

## Council Briefing Agenda

**Date:** Thursday, 8 April, 2021

**Time:** 10:30 am

**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

**Elected Members:** Her Worship the Mayor Sheryl Mai  
(Chairperson)

Cr Gavin Benney

Cr Vince Cocurullo

Cr Nicholas Connop

Cr Ken Couper

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Jayne Golightly

Cr Phil Halse

Cr Greg Innes

Cr Greg Martin

Cr Anna Murphy

Cr Carol Peters

Cr Simon Reid

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

**1. Apologies**

**2. Reports**

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**3. Closure of Meeting**

## 2.1 Review of Trade Waste Bylaw

**Meeting:** Council Briefing  
**Date of meeting:** 8 April 2021  
**Reporting officer:** Simon Charles (Manager Waste and Drainage)

### 1 Purpose

To seek input from the Elected Members on the review of the Trade Waste Bylaw, to provide elected members a proposed timetable for Bylaw review and to seek direction to prepare a Statement of Proposal for Bylaw review.

### 2 Background

Section 158 requires a local authority to review a bylaw no later than five years after the date in which the bylaw was made, and thereafter every ten years. The bylaw was first made in 2008 and reviewed in 2012. The Trade Waste Bylaw is due for its next review by 2022. Three other bylaws and policies are due for review by mid-2022 therefore it has been proposed to bring forward the review of the Trade Waster Bylaw to 2021.

Section 160 of the LGA requires public consultation following review of a Bylaw made under the Act.

### 3 Discussion

#### 3.1 Introduction

The current bylaw is based on NZS 9201: Part 23 Model Trade Waste Bylaws as are the majority of local authority trade waste bylaws

Overall there are no significant issues with the performance and application of the Bylaw. Some improvement in drafting is required. This is addressed in section 3.4 “options for the review”

#### 3.2 Review Timeline

The proposed timeline for review has been prepared to avoid overlapping public consultation on multiple bylaws which could lead to confusion and consultation fatigue among the public.

As no major changes are envisioned to the bylaw, a fast-tracked review timeline is proposed. The LGA requires that consultation on a Trade Waste Bylaw must be carried out for two months and this has been incorporated in the plan below.

Indicative timeframes for Bylaw review - Trade Waste Bylaw		
month 1	Feb-2021	scoping / sign off
month 2	Mar-2021	research
month 3	Apr-2021	Briefing - issues and options / direction
month 4	May-2021	Statement of Proposal (SOP) development
month 5	Jun-2021	Council Meeting - adopt Statement of Proposal
month 6	Jul-2021	formal consultation
month 7	Aug-2021	formal consultation
month 8	Sep-2021	Hearing/ deliberations
month 9	Oct-2021	adoption
month 10	Nov-2021	implementation

### 3.3 Local Government Act Process

Section 160 LGA requires that Council must review a bylaw by making the determinations required by section 155. Under section 155(1) Council must first determine whether or not the bylaw is the most appropriate way of addressing the perceived problem, being the rules around the provision of wastewater disposal and treatment service for non-residential waste.

Most territorial utility operators have a bylaw to effectively manage and safeguard the public and environmental health. Standards New Zealand produced a model general bylaw for trade waste; on which the Whangarei District Council bylaw is based.

In making a decision about the appropriateness of a bylaw, Council must comply with the decision-making provisions of the Act (Sections 76 to 81 LGA). Section 77 provides that a local authority must, in the course of the decision-making process, seek to identify and assess all reasonably practicable options. This assessment is provided in the table below.

Is the bylaw the most appropriate way of addressing the perceived problem?	
Option	Assessment
Option A – do nothing and allow the bylaw to expire	<ul style="list-style-type: none"> <li>• Potential for serious incident or loss to Council.</li> <li>• Potential for pollution of the natural environment.</li> <li>• Reduced enforcement options</li> </ul>
Option B – revoke the bylaw and introduce district plan rules	<ul style="list-style-type: none"> <li>• District plan rules only apply to discharge of treated wastewater effluent.</li> <li>• Resource Management Act procedures are not suitable for trade waste circumstances.</li> <li>• Enforcement options may be costly and protracted.</li> <li>• Potential for serious incident or loss to Council.</li> <li>• Potential for pollution of the natural environment.</li> <li>• A plan change is a lengthy and costly process.</li> </ul>
Option C – revoke the bylaw and establish a policy	<ul style="list-style-type: none"> <li>• Reduced enforcement options.</li> <li>• Individuals may not be motivated to comply. Potential for serious incident or loss to Council. Potential for pollution of the natural environment.</li> </ul>
Option D – retain the bylaw with any amendments as necessary	<ul style="list-style-type: none"> <li>• A bylaw provides a basis for enforcement.</li> <li>• Timely and appropriate response to complaints</li> <li>• Clear communication of requirements</li> <li>• Greater incentive to reduce unnecessary strain on community wastewater treatment systems.</li> </ul>

If Council determines that a bylaw (Option D) remains the most effective way of addressing the perceived problem, it must then consider whether the current bylaw is the most appropriate form of bylaw.

Based on the assessment provided in Section 3.4 staff recommendation is that the current bylaw is not the most appropriate form of bylaw and needs to be amended as per options outlined below.

### **3.4 Options for the review of Bylaw**

#### **Option 1**

To continue with the current bylaw with minimal alterations confined to reorganization of the definitions table and improvements in drafting but without substantive effect.

##### **Advantage**

- The current bylaw has been in operation since 2012 with no negative feedback from trade waste consent holders.

##### **Disadvantage**

- The bylaw in its current form contains large amounts of technical detail, including physical and chemical limits. When technical limits change at the national level, to reflect those in the bylaw would require full public consultation which is a resource-intensive and time-consuming process.

#### **Option 2**

To remove Schedules 1A, 1B and 1C from the bylaw.

Schedule 1A lists the physical and chemical characteristics which a trade waste must comply with.

Schedule 1B lists those characteristics which are prohibited in trade waste.

Schedule 1C lists the categories which may be charged for under the bylaw.

These schedules are used as a trade waste consent compliance tool and would then be included into a trade waste policy document separate from, but linked to the Trade Waste Bylaw. The policy would need to be adopted at the same time as the reviewed Bylaw.

Legal opinion will need to be sought to ensure that the schedules in the separate policy document would be enforceable.

##### **Advantage**

- If council wants, at any time to add, delete or modify a physical, chemical or prohibited characteristic, it can be done by resolution without having to carry out formal public consultation. Staff advise it is expected the technical characteristics that waste must comply with are expected to tighten at the national level in the near future.

##### **Disadvantage**

- Additional staff time needed to develop the policy.

#### **Conclusion**

It is concluded that Option 2 be adopted for the review of the Trade Waste Bylaw provided that legal opinion demonstrates that the separate policy document is enforceable.



## 2.2 Whangarei Wastewater Treatment Plant – Update on Resource consent renewal

**Meeting:** Council Briefing  
**Date of meeting:** 8 April 2021  
**Reporting officer:** Simon Charles (Manager Waste and Drainage)

### 1 Purpose

The purpose of this briefing is to update Council on the status of the project to renew the Whangarei Wastewater Treatment Plant (WWTP) Resource consent.

### 2 Background

The consent for the discharges from the Whangarei WWTP is due to expire in April 2022. The Waste and Drainage Department and Infrastructure Planning have been working with GHD Ltd to develop a consent application and associated Assessment of Environmental Effects to be lodged by December 2021.

### 3 Discussion

The Whangarei WWTP has predominantly met its current Conditions of Consent over the past 10 years. When planning for a consent to encompass the next 35 years we need to ensure that we are looking to anticipate future changes to the operating environment.

The Whangarei WWTP has the processing capacity to meet the growth projections for Whangarei City over the next 35 years under normal dry weather operating conditions. The main areas of need are to accommodate the anticipated changes to the discharge parameters which are driven by the effectiveness of the treatment.

A range of drivers that influence potential changes to the plant operations have been identified from consultation with key stakeholders as follows:

1. Population growth from 65,000 to 95,000 within the next 35 years
2. Ongoing changes in regulations
3. Climate change e.g. frequency and intensity of storm events
4. Climate resilience e.g. recycled water, land-based discharge
5. Biosolids management and disposal

To enable the WWTP to adapt to ongoing changes through the life of the consent it is proposed that an adaptive pathway planning approach is taken.

#### **Why an Adaptive Pathway**

Adaptive pathways planning is a practical planning approach that has been developed in recent years in response to the need to plan for long term and potentially uncertain futures.

This approach helps embed adaptive responses into the short-medium actions that need to be taken, and leaves options open for the future if needed.

This approach leads to an adaptive and flexible plan to change as the future unfolds, and avoid redundant infrastructure being built.

Draft pathways have been identified within the project scope. These will now be presented to the WWTP Technical Working party, Te Karearea and to the wider community through consultation sessions, mail drops and communications and media streams.

The outcomes of the consent will be to:

- Improve E coli, suspended solids and Biochemical Oxygen Demand (BOD5) for better “swimmable” quality, measured after UV treatment and at the discharge point in the wetlands to the environment
- Maintain nitrogen and phosphorus mass loads as volumes increase

Central government has indicated setting tighter quality limits for coastal discharges (as Limeburners Creek is tidal it is classed as coastal under the Regional Plan for Northland). The timing of this (National Environmental Standard (NES) implementation) is not yet known but options are provided for potential upgrade paths over the period of the consent under a variety of scenarios.

A budget of \$30 Million has been allocated within the 10 year LTP for all Wastewater Treatment Plants, this includes \$8 Million for odour control. Depending on the discharge requirements that are as yet unknown, this will be refined and allocated to ensure we meet the objectives and conditions of the resource consent. It is likely that further funding may need to be allocated through the 2024-34 LTP.

### **Next Steps**

- Continue to work on completing options analysis and reports required for the consent application including a Cultural Impact Assessment.
- Ongoing consultation and engagement with the community.
- Draft consent application complete May – June 2021
- Submit consent November 2021



## 2.3 Whangarei City Centre Cycle Plan; Short-Medium Term

**Meeting:** Council Briefing  
**Date of meeting:** 8 April 2021  
**Reporting officer:** Nick Marshall (Team Leader – Road Safety and Traffic Engineer - NTA)

### 1 Purpose

The purpose of this workshop is to outline the options for how to integrate the existing and planned shared paths through and into the city core.

### 2 Background

Council has adopted the following key plan strategies which inform how we develop active transport infrastructure in Whangarei City Centre;

- Blue Green Network Plan 2016
- Whangarei City Centre Plan 2017
- Whangarei Walking & Cycling Strategy 2018
- City Core Precinct Plan 2019
- Complete Streets Master Plan

All strategies can be found on the Whangarei District Council website.

### 3 Discussion

Council will be shown a presentation outlining what the long-term vision for Whangarei's walking and cycling network through the city could be, based on Complete Streets Master Plan, and how we can incrementally work towards this through a combination of *cycleways* and *Whangarei City Centre Plan Implementation*.

Cycle connectivity in the city centre has been raised by Council as a key priority. Staff will seek Council support and direction on where to focus our efforts and infrastructure spend over the next 3-year period based on the Draft Long Term Plan.



## 2.4 Environmental Engineering Standards Update – April 2021

**Meeting:** Council Briefing  
**Date of meeting:** 8 April 2021  
**Reporting officer:** Alison Thompson (Manager Infrastructure Development)

### 1 Purpose

To update council on the Environmental Engineering Standards Review.

### 2 Background

Council undertook a review of the Environmental Engineering Standards (EES 2010) between 2016 - 2018. Some of the rules in the current EES were considered out of date and no longer aligned with industry best practice, and it was also an opportunity to correct minor errors and clarification.

### 3 Discussion

The EES (2010) is now over 10 years old and the construction environment has changed considerably over this time. New technology and construction materials along with environmental changes (climate change) have meant that standards and legislations that informed the EES have changed and these changes need to be reflected in the new document.

How we carry out our work is also changing as sites being developed are more complex and require a more detailed review by appropriately qualified and experienced experts. As part of these changes we are removing the Independently Qualified Practitioner (IQP) register. The IQP register and its removal was the subject of a previous agenda item presented to council. As part of the ES update all references to IQP will be removed.

In late 2017 a legal review of the updated Engineering Standards was carried out and identified that using the updated Engineering Standards (ES) as previously referenced in the District Plan (DP) is an issue as many of the standards are perceived as guidance or pathways to compliance and not black and white rules. The DP must contain clear rules that can determine whether designs/plans comply or not. The new DP now contains specific rules relating to engineering in the following chapters:

- Transport
- Three waters management
- Natural Hazard Resource Area Rules
- Subdivision
- Earthworks
- Lighting

The DP needed to be completed before council could adopt the ES document. The plan change came into effect 3 June 2020 (although council are still working through appeals). The ES is no longer a referenced document in the DP. Instead it is a stand-alone living document that is used as a means of compliance with the DP rules but can be updated without the need for a plan change. If the applicant complies with the new chapter's rules then it will be considered a controlled activity, alternatively if they do not comply with the rules then it becomes a restricted discretionary activity and will be assessed internally against the matters of discretion. The new ES will be one method of compliance but they will also have the option to use an alternative pathway but it must achieve the same or similar outcomes.

A number of changes have occurred leading up to this time and we used this opportunity for departments to conduct a final review.

Further discussion of the following changes will be presented at the infrastructure briefing:

- New DP chapter rules
- New street lighting standards for Northland to align with the new NZ standards and to be consistent across the Northland region.
- Stormwater green infrastructure updated to meet current industry best practice.
- Geotechnical investigations & guidance
- Transportation alignment with FNDC & KDC - includes an extra 24 pages of drawings
- Other minor changes not previously noted

### **Next Steps**

Departments are in the process of finalising their reviews. Once this has been completed the document will incorporate the changes including drawings, referencing and clarifications in wording. It will then undergo corporate editing and formatting to ensure it is fit for publication. The document will be presented to the industry in a workshop in late April 2021.

Finally, it will be presented to council for adoption as an acceptable solution for compliance with the DP.

## 2.5 Innovating Streets Project Update

<b>Meeting:</b>	Council Briefing
<b>Date of meeting:</b>	8 April 2021
<b>Reporting officer:</b>	Tracey Moore (Matatau Landscape Architect, Infrastructure Planning and Capital Works)

### 1 Purpose

To provide an update on the Innovating Streets for People project that is a pilot programme funded by Waka Kotahi.

### 2 Background

Following up on a presentation given to council at the 12 November 2020 Workshop, where we shared the concept to provide a safe pedestrian crossing on Vine Street and improve and enhance the physical and visual connection between the city centre and the Rose St bus hub with new planters, seating and wayfinding.

### 3 Discussion

Following community engagement, the project has evolved to include the installation of additional planters and seating in existing 'no parking' areas in the Cameron & James Street shared space. This will enhance pedestrian areas by increasing amenity and connecting to Vine Street by using the same materials, colour palette and furniture.

Further details to be provided at the meeting via presentation.