

## Notice of Meeting:

I hereby give notice that an extraordinary Meeting of the Hearings and Engagement Committee will be held on:

**Date:** Wednesday 26 April 2023  
**Time:** 9.30am  
**Meeting Room:** Committee Room 1 and Audio-Visual Link  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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## Regulatory and Hearings Committee

### *Komiti Whiriwhiri Kaupapa*

### OPEN AGENDA

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#### Membership

**Chairperson** Cr Mark Donovan  
*Heamana*

**Deputy Chairperson** Cr Ewan Wilson  
*Heamana Tuarua*

**Members**

|                             |                   |
|-----------------------------|-------------------|
| Deputy Mayor Angela O’Leary | Cr Anna Casey-Cox |
| Cr Maxine van Oosten        | Cr Melaina Huaki  |
| Cr Moko Tauariki            | Cr Geoff Taylor   |
| Cr Louise Hutt              | Cr Andrew Bydder  |

**Meeting frequency** As required

**Quorum** Three members (for matters relating to those functions in paragraph 3 and 4 of the TOR or a majority of members (including vacancies) for all other functions).

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**17 April 2023**

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## **Purpose**

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate advisory groups or panels on matters referred by other Committees.

|   |
|---|
| <b><i>The Regulatory and Hearings Committee is delegated the following Terms of Reference and powers:</i></b> |
|---|

## **Terms of Reference:**

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
  - objections under the Dog Control Act 1996; *\*see special note*
  - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
  - proposals for temporary closure of any road. *\*see special note*
4. Consider and determine traffic and speed limit related matters, including those detailed in the Traffic Bylaw and Speed Management Plan, including hearing any submissions relating to those proposed changes. *\*see special note*
5. Hear and determine matters arising under current bylaws and policies, including applications for dispensation from compliance with the requirements of bylaws or policies, unless such matters are otherwise delegated by Council.
6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

## **The Committee is delegated the following powers to act:**

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of the establishment of hearings panels and their terms of reference.

## **The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

## **Special Notes:**

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.
- The following Hearings Panels have been established:
  - Dog Control Hearings Panel
  - Traffic, Speed Limit and Road Closure Hearings Panel

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**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Committee to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipanga***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

# Council Report

Item 4

**Committee:** Regulatory and Hearings Committee

**Date:** 26 April 2023

**Author:** Arnold Andrews

**Authoriser:** Michelle Hawthorne

**Position:** Governance Advisor

**Position:** Governance and Assurance Manager

**Report Name:** Confirmation of the Regulatory and Hearings Committee meeting Open Minutes of 5 December 2022

|                      |      |
|----------------------|------|
| <b>Report Status</b> | Open |
|----------------------|------|

## Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Regulatory and Hearings Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 5 December 2022 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Regulatory and Hearings Committee Open Unconfirmed Minutes of 5 December 2022

## Regulatory and Hearings Committee

### *Komiti Whiriwhiri Kaupapa*

## OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio-visual Link on Monday 5 December 2022 at 1.00pm.

#### PRESENT

**Chairperson** Cr M Donovan

*Heamana*

**Deputy Chairperson** Cr E Wilson

*Heamana Tuarua*

**Members** Deputy Mayor A O'Leary

Cr M van Oosten

Cr M Tauariki

Cr L Hutt

Cr A Casey-Cox

Cr M Huaki

Cr G Taylor

**In Attendance:** Cr E Pike

Cr S Thomson

Blair Bowcott – General Manager Growth

Stafford Hodgson - Project Manager

**Governance Team:** Carmen Fookes – Senior Governance Advisor

Tyler Gaukrodger - Governance Advisor

Corey Bruntlett - Governance & Elected Member Support Coordinator

#### 1. **Apologies – *Tono aroha***

**Resolved:** (Cr Wilson/Cr Taylor)

That the apologies for absence from Cr Naidoo-Rauf and Cr Bydder are accepted.

#### 2. **Confirmation of Agenda – *Whakatau raarangi take***

**Resolved:** (Cr Wilson/Cr Casey-Cox)

That the agenda is confirmed.

#### 3. **Declarations of Interest – *Tauaakii whaipanga***

Cr Hutt declared an interest in item 4 (Hamilton Urban Growth Strategy (HUGS) review verbal submissions report) due to her involvement with GoEco and their submission. She noted that she was not conflicted and would take part in the discussion and vote on the matter.

4. **Hamilton Urban Growth Strategy (HUGS) review verbal submissions report**

The General Manager of Growth and the Special Projects Project Manager introduced the report. The following members of public then spoke to their submissions to the Hamilton Urban Growth Strategy (HUGS).

[Roger Stratford](#) spoke to his submission and highlighted his concerns in particular privacy of multi-story buildings, transport corridor locations and their impact.

[Jeremy Mayall](#) (Creative Waikato) spoke to his submission and his request for further support for community wellbeing's in growth areas. He responded to questions from Members on tangible outcomes regarding arts, culture, and creativity and strategic alignment with arts strategy and policy.

[Suzanne O'Rourke and Mark Crisps](#) (Fonterra Limited) spoke to their submission and highlighted the potential risk to commercial activities if there is increased residential urban intensity near industrial areas.

[Katrina Andrews](#) (Waikato Regional Council) spoke to their submission and highlighted the strategy's alignment with cross boundary development objectives and the regional transport plan, the importance of linking transport corridors to growth cells, alignment between HUGS and future proof, and the need to take specific climate change action.

[Simon Gascoigne](#) (GoEco) spoke to their submission and noted that housing intensification did not immediately solve the climate crisis. He responded to questions from Members concerning providing multi-modal infrastructure to lower socio-economic neighbourhoods, and new greenfield development emissions.

[Roderick Francis](#) spoke to his submission. He suggested the need to reduce regulations on building shared and multi-purpose residential and commercial facilities, to shift to renewable energy sources and outlined alternative techniques to regenerate agriculture quality.

[Martin Toop](#) spoke to his submission and a presentation (**Appendix 1**). He outlined his concern regarding issues in local infrastructure and residential build quality.

[Phil Evans](#) (Bike ACTION Hamilton) spoke to his submission and highlighted the need for transport corridors to prioritize cycle routes. He responded to questions from Members concerning advocating for the central government to reverse its off-street parking requirement removal.

[Naomi Pocock](#) (The Opportunities Party) spoke to her submission which was in support of the strategy. She responded to questions from Members concerning the quality of living high while increasing intensification.

**The meeting was adjourned from 2.11pm to 2.25pm.**

[Kathryn Drew](#) (Waikato Regional Airport Ltd & Titanium Park Ltd) spoke to her submission and noted the effect that strategy may have on the airport. She responded to questions from Members concerning industrial development in the airport precinct, and how growth effected the airport and Hamilton city.

[Jackson Bull & Jason Adams](#) (CDL Land New Zealand Limited) spoke to their submission and a presentation (**Appendix 2**). They suggested there needed to be clarification within the strategy to ensure planned development would not be limited.

[Iain White](#) (Hamilton Arts Trust) spoke to his submission. He noted the importance of HUGS and growth while also ensuring quality of life, and access to amenities. He responded to questions from Members concerning specific parts of the document or objectives that promote high quality growth, local Councils opportunity to effect central government change, and promotion of local neighbourhoods and amenities.

[Brendon Hewett and John Webb](#) (Chedworth Properties Limited) spoke to their submission, noting the east west arterial route for multi-modal transport required additional infrastructure support, and that there were vulnerabilities in the transport system highlighted by the Claudelands Bridge temporary closure.

[Thomas Gibbons representing for Ben Tyson](#) (Te Awa Lakes) spoke to his submission in particular Hamilton city's history of growth, the Te Awa Lakes growth project, and the need for residential and multi modal transport connections to support growth.

**The meeting was adjourned from 3.12pm to 3.20pm.**

[Melissa Smith](#) (Bike Waikato) spoke to t submission, noting their support for the strategy, and encouraged additional strategies that protect additional Multi modal transport facilities.

[Fraser McNutt](#) (Templeview Retirement Village Ltd, Pragma Homes Ltd, SL1 Developers Group, Brymer Farms, WA) spoke to his submissions, noting the support of both brownfield and greenfield development, advocacy for edge of boundary residents and developers, and requested Council continue to work with developers to get the best outcomes for everyone. He responded to questions from Members concerning consistency between HUGS and the National Policy Statement – Urban Development, the degree of measurable clarity in the strategy, and removal of staged development to enable development as needed.

*Deputy Mayor O'Leary retired from the meeting (3.26pm) during the above submission.*

Elected Members requested the following matters be addressed in the deliberations report to be presented to the Strategic Growth and District Plan Committee:

- Alignment of the draft HUGS strategy with existing strategies;
- greenspace and biodiversity considerations;
- future of employment consideration;
- strategy alignment with reviewed arts agenda;
- suggested balance of intensification and greenfield;
- staff methodology to determine development and infill capacity;
- identification of community conflict;
- identification of 'double dipping' funding;
- bike lane and on street parking considerations;
- identification of potential additional bus routes;
- housing considerations;
- liveability of the city; and
- aspirational guidance within the strategy.

**Resolved:** (Cr Wilson/Cr Taylor)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) hears and considers the verbal submissions on the draft Hamilton Urban Growth Strategy (HUGS);



- c) notes that public consultation on the draft Hamilton Urban Growth Strategy ran from 18 October to 20 November 2022; and
- d) notes that a deliberations report will be presented in early 2023 to the Strategic Growth and District Plan Committee, which will deliberate and make a final recommendation on the Hamilton Urban Growth Strategy to the Council.

**The meeting was declared closed at 3.59pm.**

**Appendix 1****Appendix 1:****Draft Hamilton Urban Growth Strategy, Martin Toop Oral Submission Monday 5<sup>th</sup> December 2pm****1. Grow up and out from the central city**

## Support

Support as NZ has a role to play solving global food issues. Hamilton must not continue its urban sprawl. South of Fitzroy drive off A3 along Hall Road. This is on a ridge. Stop and look over the grand view of the current edge of the city. Notice how the hospital towers out. When will the city expand out over the lovely farming landscape on the other side of the road?

**2. Grow along transport corridors**

## Conditionally support

Photos of homes along Heaphy Terrace opposite Claudelands Park. First built homes, single storey terrace and two 2 storey apartments. How often do residents walk along the footpaths under the avenue of trees?

Yanicks Road, Fitzroy new homes. Road split by green hedge, one way each side.

Wonder if the Urban Design Panel have information from overseas city growth re ways to ensure social equity in city design. Shocking example is the 2 storey flats on the corner of Te Rapa Road and Forest Lake Road. The front ones are only a pavement away from a very busy junction. Glen Lynne Ave, Chartwell has 3 sets of infill homes built this year. 2 homes are too close to traffic. Some big expensive homes on Hukanui Road, Rototuna hide behind a high wall along the roadside footpath. Early childhood centres on busy roads?

**3. Development of quality greenfield neighbourhoods**

## Conditionally support

Not sure the city green policies spell out how Hamilton is planned to adapt to increasing hotter temperatures, longer drought spells and heavier rainfall periods. Greenfield land must be designed to improve city biodiversity. This is not just a nice to have but a must for our own survival. Not just birds in Claudelands Park but bats, lizards and a greater variety of native plants. Our parks are still mostly oaks and maples. Still the same in the new Fitzroy suburb. Parks just visual amenities? UK Manchester folk 5 hours/week out of home.

Appendix 1

Item 4

# Martin Toop Presentation

Attachment 1



Appendix 1





**Appendix 1**



**Item 4**

**Attachment 1**

Appendix 1





**Appendix 1**



**Item 4**

**Attachment 1**

Appendix 2

CDL Land New Zealand Ltd  
Submission on Hamilton  
Urban Growth Strategy



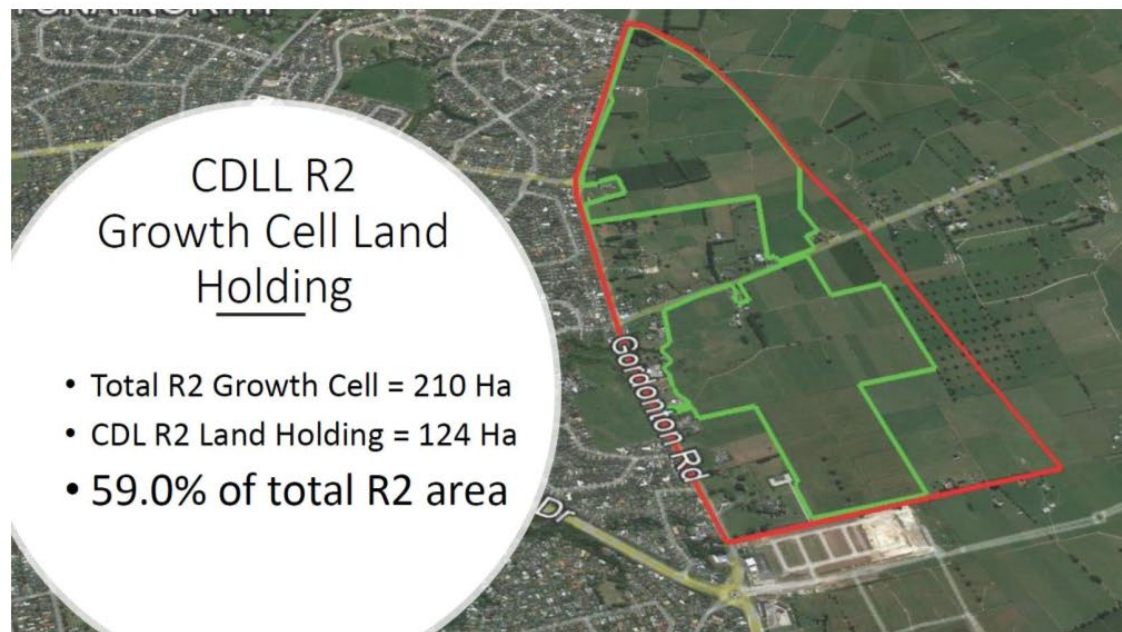
**CDL Investments  
New Zealand  
Limited**

- Large NZX listed National residential and commercial property developer
- Long history of successful development in Hamilton since 1994 – 1150+ lots completed predominantly in Rototuna
- CDL Presently owns 124 Ha of the 210Ha available (59%) within the R2 growth cell
- CDL has the intention and financial capability to proceed with development within R2 within the short term (next 5 years) ideally with the support of Hamilton City Council





Appendix 2



CDL land New Zealand (CDL)  
Hamilton Urban Growth  
Submission

- Area's with long standing strategic boundary agreements should have greater recognition that emerging areas without.
- CDL believes Hamilton Cities targeting a greenfield vs brownfield development mix (70% infill) is misguided without any reference to effects on affordability, deliverability, infrastructure servicing costs and market preference.
- CDL strongly encourages Hamilton City Council to maximise development capacity of both greenfield and brownfield concurrently to enable a truly competitive housing market.
- CDL agrees with the principles of quality greenfield growth as outlined but with additional points regarding logical sequencing and location of future growth areas.
- CDL Strongly disagrees that Hamilton presently has a plentiful supply of Greenfields growth.

**Appendix 2**

## Principles of out of boundary development

- CDL conditionally agrees with the “out of boundary principles” outlined within Hamilton Urban Growth Strategy however Hamilton City Council needs to provide a detailed level of information/policy regarding how these principles are to be interpreted and implemented.
- Without detailed information on “*the principles for out-of-boundary development*” it makes any meaningful submission challenging.
- The main two principles CDL would like further clarification on are outlined below;
  - o Significant value uplift for the benefit of the wider community
  - o Not Compromising planned investment



# Council Report

Item 5

**Committee:** Regulatory and Hearings Committee

**Date:** 26 April 2023

**Author:** Kyall Foley

**Authoriser:** Eeva-Liisa Wright

**Position:** Environmental Policy Analyst

**Position:** General Manager  
Infrastructure Operations

**Report Name:** Hamilton Trade Waste and Wastewater Bylaw Engagement Report

|                      |             |
|----------------------|-------------|
| <b>Report Status</b> | <i>Open</i> |
|----------------------|-------------|

## Purpose - *Take*

1. To inform the Hearings and Engagement Committee on the submissions received as part of public consultation for the Hamilton Trade Waste and Wastewater Bylaw review.
2. For the Hearings and Engagement Committee to hear and consider verbal submissions following consultation undertaken with the public.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Hearings and Engagement Committee:
  - a) receives the report;
  - b) hears and considers submissions to the draft Hamilton Trade Waste and Wastewater Bylaw; and
  - c) notes that the Deliberations Report will be considered at the 30 May 2023 Infrastructure and Transport Committee meeting.

## Executive Summary - *Whakaraapopototanga matua*

4. On the 15 December 2022, the Council approved consultation take place on the proposed Hamilton Trade Waste and Wastewater Bylaw and associated Statement of Proposal, under Section 83 of the Local Government Act 2002. The consultation period was from 17 January 2023 to 17 March 2023 [\[Agenda, Minutes\]](#).
5. Consultation took place with a wide range of stakeholders, and included internal staff, iwi, the public, sub-regional councils, as well as business and industry. This consultation took place both during, and before the consultation window.
6. A total of 16 submissions were received during the consultation period. A full copy of the submissions is available [online](#) via our Have Your Say site.
7. As at 12 April 2023, two submitters wish to be heard. The report on Community engagement tactics and insights is provided in **Attachment 1**.
8. Staff consider the recommendations comply with Council's legal requirements.

## Background - *Koorero whaimaarama*

9. Hamilton City Council's wastewater network consists of over 1,100 km of pipes, manholes and pump stations. This network collects and conveys private and public wastewater to the Pukete Wastewater Treatment Plant, where wastewater is treated before discharge to the Waikato River.
10. The Wastewater Treatment Plant relies heavily on biological processes to treat wastewater to comply with resource consent limits prior to discharge to the Waikato River.
11. Under the LGA, Council is empowered to make bylaws for protecting the three waters network from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with the management of wastewater.
12. The Hamilton Trade Waste and Wastewater Bylaw 2016 enables Council to:
  - i. protect the health and safety of people using or working in the wastewater system
  - ii. protect the wastewater system from damage and misuse
  - iii. protect the environment from adverse effects of harmful substances discharged to the wastewater system
  - iv. produce wastewater and biosolids of a consistent quality
  - v. encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams by business
  - vi. ensure that businesses maintain trade waste discharged within agreed levels
13. The Bylaw has assisted Council to meet its role and obligations in relation to:
  - i. the objectives of Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River) under the Waikato River Settlement Act (2010)
  - ii. section 130 of the LGA
  - iii. section 15 of the RMA, including compliance with Council's wastewater discharge consent from Pukete Wastewater Treatment Plant, granted by Waikato Regional Council
  - iv. the Hazardous Substances and New Organisms Act (1996)
  - v. the Health and Safety and Work Act (2015)
  - vi. the Health Act (1956)
  - vii. the Water Services Act (2021)
  - viii. the National Policy Statement for Freshwater Management 2016 (and subsequent revisions)
  - ix. maintaining and protecting Council's wastewater assets
14. On 8 June 2021, Council determined the Bylaw is still the most appropriate resource for the management of trade waste and wastewater in Hamilton. At this time, Council approved the preparation of a Statement of Proposal for a reviewed Bylaw [[Agenda, Minutes](#)]. Staff worked with internal stakeholders, iwi, and sub-regional partners to review the Bylaw and proposed amendments.
15. On 16 December 2022, Council approved the progression of consultation of the Statement of Proposal and proposed Bylaw under Section 83 of the Local Government Act 2002, and that the consultation period be from 17 January 2023 to 17 March 2023. The Council Report noted that Submitters also have an opportunity to present their views in a spoken form to the Hearings and Engagement Committee.
16. Staff also note the Government's reform of the waters industry. Government has signalled that the form of Bylaws, in relation to three waters activities, may change, and have included transitional provisions in the Water Services Entities Act to enable existing Bylaws to remain through the transition period. This Bylaw is not included in these provisions as the review had commenced outside the transition period (which is required to utilise these provisions).

## Discussion - *Matapaki*

17. The public were invited to submit on the Statement of Proposal and proposed Bylaw.
18. Council sought community feedback on the following:
  - i. Whether people agreed with Council's proposal to retain the bylaw with minor amendments or retain the Bylaw in its current form.
  - ii. The reasons for whether they supported Council's proposal or not.
  - iii. Feedback on whether people would like more information related to topics covered by the Bylaw so they could better understand their obligations and the obligations of Council, under the Trade Waste and Wastewater Bylaw.
19. The engagement campaign included workshops with both internal and external stakeholders (including business and industry), engagement of an iwi facilitator and collaboration with iwi via meetings and emails, discussions with adjacent District Councils and Regional Council, media releases, press adverts and social media promotion, letters and emails to special interest groups and industry, provision of material at Council Offices, Hamilton City Libraries and online Haveyoursay.
20. A total of 16 responses were received between 17 January 2023 and 17 March 2023. A full copy of the submissions is available online.
21. As of 12 April 2023, two submitters wish to be heard.
22. A community engagement tactics and insights report has been written outlining the tactics used to maximise engagement, the results of that engagement, the insights that came through the survey used, and demographic comparisons. The report can be found in Attachment 1.

## Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

23. Staff can confirm that consultation to date has been undertaken in accordance with the requirements under the Local Government Act 2002.
24. A hearing is required to provide those who wish to be heard an opportunity to present their submission. This is a requirement under the Local Government Act 2002.

## Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

25. The subject matter within this report has been evaluated in terms of the four wellbeings. This assessment is outlined below.

### Social

26. The review of the Bylaw and the hearing of submissions aligns with the following outcomes:
  - i. Our city is a great place to play and be active
  - ii. Our city supports people to be healthy and happy.
27. Revising this bylaw will mean that it would continue to act as a tool for community education on the impacts of trade waste discharge and wastewater drainage. The completion of the review ensures that the Bylaw remains as an education tool reflective of best practice principles.
28. Public consultation supports the participation of the community in Council decision making. A hearing is the next step in enabling this participation.

### Economic

29. The review of the Bylaw and the hearing of submissions aligns with the following outcomes:
  - i. our city has a thriving, sustainable business sector and enables individual and businesses to prosper.
30. A hearing provides an opportunity for the business sector to present their submission in person, and to enable Council to hear the needs of the business community.

### Environmental

31. The review of the Bylaw and the hearing of submissions aligns with the following outcomes:
  - i. Our city restores and protects the health and wellbeing of the Waikato River.
32. The 2016 Bylaw contains a number of strong clauses which seek to protect the wastewater network, subsequently helping Council better manage any potential impacts on the health and wellbeing of the Waikato River from the misuse of the wastewater network. Revising the Bylaw as proposed ensures that these clauses remain and are not lost if the bylaw is revoked.

### Cultural

33. The review of the Bylaw and the hearing of submissions aligns with the following outcomes:
  - i. our city supports the values, aspirations and growth of our taangata whenua; and
  - ii. our city is a place we are proud of.
34. Staff have worked collaboratively with Waikato-Tainui and Te Ha o te Whenua o Kirikiriroa and Ngaati Wairere (THaWK) for this Bylaw review. Council have met with Iwi to discuss their desired outcomes.
35. Staff have discussed the prospect of proceeding with a review of the Bylaw with no or minor changes with Mana Whenua. Staff have agreed to further engage with Mana Whenua to understand and work collaboratively around the management of mortuary waste. Staff consider that the revised bylaw is consistent with Iwi Management Plans prepared by Waiakto Tainui, Ngati Haua and Ngāti Tamainupō. A change to the bylaw aims to further highlight the importance of Te Ture Whaimana (the Vision and Strategy of the Waikato River) to the bylaw users.
36. Staff also wish to highlight the opportunity for engagement via a hearing, enabling further opportunity for participation.

### Risks - *Tuuraru*

37. There are no known risks associated with the decisions required for this matter.

### Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

#### Significance

38. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of recommendation(s) in this report.

## Engagement

39. There is a statutory requirement to consult as per legislation outlined below.
40. The LGA requires the Council to consult the public whether continuing the existing Bylaw without amendment (s160(3)(b), the LGA) or amending, revoking or replacing the Bylaw (ss160(3)(a) and 156(1), the LGA).
41. The legislative requirement to consult on the proposed changes to the Bylaw provides an opportunity for the Council to engage the community on how the existing Bylaw is working and to consider feedback.
42. Staff invited the public and stakeholders to provide formal feedback through the public consultation from 17 January 2023 to 17 March 2023 so that their views can be captured on the proposed Bylaw. This consultation has been undertaken in accordance with the Special Consultative Procedure as per staff's approved recommendation on the 15 December 2022.
43. The Council Report and Statement of Proposal of 15 December 2022 advised that submitters would have an opportunity to present their views in person at the Hearings and Engagement Committee in 2023. At this meeting, staff will also present the feedback from the public.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Community engagement tactics and insights report





## TRADE WASTE AND WASTEWATER BYLAW 2022 REVIEW: ENGAGEMENT AND INSIGHTS REPORT

Report prepared by:  
Tegan Andrews, Research Lead  
Rexine Hawes, Communication and Engagement Advisor  
March 2023

Report reviewed by:  
Lauradanna Radesic, Team Leader, Communication and Engagement, Transport and Infrastructure  
James Clarke, Unit Manager, Strategy and Corporate Planning  
March 2023



## EXECUTIVE SUMMARY

Council is reviewing the Trade Waste and Wastewater bylaw and proposes to amend with only minor changes. Council asked the community, in particular affected stakeholders that own or operate trade waste premises, whether they agree with Council's proposal.

We received a total of 16 responses, 15 of these were received through Have Your Say during the consultation period (17 January 2023 to 17 March 2023), alongside one email. One of the 16 responses was a duplicated response and therefore not counted in further analysis (bringing the total number of responses down to 15).

Of the 15 responses, 13 came from individuals and two responses came from organisations, businesses or groups.

Of the 13 individual responses, 10 agreed with Council's proposal to amend the bylaw with minor changes. Two responses would like to see the bylaw retained with no changes and one respondent did not answer the question. Of the two responses received from businesses, one agreed with Council's proposal, and another wished for amendments to the proposed changes to be addressed.

## SUBMISSIONS INSIGHTS

### BYLAW OVERVIEW

Hamilton City Council is currently reviewing the Trade Waste and Wastewater Bylaw (hereafter referred to as 'the Bylaw') (introduced in 2016). The review process has identified several areas of the Bylaw which could use improvement, these are:

- the need for further recognition of Waikato-Tainui's special relationship with the Waikato River
- the need for the Bylaw to provide further protection of Council's wastewater assets
- the management of mortuary waste from a cultural perspective
- the ability of the Bylaw to provide education to the public on matters to do with trade waste and wastewater.

To address these issues, Council proposes to amend the Bylaw with minor changes including:

- the inclusion of the Te Raa Aro ki a Matariki (Matariki Observed) as a public holiday
- the correction of two outdated references made to the Local Government Act 2002, and the Land Transfer Act 1952
  - section 10 was amended in 2019 to change the purpose of the Local Government Act in relation to wastewater
  - a premises is now defined by the Building Act 2004, instead of the Land Transfer Act 1952
- strengthening the linkage of the Bylaw with the Waikato River-Tainui Raupatu claims (Waikato River) Settlement Act 2010.

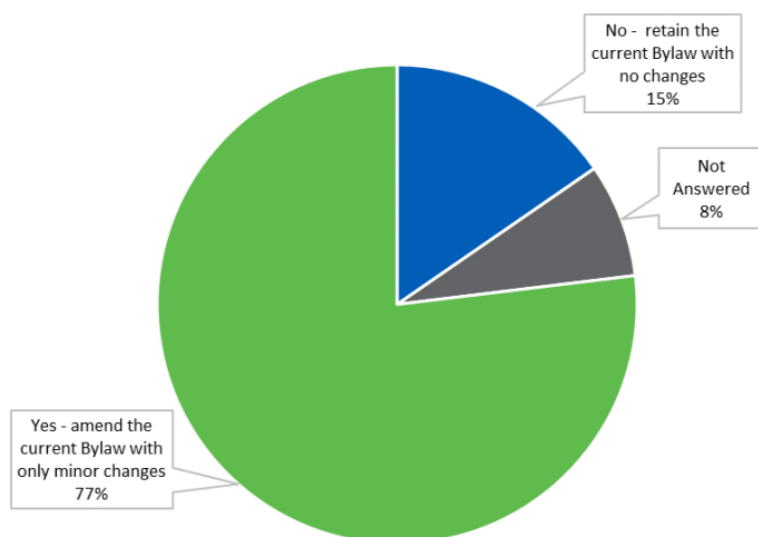
### CONSULTATION OVERVIEW

We asked whether people agreed with Council's proposal to retain the bylaw with minor amendments or retain the Bylaw in its current form. We also asked people to elaborate on their reasons supporting the Council's proposal or not. We also sought feedback on whether people would like more information related to topics covered by the Bylaw so they could better understand their obligations and the obligations of Council, under the Trade Waste and Wastewater Bylaw.

The consultation period lasted eight weeks between 17 January and 17 March 2023. During this period, Council received 16 responses. One response was a duplication, and therefore removed, meaning that 15 responses were analysed. Of the 15 responses, two were from a business, organisation or group.

### INDIVIDUAL RESPONSES

We received 13 responses online through the Have Your Say platform during the consultation period, excluding the one duplicated response. Of the 13 responses, 10 agreed with Council's proposal to amend the Bylaw with minor changes. Two responses would like to see the Bylaw retained with no changes and one respondent did not answer the question.



Of the ten respondents who agreed with Council's proposal to amend the Bylaw with minor changes, eight made comments.

Five comments from respondents who agreed to amend the current Bylaw with minor changes felt the changes 'made sense' and reflected making the current Bylaw up to date while keeping the intended purpose. Two respondents felt the Bylaw should highlight the significance of waterways to Maaori; these respondents encouraged amending the Bylaw to better reflect Council's partnership of kaitiakitanga with Waikato-Tainui in protecting waterways. One respondent felt changes to the Bylaw were necessary but more substantial changes were needed to the Trade Waste and Wastewater Bylaw.

Of the two respondents who wanted to see the Bylaw retained without any changes, both left comments. Both comments mentioned impacts of the Government's proposed Three Waters reform. One respondent believed rates should be decreased if the reform is introduced, and the other respondent stated that this review of the Bylaw was a waste of time and money – and council should prioritise resource elsewhere.

The respondent who did not answer the question regarding whether they would like to see the Bylaw retained with minor amendments (Council's proposal) or retained without any amendments had a suggestion for the management of wastewater. Their suggestion was all dwellings should have their own (small) septic tank onsite, connected to the Council's sewer system. They believe this would allow for primary treatment to be done onsite, with fat and wet wipes filtered out at this point, and Council's systems would only transport fluids, into councils' systems. Furthermore, they suggest that perhaps Council could supply a regular cleaning service.

Some of the additional information respondents suggested they would like included:

- Better understanding of the definition of trade waste
- Who is responsible for trade waste and wastewater?
- What are peoples' individual obligations for trade waste and wastewater?
- How can the community help protect our waterways from household cleaning products?
- How is wastewater monitored and managed?

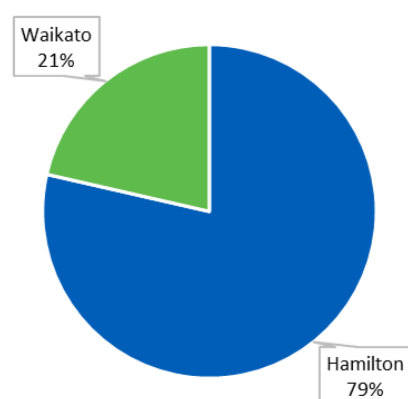
- The effects of shared driveways and multi-unit dwellings affect the monitoring or management of waste and stormwater
- The impact of trade waste on local waterways
- The ways Council is protecting and improving waterways including fauna and flora affected by our waterways
- The management and treatment of wastewater in context of environmental and financial sustainability
- How breaches are reported and dealt with
- Whether breaches are made public; when and why would it be kept private?
- The discharge limits for car washes or water recycling requirements under consents
- Ways residential sites can manage waste better.

### DEMOGRAPHIC COMPARISON OF RESPONSES FROM INDIVIDUALS

#### LOCATION OF RESPONDENTS

Of the 14 individual respondents, we had 11 from Hamilton City and 3 from the Waikato Region.

Where are respondents from?



Of the 11 respondents within Hamilton City, nine were from Eastern suburbs and two were from Western suburbs.

#### ETHNICITY OF RESPONDENTS

We had 11 respondents that identified as NZ European, one as Maaori, one as British, and four who identified as other.

#### FEEDBACK FROM ORGANISATIONS

There were two responses received from businesses. One agreed with Council's proposal, and another wished for amendments to the proposed changes to be addressed. A summary of the submissions from organisations, businesses or groups is shown in the below table:

| Name   | Summary   |
|--|---|
| Carevets   | Would like to see the current Bylaw retained with minor amendments and believes the Bylaw is fit for purpose.   |
| Fuel Companies (BP Oil NZ Limited, Mobile Oil NZ Limited and Z Energy Limited) | The Fuel Companies' interest in the proposed Bylaw relates to trade waste and in particular, how the proposed Bylaw addresses discharges from car washes. |

|  |   |
|--|---|
|  | <p>Fuel Companies would like Council to reconsider the appropriateness of its Bylaw to achieve the purpose and principles of the Local Government Act, at least in the context of car wash discharges.</p> <p>They also would like to see the following specific amendments made to the proposed bylaw:</p> <ul style="list-style-type: none"> <li>• Add an additional subclause to 4.1 to reflect that one of the key purposes of the bylaw is to enable effective and efficient management of discharges of trade waste.</li> <li>• Amend 8.4(a)(vii) to require that any sampling, analysis, and testing programme is both reasonable and proportionate to the nature of the discharge.</li> <li>• Amend 8.4 to require Council to have regard to existing monitoring data demonstrating the performance of proprietary treatment devices to manage a particular trade waste stream.</li> <li>• Remove the 5m<sup>3</sup> maximum daily total flow limit per Table 1 of Schedule 1A, or increase it to 10m<sup>3</sup> for car wash discharges, noting full detail of operation and maintenance will still need to be provided via the permitted pathway.</li> </ul> |
|--|---|

#### FEEDBACK FROM SOCIAL MEDIA

Although there were 92 engagements on social media, consisting of 12 comments, 70 replies to comments, and 10 picture-based replies. Of the 82 written comments, there were no comments related to the bylaw other than people suggesting others should have their say. The comments were not directly related to the Bylaw and related to topics such as the proposed Waters Reform (Three Waters), current and past transport projects, and the 20-minute city concept.

## ENGAGEMENT TACTICS

#### GOAL

Hamiltonians are able to help Hamilton City Council shape a bylaw that meets their needs, is achieving desired outcomes, and is easy to understand/monitor.

#### OBJECTIVES

- To educate stakeholders and the public on what the Trade Waste and Wastewater 2016 Bylaw is and what it does
- to engage with all key stakeholders on proposed minor changes to the existing Bylaw
- to produce a Bylaw that thoroughly reflects the needs and aspirations of the city.
- to ensure understanding of responsibilities for the management of trade waste and wastewater within Hamilton City.



## ENGAGEMENT RESULTS

### PRINT

January 11, 2023 – Hamilton Press

**HAMILTON PRESS, JANUARY 10, 2023**

# What's on

What's on near you From today Get involved

**SPECIAL EVENTS**  
**Scottish Country Dancing**  
**Phileas:** Hamilton Scottish Country Dance is ready to go to get a picnic and dancing to great Scottish music. Join and go to us and find out about our 9th anniversary. January 22, 5pm, Hamilton Gardens, Round Lawn, Hamilton Convention, Hamilton East.  
**EVENTS/CLUBS/ GROUPS**  
**Albion Club of Hamilton**  
 Albion is a club where women get together to make a difference in our community. We meet on the second Tuesday of the month. Contact Heather 022523725, 530pm, Hamilton Bowling Club, 46 Commerce St, Hamilton, Hamilton.  
**Try Croquet**  
 Croquet offers gentle exercise, social interaction and stimulates your brain. Tenders or Poles at 44 Church St, Canada on sports and building a community on Wed, March 15, 10am.  
**Craft Club**  
 Hamilton's Women's Open Group is a craft, social and meet new people. Hamilton Community Centre, 12 Tanna Road, Cambridge.  
**Polish Ladies Bowling Club**  
 All welcome to try and bowls at Hamilton's Ladies Bowling night. 7:30pm start. For info contact Bruce 022 2677 or Alison 022 4864.  
**Discrete Touchstones**  
 Meet at the Western Community Centre, 46 Hayle Ave, Hamilton on Tuesday from 7pm to 9pm. Sign 022 4096 8980.  
**Real Youth Voice**  
 COMMUNITY'S WEDDING FOR SOLE. Let us help you build your confidence and public speaking skills. There is no cost. Who? Real Youth Voice. When? Friday, Jan 13, 10am-12pm. Where? 1000 Dundas St. W. Hamilton.  
**Floral Art Club**  
 Floral Designers meet on 2nd Monday each month at the Reform Church Hall, 100 Dundas St. W. Hamilton. New members welcome to join our friendly club. Phone 022 267 0246 for info.  
**Police Support Group**  
 Meetings 022 267 1182.  
**Scottish Country Dancing**  
 Wednesday nights. Great for those, boys and friends. Ages 18 and over. 7:30pm start. For more information or to view the club, please contact Neil 022 244 1244, 1000 Dundas St. W. Hamilton.  
**Hamilton East Croquet Club**  
 100 Dundas St. W. Hamilton. Phone 022 267 1182.  
**Four Seasons Garden Club**  
 Interested in plants, gardening, come along with a view to joining or for meeting, tea, coffee, sales. Flower exhibits, garden visit. Hamilton East. Contact: 022 2016302. Meet at the Reform Church Hall, 100 Dundas St. W. Hamilton.  
**St. Andrew's North Western**  
 Meetings 10am-12pm, 100 Dundas St. W. Hamilton. Phone 022 267 1182.  
**Volunteer**  
 Meetings are on the 2nd Saturday each month with trips to national sites and speakers. For more information or to view the club, please contact Neil 022 244 1244, 1000 Dundas St. W. Hamilton.  
**Hamilton Classical Society**  
 Second Tuesday of the month. Members meet to play classical guitar, suitable for beginners to experienced performers. Come and play in a relaxed atmosphere. Contact: Christopher 022 639 352, August 9, 7:30pm, Third Floor, Community Building, 100 Dundas St. W. Hamilton.  
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Have your say on how we manage

## Hamilton's trade waste and waste water

17 January – 17 March 2023  
 haveyoursay.hamilton.govt.nz

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### SUBMISSION FORM (ONLINE & PAPER COPY)

We received a total of 16 responses, 15 of these were received through the Have Your Say portal during the consultation period (17 January 2023 to 17 March 2023), and one email.

Between 17 January and 17 March there were 631 page views total, 623 of those views were from external users

### SOCIAL MEDIA

#### Facebook:

Social post – 14 March 2023: six reactions, one comment, two shares (boosted)  
 Social post – 10 February 2023: 31 reactions, 92 comments, four shares (boosted)  
 Social post – 17 January 2023: eight likes, no comments or shares (boosted)

Total reach: 26,000 across all three posts (both paid and organic)

#### LinkedIn

Post 13 March 2023: 13 post reactions

Post 17 January 2023: 0 post reactions

#### EMAILS

Two emails were sent to 27 stakeholders on the 18 January 2023 (when consultation opened) and 9 March 2023 (when consultation was concluding). This included businesses and industry stakeholders who participated in early engagement in the review process. Emails were also sent to mana whenua both prior and during the consultation window.

#### ENGAGEMENT:

Your Neighbourhood, 11 March 2023, Melville Park

About 110 people visited the Trade Waste and Wastewater Bylaw site with 53 entries into our prize draw.

#### WHAT'S NEXT

Verbal submissions will be heard at the Regulatory and Hearings Committee meeting on 26 April 2023. At this meeting, anyone who submitted will be welcome to make a verbal submission in person to support their views. Council will then consider all the views and make a final decision.