

QLDC Council

27 April 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [3]

Department: Property & Infrastructure

Title | Taitara : Integrated Three Waters Bylaw 2020 Administration Manual updates for 2023

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to recommend updates to the Integrated Three Waters Bylaw 2020 Administration Manual (the Administration Manual) for approval by Council.

Recommendation | Kā Tūtohuka

That the Council

1. **Note** the contents of this report;
2. **Approve** all of the updates and changes to the Administration Manual; and
3. **Agree** on the changes to the fees and charges.

Prepared by:



Name: Rebecca McLeod
Title: Environmental Advisor
23 March 2023

Reviewed and Authorised by:



Name: Tony Avery
Title: General Manager – P&I (Acting)
3 April 2023

Context | Horopaki

1. The Integrated Three Waters Bylaw 2020 and Administration Manual (“the Bylaw” and “the Administration Manual”) were adopted by Council in December 2020.
2. The Bylaw and Administration Manual came into effect on 1 July 2021.
3. The Administration Manual was written to be read alongside the Bylaw as an efficient on-going management approach for implementation.
4. 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, without requiring a Special Consultative Procedure (SCP) as would be required if changes were to be made to the Bylaw itself.
5. The Administration Manual has now been in effect for almost two years. There have been a small number of key changes and advances to best practice in the industry over this time and the Administration Manual has been updated to reflect these.
6. The fees and charges detailed in the Administration Manual are required to be reviewed.
7. In summary, the below items detail the changes that have been put forward to be updated in the Administration Manual.
 - a. Schedule B- Prohibited Characteristics currently details that Perfluoro octane Sulfonate (PFOS), Perfluorooctanoic Acid (PFOA) and Perfluorooctanoic Sulfonic Acid (PFHxS) are prohibited substances, but substance limits were yet to be determined. The Water Services (Drinking Water Standards for New Zealand) Regulations 2022 have now come into effect and these rules have defined a maximum acceptable value (MAV) for these parameters. Schedule A- Permitted Discharge Characteristics- has now been updated to include these limits, and they have been removed from Schedule B.
 - b. Schedule B - Prohibited Characteristics- Section B.1.g details flushable wipes as being prohibited once the advice became publicly available. The Australia-New Zealand Flushable Standards (AS/NZS 5328:2022) are now publicly available and the wording in the Administration Manual has now been updated to reflect these changes.
 - c. Schedule D- the frequency that the fees and charges are to be reviewed has been extended from 12 months to 24 months to align with the timing of other review frequencies throughout the Administration Manual.
 - d. Schedule D - Schedule of Fees and Charges currently has an inspection fee associated with a Permitted Trade Waste application. This has been updated to state, if an inspection is greater than 30 minutes in duration, the inspection fee will be applied. If an inspection is less than 30 minutes, then the inspection fee will be waived as the initial inspection cost is included in the administrative fee. The majority of the permitted customers are very small businesses, who

do not have any pre-treatment to inspect and the inspection fee charge has been updated to reflect this.

- e. Schedule D- the unit tanker waste charges are currently required to be reviewed every three years. This has been updated to be reviewed every two years, to reflect the other review timeframes throughout the Administration Manual.
- f. No changes have been made to the Unit Tanker Waste Charges for the 2023 review period.
- g. Schedule D- Unit Trade waste charges for conditional consents are currently required to be reviewed every three years. This has been updated to be reviewed every two years, to reflect the other review timeframes throughout the Administration Manual.
- h. Schedule D- the Unit trade waste charges for conditional consents were due to become operative on 1 July 2023. This has been extended to now become operative on 1 July 2025. These fees are still required to be reviewed before they become operative in 2025.

Analysis and Advice | Tatāritaka me kā Tohutohu

- 8. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 9. Option 1 Status Quo- Do not make any changes or updates to the Administration Manual

Advantages:

- No changes are made to the Administration Manual

Disadvantages:

- Dates in the Administration Manual are not current
- The Administration Manual is not reflective of current best practice in the industry
- Does not enable fairer charging for Permitted Trade Waste customers

- 10. Option 2 Accept the proposed changes and updates made to the Administration Manual

Advantages:

- Dates in the Administration Manual are current and review times are better aligned
- The Administration Manual is reflective of current best practice in the industry and the new standards that have come into effect since the Administration Manual was drafted
- Enables a fairer charging regime for Permitted Trade Waste customers

Disadvantages:

- None

- 11. This report recommends **Option 2** for addressing the matter because it aligns all elements of the Administration Manual that are required to be reviewed and ensures they are reviewed at the

time frequency and time. This option also ensures that the Administration Manual reflects current legislative standards and industry best practice.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

12. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the Administration Manual was created as a document that is to be updated as technical and administrative processes are updated over time and these current changes are a reflection of that.
13. The persons who are affected by or interested in this matter are residents and rate payers of the wider Queenstown Lakes District Council and all trade premises that discharge trade waste into the Council wastewater network. This also affects the district's environmental groups, consultants, and contractors.
14. The Council has considered the changes to the Administration Manual to be administrative updates and so no further consultation has been identified.

Māori Consultation | Iwi Rūnaka

15. The Council consulted with Iwi, including Ngai Tāhu, Awarua Rūnanga and Kāi Tahu Rūnaka during the initial Bylaw and Administration Manual drafting process. No material changes are proposed in this update to the Administration Manual, therefore consultation with Iwi was not sought.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

16. 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.
17. 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 an administrative procedure that aligns with current best practice within the industry, and helps create consistency and allows for proactive management tools that work alongside the Bylaw.

Financial Implications | Kā Riteka ā-Pūtea

18. Some fees and charges have been updated in Schedule D- Fees and Charges. The changes proposed will have a negligible effect to Council.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

19. The following Council policies, strategies and bylaws were considered:

1. Vision Beyond 2050: <https://www.qldc.govt.nz/vision-beyond-2050/>
2. Significance and Engagement Policy: <https://www.qldc.govt.nz/media/5dkns4jx/qldc-significance-and-engagement-policy-aug18.pdf>
3. QLDC Enforcement Strategy and Prosecution Policy: <https://www.qldc.govt.nz/media/vxrm3wvs/qldc-enforcement-strategy-and-prosecution-policy.pdf>

20. The recommended option is consistent with the principles set out in the named policies.

21. This matter is included in the Ten-Year Plan/Annual Plan within existing operational allowances

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

22. 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)

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

23. 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. By having an up-to-date administration procedure that aligns with current best practice within the industry allows for implementation of the Bylaw to be clear and concise. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

24. The recommended option:

- 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 | Kā Tāpirihaka

A	Attachment A- Integrated Three Waters Bylaw 2020 – Administration Manual updates 2023
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