaw adopted within a further 2 years (by 14 November 2019) to avoid it being revoked.
- 6 While undertaking this review, the Local Government Act 2002 (LGA 2002) requires Council to consider whether the bylaw:
  - a) is necessary and is the most appropriate way of addressing the potential problems from the discharge of trade waste to the wastewater system;
  - b) is still the most appropriate form of bylaw; and/or
  - c) gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 7 The LGA 2002 also requires that Council consult with the community on the proposed bylaw, and give public notice of when the new bylaw comes into operation.

- 8 To enable public understanding of the bylaw review process and the proposed amendments, Section 83 of the LGA 2002 requires Council to present a Statement of Proposal along with the bylaw for consultation.

## ISSUES AND OPTIONS

### Issues

- 9 This section provides information on:
- a) The purpose of the 2007 Bylaw;
  - b) The review process;
  - c) The proposed amendments to the 2007 Bylaw; and
  - d) The determinations required in Section 155 of the LGA 2002.

### Purpose of the 2007 Trade Waste Bylaw

- 10 The stated purpose of the 2007 Trade Waste Bylaw is to:
- a) Ensure the protection of Council staff and the general public.
  - b) Protect the ability of the Council to meet the requirements of the Resource Management Act 1991 and, in particular, resource consents held by it for the discharge of treated sewage and also the placement of biosolids on land.
  - c) Provide for an equitable spread of costs between domestic and trade waste discharges.
  - d) Protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.
  - e) Ensure compatibility between liquid, solid and gaseous phases of trade waste discharges.
  - f) Ensure trade waste discharges consider, where appropriate and practicable to implement, waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges, thereby helping the Council meet the target of the New Zealand Waste Strategy.

### The review process

- 11 In order to assess whether the 2007 bylaw has been successfully meeting its purpose, we carried out a review that included:
- a) a review of the content of the 2007 bylaw, including the legislation and other documents cited and the current approach for establishing trade waste charges;
  - b) a comparison of the 2007 bylaw with those of other Councils;
  - c) a review of all current trade waste consents in the district;
  - d) discussions with a number of consented trade waste dischargers in the district; and

- e) a review of complaints or non-compliance in relation to trade waste in the district.

## The proposed amendments to the 2007 Bylaw

- 12 We are proposing only a few key amendments to the bylaw and these are summarised below. A comparison of the existing 2007 bylaw and the draft 2018 bylaw, can be found in Appendix 3:
  - a) Add a new trade waste discharge classification – we are proposing to add a ‘controlled’ classification to the three existing classifications. This would allow for discharges that present a low risk to be classified separately and managed accordingly. While not presenting a significant risk to the wastewater system, health and safety and resource consent compliance such discharges could cause localised disruption, nuisance and additional operational costs if not appropriately managed.
  - b) Make reporting compulsory and explicit in the bylaw – it is not explicitly stated in the bylaw that trade waste dischargers need to report back to us with their compliance records and results. We are proposing a minor amendment to make this a stated requirement under the bylaw.
  - c) State the scope of costs that could be considered in future charge setting explicitly - charge setting is provided for in the scope of the bylaw to allow consideration of equitable spread of costs between domestic and trade waste discharges. The description of the costs that could be considered in a future charge setting has been amended to explicitly include all costs associated with the provision of the wastewater activity to avoid confusion with operational and administrative costs only.
  - d) Refinement of definitions for consistency and clarity - the review highlighted definition variances between other similar bylaws and minor inconsistencies with the use of terminology in the bylaw. The review has proposed changes to a number of definitions and amended their use accordingly.

## The determinations required in Section 155 of the LGA 2002

- 13 When making or reviewing bylaws, Council is required by section 155 of the LGA to make three determinations to ensure that the bylaw:
  - a) is necessary;
  - b) is the most appropriate form of a bylaw; and
  - c) considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 14 The bylaw is considered necessary and the most appropriate way of addressing the problem because:
  - a) it requires all trade premises that meet specified criteria to register and apply for a trade waste consents that manage discharges to an acceptable standard;
  - b) it allows the Council to address breaches and enforce the rules; and
  - c) trade waste bylaws are specifically identified by the LGA2002 in Section 146(a), and establishes specific guidelines for trade waste bylaws.

- 15 Wastewater discharges from trade premises, also known as trade waste, can place more load, by volume and concentration of contaminants, on our wastewater system than domestic wastewater. As a result, we have a consent process to manage the impacts of these discharges and allow for equitable allocation of the costs for their collection, treatment and disposal.
- 16 Without a trade waste bylaw, we would not be able to control and regulate discharges from trade premises. We are ultimately responsible for meeting the conditions of our resource consents and for the health and safety of our staff and contractors, so the regulation of these discharges is vital.
- 17 We have determined that the draft 2018 Bylaw is unlikely to give rise to any implications with NZBORA.

## CONSIDERATIONS

### Policy considerations

- 18 There are no additional policy considerations with respect to the proposed draft 2018 Bylaw.

### Legal considerations

- 19 The process for reviewing and adopting a Trade Waste Bylaw is prescribed by the LGA 2002.
- 20 Council's Legal Counsel has reviewed the proposed bylaw and statement of proposal.

### Financial considerations

- 21 Amendments to the bylaw seek to explicitly state the scope of costs that could be considered in future charge setting. Providing for an equitable spread of costs between domestic and trade waste discharges is a stated purpose of the bylaw and clarity and transparency of costs and their allocation is important.
- 22 Some trade waste discharges can place more load, by volume and concentration of contaminants, on our wastewater system than domestic wastewater. These additional loads cost more to convey and treat accordingly.
- 23 The addition of new classification will also help us get a better picture (over the next year or so) of what contribution and affect trade waste has on the wastewater system and its operation. The result of this could mean a review of the charging for costs attributable to trade waste discharges. If this happened, it would be part of the 2020/21 annual plan process.

### Tāngata whenua considerations

- 24 It is acknowledged that the management of wastes is of significance to Tāngata whenua and engagement in the bylaw review process is important. Representatives of all three Kāpiti Iwi were advised of the Council's bylaw review, the proposed formal consultation process and initial interests and views sought on the matter.
- 25 Te Whakaminenga o Kāpiti was formally briefed on the review on 28 August 2018 and staff are working with Iwi representatives to scope how best to involve and incorporate Iwi interests and views on the management of trade waste.

## Strategic considerations

- 26 Toitū Kāpiti, our vision incorporates our deep connection to the natural environment through the ten year outcomes of an effective response to climate change and improved biodiversity and environment through sustainable practices.
- 27 The Trade Waste Bylaw supports our continued compliance with wastewater system resource consent requirements, protecting the environment and safeguarding the health of our waterways.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 28 The acceptance of a draft 2018 Bylaw for consultation is not a significant issue and is considered to have a low level of significance under the Council Policy.

### Consultation already undertaken

- 29 Our pre-consultation communication involved:
  - a) A letter to the Minister of Health to notify him of the bylaw review, advising of the scope of the consultation process and seeking confirmation if he required any other parties to be consulted before making the bylaw. The Minister confirmed no additional specific parties were required to be consulted.
  - b) An advisory letter to all trade waste dischargers with their 2018/19 renewals. The letter set out the intention to review the bylaw, the consultation process and invited dischargers to participate in the consultation.
  - c) The Trade Waste Officer discussing the bylaw review and changes to consent conditions with the larger trade waste dischargers in conjunction with ongoing 2017/18 compliance monitoring activities.
  - d) The Trade Waste Officer discussing the bylaw review with other various Trade Waste premises throughout the year.

### Engagement planning

- 30 A communications plan has been developed for this project, and a range of communications channels are proposed to be used to inform key stakeholders and audiences such as:
  - a) targeted: identifying and alerting key stakeholders (eg. existing and potential trade waste dischargers);
  - b) digital: Council webpages, Objective (Council's online consultation platform), and social media updates; and
  - c) media: releases and/or advisories, and public ads and notices.

### Publicity

- 31 Should the Council decide to proceed, it is required to use the special consultative procedure to seek public feedback on the draft 2018 Bylaw.

- 32 A Statement of Proposal has been prepared which sets out information on the review process, what is being proposed, and how to make a formal submission.
- 33 If Council agrees with the recommendations to (i) adopt for consultation the Statement of Proposal and (ii) make it publicly available as part of a special consultative procedure under sections 83 and 86 of the LGA 2002, Council will implement a communications plan that uses a variety of channels to publicise the consultation to the public and the trade waste customers.

## RECOMMENDATIONS

- 34 That the Strategy and Policy Committee:
- a) determines that a bylaw continues to be the most appropriate way to address the perceived problems associated with the discharge of trade waste into the Council's waste water system;
  - b) determines, subject to consultation, that the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Included in Appendix 1) is the most appropriate form of bylaw and that there is no inconsistency with the New Zealand Bill of Rights Act 1990;
  - c) adopts for consultation the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Appendix 1); and
  - d) agrees to making the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 publicly available as part of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002.

### Report prepared by

Martyn Cole  
**Water and Wastewater  
 Asset Manager**

### Approved for submission

Kevin Black  
**Acting Group Manager  
 Strategy and Planning**

### Approved for submission

Sean Mallon  
**Group Manager  
 Infrastructure Services**

## ATTACHMENTS

Appendix 1: Statement of Proposal to adopt the Trade Waste Bylaw 2018 including Draft Kāpiti Coast District Council Trade Waste Bylaw 2018



## Make Submission

Event Name	Review of Trade Waste Bylaw
Submission ID	TWB-1
Response Date	25/09/18 2:39 PM
Status	Submitted
Submission Type	Web
Version	0.1

Are you providing feedback ☐ on behalf of an organisation

Organisation name Forest & Bird

Title ☐ Mr

First and last name Tom Kay

Address  
205 Victoria Street, Te Aro

Phone 0221832729

Email t.kay@forestandbird.org.nz

### Hearings

Do you want to speak to the Council about your submission?

If you do, we will contact you at the email address or phone number you provided above to arrange a time. ☐ No  
Hearings will take place on Thursday 29 November 2018.

### Privacy statement

*Please note that all submissions (including names and contact details) will be made available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by Kapiti Coast District Council, with submitters having the right to access and correct personal information. If you do not want your personal information to be published please tick the box below.*

### Question 1 - Proposed amendments

**Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?**

#### Comments

Forest & Bird's comments relate only to the addition of controlled activity status, costs, and the requirement for discharges to be monitored.

### Question 2 - Changes you would like to see

**Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?**

#### Comments

NA

### Question 3 - Controlled classification

**Do you agree with the addition of the new "Controlled" trade waste discharge classification to classify low-risk discharges separately, and manage them accordingly?** . Yes

### Question 4 - Description of costs

**Do you agree with the amended description of costs in the scope of the Bylaw?** . Yes

#### Comments

Forest & Bird support making the description of costs clearer. We also note that in general we support 'polluter pays' systems and consider the cost system should reflect the 'polluter pays' model.

### Question 5 - Explicit inclusion

**Do you agree with the explicit inclusion of the requirement to report?** . Yes

#### Comments

Forest & Bird support the inclusion of a requirement to report monitoring data from any discharges to council. In order to protect the environment, ensure council can adequately treat wastewater, and to set appropriate rules and targets, it is imperative that each discharge is monitored and council has access to this data. Forest & Bird also suggest this data (or a summary of it) be made publicly accessible in the interest of transparency and protection of the environment, so that the local community are aware of what is entering their wastewater system and in what quantities, and whether it is being adequately treated before reaching a WWTP and being discharged further.

Admin only:

Date received	Submission number

## 2018 REVIEW OF THE TRADE WASTE BYLAW

Please refer to the current 2007 Bylaw, the draft 2018 Bylaw, and the Statement of Proposal.

Submissions close 5pm, Tuesday 13 November 2018

### How to lodge your submission:

**Online:** [consult.kapiticoast.govt.nz](http://consult.kapiticoast.govt.nz) click on **Trade Waste Bylaw**


You can also email, post or deliver your submission as follows:




**Email:** [submissions@kapiticoast.govt.nz](mailto:submissions@kapiticoast.govt.nz)  
**Post:** Kāpiti Coast District Council  
Private Bag 60-601,  
PARAPARAUMU 5254  
**Deliver:** Paraparaumu Service Centre, 175 Rimu Road,  
Waikanae Service Centre, Mahara Place  
Ōtaki Service Centre, 81-83 Main Street

If hand-writing, please write your contact details in clear **BLOCK CAPITAL** letters

Submitter details					
Is this an individual submission?		Yes		<u>No</u>	
If this submission is on behalf of an organisation, please state the name of the organisation:					
Organisation:	Te Āhiawa ki Whakarongotai Charitable Trust				
Title (tick one)	Mr		Mrs	<input checked="" type="checkbox"/>	Other (please specify)
First name:	Te Rangimarie				
Last name:	Williams				
Address (*indicate your preference for response)					
*Address:	PO Box 509				
	Waikanae 5250				
*Email: <i>Preference</i>	admin@teahiawa.kapiti.co.nz ; terangimarie@teahiawa.kapiti.co.nz				
Phone number:	04 293 1538		Mobile:		



Do you want to speak to the council about your submission at the consultation hearings?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Signature of submitter (or person authorised to sign on behalf of the submitter)		
		
Date: <u>13/11/18</u> 2018		
(Note: A signature is not required if you make your submission online or by email)		

<b>Refer to the Statement of Proposal and previous bylaw for further information</b>		
Background information		
<b>Question 1: Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?</b>		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
<b>Question 2: Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?</b>		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		
<b>Question 3: Do you agree with the addition of the new 'Controlled' trade waste discharge classification to classify low-risk discharges separately and manage them accordingly.</b>		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

**Question 4: Do you agree with the amended description of costs in the scope of the Bylaw.**

Please indicate

☒ Yes☐ No

Comments

*See attached*

**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Question 5: Do you agree with the explicit inclusion of the requirement to report**

Please indicate

☒ Yes☐ No

Comments

*See attached*

**Need more room?** You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

**Privacy Statement:** Please note that all submissions (including names and contact details) will be made publicly available. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kāpiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by the Kāpiti Coast District Council, with submitters having the right to access and correct personal information.





## TE ĀTIAWA KI WHAKARONGOTAI CHARITABLE TRUST

### Memorandum to Accompany Submission on Kāpiti Coast District Council's 2018 Review of Trade Waste Bylaw

13 November 2018

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#### Introduction

1. This memorandum accompanies Te Ātiawa ki Whakarongotai Charitable Trust's (the **Trust**) Submission on Kāpiti Coast District Council's (**Council**) 2018 Review of Trade Waste Bylaw (the **Trust's Submission**).
2. This memorandum addresses issues that the Trust has with the Draft Trade Waste Bylaw (the **Bylaw**) and also addresses the questions that are listed in the Council's standard submission document. The Trust has been consulted on the Bylaw and we are continuing consultation with Council with a view to resolving the issues we raise below.

#### Te Ātiawa's Position on the Bylaw

3. The Trust is generally supportive of the amendments to the Bylaw and considers that the Bylaw is necessary. However, the Trust considers that the Bylaw:
  - a. Addresses the management of trade waste in isolation from the management of other water treatment processes such as the treatment of wastewater and stormwater. Te Ātiawa considers that water quality in the district should be addressed as a whole given the interconnectedness of the water systems.
  - b. Does not specifically address the cultural effects of the discharge of specific discharges that are offensive to Te Ātiawa ki Whakarongotai (**Te Ātiawa**).
  - c. Does not explicitly enable for the inclusion of the Trust or the consideration of mana whenua values in decision making processes.
  - d. Does not require applicants or Council to consider new technologies with respect to waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges.

#### *Interconnectedness of Water*

4. Te Ātiawa considers that the management of discharges to water should be considered and managed in conjunction with each other. This will enable a whole of district approach to be adopted with respect to water quality. However, at present it appears as though trade waste discharge is managed through the Bylaw and wastewater and

stormwater discharges are managed through separate processes. The Trust considers that this limits the ability to properly consider the effects of trade waste discharge when it is viewed separately from effects from wastewater and stormwater discharge. Te Ātiawa requests confirmation from Council as to how they are holistically considering the management of water across the district.

5. Related to the interconnectedness of water is the necessity to review multiple discharges on one trade premises cumulatively. Clause 6.2.3 requires that if a trade premises discharges trade waste to the wastewater system at more than one point of discharge, then a separate application shall be required for each point of discharge. The Trust considers that this should not prevent Council from considering the cumulative effects of all discharges from the trade premise when considering whether to grant consent. Although each individual discharge might meet the prescribed limits for contamination, cumulatively they may not which may generate significant effects to water.

#### *Offensive Discharges*

6. Trade waste includes funeral by-products that will include components of the human body. Te Ātiawa does not support the eventual discharge of these components into our waterbodies. Te Ātiawa is in conversations with Council at present to address these concerns within the Bylaw.

#### *Mana Whenua Inclusion in Trade Waste Decision-Making Processes*

7. The Trust considers that mana whenua should be provided space to be involved in the decision-making processes for granting resource consents for the discharge of trade waste. Currently, there is no provision for mana whenua values within the Bylaw. It is also unclear whether Te Ātiawa currently has an ability to review trade waste consent applications through the usual non-notified consent process Te Ātiawa follows with Council. Te Ātiawa requests confirmation of this process.
8. Clause 6.4 lists the criteria Council will consider when receiving and assessing an application for a trade waste discharge. Te Ātiawa considers that the following consideration should be added to this list to address the above concerns:

*“the effects of the discharge on the relationship between mana whenua and their taonga including land and water. In considering these effects, it is acknowledged that only mana whenua can articulate that relationship.”*

#### *Requirement to Consider New Technologies*

9. The Trust considers that trade waste consent holders and the Council should be required to review and consider new technologies with respect to waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges. Such a requirement could involve Council commissioning a report prepared by an independent body that compares Council and applicant processes against those adopted around the world.

### **Te Ātiawa’s Response to Council’s Standard Questions**

*Question 1: Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?*

10. Yes, the Trust agrees with the proposed amendments to the Bylaw.

*Question 2: Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?*

11. Please see above “Te Ātiawa’s Position on Bylaw”.

*Question 3: Do you agree with the addition of the new ‘Controlled’ trade waste discharge classification to classify low-risk discharges separately and manage them accordingly.*

12. Yes, the Trust agrees with the addition of the new ‘Controlled’ trade waste discharge classification. The discharges that would be included in this classification have the potential to cause localised disruption, nuisance and additional operational costs if they are not appropriately managed.

*Question 4: Do you agree with the amended description of costs in the scope of the Bylaw.*

13. Yes, the Trust agrees with the amended description of costs in the scope of the Bylaw. The Trust considers that a more comprehensive “user-pays” approach should be adopted which ensures that trade waste dischargers are paying the full amount of the costs that are associated with the discharge and treatment of trade waste.

*Question 5: Do you agree with the explicit inclusion of the requirement to report*

14. Yes, the Trust agrees with the explicit inclusion of the requirement to report. The Trust considers that reporting is critical to understanding the discharges, ensuring compliance and making amendments to the discharge should reporting deem this necessary.
15. The Trust also considers that “Permitted” trade waste discharges should be required to report to Council on the quality and quantity of trade waste discharges that are made. This will ensure that Council understands the full range of discharges to the trade waste treatment system notwithstanding that these discharges will continue to be permitted.

## **Conclusion**

16. The Trust is generally supportive of the amendments to the Bylaw. However, the Trust considers that the above recommendations should also be incorporated into the Bylaw.