

**QLDC Council  
30 July 2015**

**Report for Agenda Item: 7**

**Department: Infrastructure**

**Adoption of the Trade Waste Bylaw 2014**

**Purpose**

- 1 The purpose of this report is to recommend adoption of the Queenstown Lakes District Council Trade Waste Bylaw 2014.

**Recommendation**

That Council:

1. **Adopt** the Queenstown Lakes District Council Trade Waste Bylaw 2014.

Prepared by:



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14/07/2015

Reviewed and Authorised by:



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15/07/2015

## Background

- 2 Council, at its meeting of 27 November resolved to:
  - a. Approve as amended the form of the following for public consultation:
    - i. Summary of Statement of Proposal;
    - ii. Statement of Proposal for the Trade Waste Bylaw; and
    - iii. Proposed Trade Waste Bylaw
  - b. Appoint Councillors Forbes, MacLeod and the Mayor to a committee for the hearing of submissions in the Queenstown Lakes District Trade Waste Bylaw 2014.
- 3 The proposed bylaw was advertised during December and February, letters sent to all food premises on 10 March and submissions closed on 2 April 2015.
- 4 Seven submissions were received, one in opposition, two in support and four making comments and suggestions. Two submitters wished to speak to their submissions.
- 5 Councillor MacLeod withdrew from the hearings panel owing to a conflict of interest, as a submission had been lodged by his business. He was replaced by Councillor Cocks.
- 6 A hearing was held on 23 April 2015. The minutes of this hearing are attached (Attachment A).

## Comment

- 7 The hearings panel agreed that none of the matters raised in submissions required any amendment to the draft Bylaw and it was therefore appropriate to recommend to Council that the QLDC Trade Waste Bylaw 2014 be adopted without amendment.
- 8 All information was forwarded to the Hon Peter Dunne, Associate Minister of Health. The Ministry of Health officials have drawn our attention to the disposal of liquid waste from pharmacies. These are generally products that have been returned by customers in accordance with the Health and Disability Services Standards – Pharmacy Services Standard NZS 8134.7:2010. However, Ministry officials also recommend that in the Schedules of the Bylaw, cytotoxic waste is prohibited and controls are placed on the disposal of liquid antibiotics. Although NZS 304:2002 Management of Healthcare Waste currently states that cytotoxic waste can be discharged to a sewer with the local authority's permission, this is no longer considered appropriate. When this Standard comes up for review, the Ministry will seek to have this advice amended.
- 9 Ministry officials recommend including a provision prohibiting the discharge of any pharmaceutical liquid waste containing cytotoxic ingredients. In addition, they support the advice of the Pharmacy Guild of NZ that the amount of liquid pharmaceutical waste discharged monthly will not exceed the following volumes and concentrations of active ingredients:

<b>Volume Limit</b>	<b>Active Concentration</b>
10 Litres	125mg / 5 ml
5 Litres	250mg / 5 ml
3 Litres	Above 250mg / 5ml

- 10 The Ministry advises any discharge above these limits should be controlled discharge and require a trade waste agreement. Finally, Health officials advise that the radiation regulatory body has changed from the National Radiation Laboratory to the Office of Radiation Safety. As such, in Schedule 1A, Section 1A.2.7 should refer to Office of Radiation Safety guidelines.
- 11 These recommendations have been accepted and are reflected in changes to the proposed Bylaw – 1A.2.9 Liquid Waste from Pharmacies and 1B.2.2 i).
- 12 After the Bylaw is adopted by Council the following steps will be addressed over the next 8 to 12 months:
- Identifying customers
  - Building a database.
  - Educating, one on one, on the Trade Waste Bylaw and collect information of the current grease traps and possible sampling points.
  - Doing a first run of trade waste sampling of the most critical sites.

### ***Options***

#### Option 1 Adopt the Trade Waste Bylaw 2014

##### *Advantages:*

- 13 Addressing issues with fat, oil and grease blocking the sewer system. Being proactive and showing the Regional Council our willingness to keep sewer overflows to a minimum. Reduction of maintenance cost on the 3Waters contract.

##### *Disadvantages:*

- 14 Additional staff needed to provide this service.

#### 15 Option 2 Do not adopt the Trade Waste Bylaw 2014

##### *Advantages:*

- 16 No additional staff costs.

##### *Disadvantages:*

17 Risk of getting prosecuted by the Regional Council because of sewer overflows and bad publicity.

18 This report recommends Option 1 for addressing the matter.

### ***Significance and Engagement***

19 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because of the extent to which the matters impact on environment, culture and people in the District.

### ***Risk***

20 This matter relates to the strategic risk SR1 and SR6a as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because potential sewer spills, related to pipe blockages, could contaminate the environment. This can potentially end up with public health and reputational issues.

21 Mitigation of Risk: The Trade Waste Bylaw can target the issue of blockages occurring from fat, oil and greases at the source.

### **Financial Implications**

22 It is intended that a phased approach be taken to implement the Bylaw with public education to industry groups to precede the licence provisions. Initially all trade premises (approximately 800 in the district) would be required to apply for either a permitted or controlled consent. This would require additional Council resources to process applications. It is estimated that this would be one full time equivalent person for a period of six months. Additional resources would also be required for monitoring and enforcement once the Bylaw provisions have taken effect, which would require one full time equivalent person for the first year.

23 The cost of the additional resources would be covered in part by the charges to applicants. The rates would be based on the estimated time required by a suitably qualified person to assess each application plus any external costs such as sample testing. Any difference would be ratepayer funded, but it is intended to recover costs from licence applicants as far as possible.

### **Council Policies, Strategies and Bylaws**

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

- Policy on significance
- Three Waters Strategy 2011
- Waste Management and Minimisation Plan 2011

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

26 This matter is not included in the 10-Year Plan/Annual Plan

- No specific salary or wage was included in the 10 year plan.
- Additional staff cost will be covered by growth included in the LTP on the salary and wage line.

### **Local Government Act 2002 Purpose Provisions**

27 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan through minor reallocation of approved budgets;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly 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.

### **Consultation: Community Views and Preferences**

28 The persons who are affected by or interested in this matter are mainly food premise owners, laundries, petrol stations, and residents/ratepayers of the Queenstown Lakes district community.

29 The Council has consulted with the Minister of Health, Public Health South, Otago Regional Council, all registered food premise owners, septic tank service providers and the general public through public advertisements calling for submissions.

30 It is intended to consult on the fee levels as part of the Annual Plan process.

### **Attachments**

- A Minutes of the hearing of submissions held on 23 April 2015
- B Letter from the Minister of Health
- C Proposed Trade Waste Bylaw 2014