

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Consultation Hearings will be held on:

Date: Wednesday 4 November 2026
Time: 10:00 am
Venue: Council Chambers, Dunedin Public Art Gallery, The Octagon,
Dunedin

Richard Briggs
Chief Executive Officer

Hearings Committee - Bylaws and Policies
Trade Waste Bylaw and Trade Waste Discharge Plan 2026
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Lee Vandervis
Members	Cr John Chambers Cr Jo Galer
Senior Officer	Scott Campbell (Regulation and Policy Team Leader)
Governance Support Officer	Roxanne Davies

Roxanne Davies
Governance Support Officer

Telephone: 03 477 4000
governance.support@dcc.govt.nz
www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

ITEM	TABLE OF CONTENTS	PAGE
1	Welcome and Introductions	3
2	Apologies	3
3	Declaration of Interest	4
 PART A REPORTS (Committee has power to decide these matters)		
4	Summary of consultation on proposed Trade Waste Discharge Plan 2026 and Trade Waste Bylaw 2026 and staff recommendations on matters raised	6

1 WELCOME AND INTRODUCTIONS**2 APOLOGIES**

At the close of the agenda no apologies had been received.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need 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.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
A	Hearings Committee Register of Interest - October 2026	5

Hearings Committee Interest Register October 2026				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Lee Vandervis	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential and Lifestyle Farm Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Various publicly Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr John Chambers	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ōtākou Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Opera Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Jo Galer	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Southern Heritage Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various International Managed Funds	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various individual shares	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-Lead	Heritage Portfolio (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Theomin Gallery Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

PART A REPORTS

SUMMARY OF CONSULTATION ON PROPOSED TRADE WASTE DISCHARGE PLAN 2026 AND TRADE WASTE BYLAW 2026 AND STAFF RECOMMENDATIONS ON MATTERS RAISED

Department: 3 Waters

EXECUTIVE SUMMARY

- 1 This report provides a summary of the submissions received during consultation on the proposed Trade Waste Discharge Plan 2026 (proposed Plan) and proposed Trade Waste Bylaw 2026 (proposed Bylaw) and provides staff analysis and recommendations related to the matters raised by submitters.
- 2 The purpose of this report is to assist the Hearings Committee with its deliberations on the proposed Plan and proposed Bylaw and the formulation of recommendations it will make to the Council.
- 3 At its 13 August 2026 meeting, Council approved a statement of proposal, draft proposed Plan and draft proposed Bylaw for public consultation purposes.
- 4 Public consultation ran for one month from 17 August to 18 September 2026. Five submissions were received.
- 5 Overall, there was general support for the proposed Plan and Proposed Bylaw with specific matters being raised by some submitters.
- 6 Submitters raised questions, concerns or suggestions about:
 - their individual trade waste consent/permit requirements;
 - permits being required for all trade waste discharges to the wastewater network;
 - infringement offences and enforcement; and
 - inclusion of provisions for management of Persistent Organic Pollutants (POPs).

RECOMMENDATIONS

That the Committee:

- a) **Considers** the submissions, associated staff analysis and recommendations, and deliberates on the amendments to the proposed Trade Waste Discharge Plan 2026 and proposed Trade Waste Bylaw 2026 requested by submitters.
- b) **Makes** recommendations to the Council on amendments to the proposed Trade Waste Discharge Plan 2026 and proposed Trade Waste Bylaw 2026.

BACKGROUND

- 7 Trade waste is any discharge into the wastewater network that is not domestic wastewater. Trade waste includes waste transported to wastewater treatment plants (WWTP) by tanker and contaminated stormwater created on a trade waste premises or by an industrial or trade activity.
- 8 Domestic wastewater is the wastewater produced from residential premises, self-contained vehicles, septic tanks, portable toilets or other premises, provided it does not contain any other contaminant generated from an industrial or trade activity. It is wastewater generated from fixtures or appliances generally intended for hygiene purpose (e.g. toilets, bathrooms and kitchens).

Proposed Plan and Bylaw: background and purpose

- 9 The Local Government (Water Services) Act 2025 (LGWSA) requires a territorial authority to prepare and issue a trade waste discharge plan no later than 26 August 2027. The trade waste discharge plan must set out the territorial authority's approach to regulating trade waste in its district and discharges of trade waste into the wastewater network.
- 10 The proposed Plan includes the proposal for the DCC to make a trade waste bylaw. The proposed Plan and the Proposed Bylaw have been prepared and consulted on jointly.
- 11 A trade waste bylaw has been used to manage the discharge of trade waste to the wastewater network in Dunedin since 1987. The proposed Bylaw would be the fourth iteration of Dunedin's trade waste bylaw.
- 12 The DCC and other councils across New Zealand use bylaws to set local rules and requirements to regulate the discharge of trade waste to their wastewater networks. This is to protect the networks themselves, to protect the health and safety of those who use these networks, and to support councils to take the necessary actions to fulfil their duties and obligations under national-level legislation.
- 13 The purpose of the proposed Bylaw is to control and monitor the discharge of trade waste into the wastewater network to:
 - (a) Protect the health, safety and wellbeing of the public and people working in the wastewater network, from potential adverse effects of contaminants discharged to the wastewater network;
 - (b) Manage, regulate and protect the wastewater network from misuse or damage and provide for efficient and effective management and operation of the wastewater network;

- (c) Protect the environment from adverse effects of contaminants discharged to the wastewater network;
- (d) Assist the Council to comply with Resource Management Act 1991 requirements for discharge of contaminants to the environment; and
- (e) Provide a framework for trade waste permits that will provide a basis for monitoring trade waste discharges and for charging trade waste dischargers costs to cover conveying, treating, and disposing of, or reusing, their wastes.

14 To do this, the proposed Plan and proposed Bylaw:

- (a) Establish clear requirements for the classification and discharge of trade waste to the wastewater network.
- (b) Create a framework and processes for obtaining trade waste permits and the conditions that may be included in permits.
- (c) Set enforceable obligations for customers relating to discharge of trade waste to the wastewater network and transporting of trade waste.

Consultation on proposed Plan and Bylaw

- 15 At its 13 August 2026 meeting, Council approved a statement of proposal, draft proposed Plan and draft proposed Bylaw for consultation purposes.
- 16 Public consultation followed for one month, beginning on 17 August and closing on 18 September 2026. Methods to inform the public about the proposal and the opportunity to make submissions included information on the DCC website, information on the DCC Public Noticeboard published in the *Otago Daily Times*, and targeted emails to a range of partners and stakeholders, including all current DCC trade waste customers.
- 17 The public could submit on the proposed Bylaw and proposed Plan via an online form on the DCC's website, or via email. The online form asked whether submitters supported the proposed Plan and Bylaw, supported but with amendments, opposed or were neutral. The consultation documents available included the Statement of Proposal, and full text versions of both the proposed Plan and Bylaw.
- 18 Five submissions were received, with only one submitter indicating a desire to be heard at the hearing.

DISCUSSION

Submissions supporting the proposed Plan and proposed Bylaw

- 19 Three submitters, being Anonymous, Mr Lanauze and Mr Yu, generally supported the proposed Plan and proposed Bylaw.
- 20 Mr Lanauze considered the proposed Plan and proposed Bylaw indicated progress in the right direction to accommodate good practice and legislative change.
- 21 In addition to their support, Anonymous and Mr Yu raised matters that are addressed below.

Staff recommendation

- 22 Submitters' support is noted.
- 23 No amendments to the proposed Plan or proposed Bylaw are recommended in response to the submissions.

Submissions questioning individual situation or trade waste consents/permits

- 24 Mr Yu questioned current trade waste consent/permit conditions regarding frequency of grease trap cleaning at his business, and how these conditions can be changed.
- 25 Mr Stephen raised concern about small home-based food businesses having to install a grease trap system, due to potential significant cost. He questioned if there was anything he needed to do to meet requirements beyond the small grease trap DCC trade waste compliance staff had advised him to install.

Staff response or analysis

- 26 Section 7 of the proposed Plan outlines the potential conditions of trade waste permits. Conditions of permits, such as the frequency for grease trap cleaning, are determined on a case-by-case basis based on the nature of the discharge activity and the expected quality and quantity of grease-containing discharge expected to be produced. These conditions are specified in the trade waste consent/permit. Consent/permit variation requests are assessed by DCC staff on a case-by-case basis, and the DCC may ask the applicant to provide appropriate evidence in support of their application. DCC staff may require a change to conditions for grease trap cleaning frequency if there are issues with the discharge to the wastewater network or if non-compliance with the Bylaw or consent/permit is occurring.
- 27 There will not be any major immediate changes or costs for current trade waste customers when the new Bylaw and Plan come into effect.
- 28 Matters raised in submissions relating to individual permits have, or will, be discussed with trade waste customers outside the submission process.

Staff recommendation

- 29 DCC trade waste compliance staff continue to liaise with trade waste customers regarding individual consents/permits or requirements.
- 30 No amendments to the proposed Plan or proposed Bylaw are recommended in response to the submissions.

Submission on proposed Bylaw Clause 4.1 – Mandatory permit requirements for trade waste discharges

- 31 Anonymous strongly disagrees with the mandatory permit requirement for all discharges, considering it overly broad and insufficiently nuanced.
- 32 Anonymous is concerned about the requirement for trade waste permits for business that generate low volume, low risk wastewater, similar to discharges from domestic premises. They consider this to be disproportionate, one-size-fits-all approach that ignores actual risk level, imposing unnecessary costs and administrative burdens on low-margin, community-focused small businesses, diverting Council resources from genuinely high-risk dischargers. Anonymous

considers small businesses will face identical regulatory burdens as industrial sites, and the regulatory burden will outweigh the actual environmental risk.

33 The submitter seeks:

- Council retain a risk-based approach, keeping permits for those who genuinely need them, while creating a streamlined, low-cost pathway for low-impact operators.
- The Plan should explicitly define low-risk criteria and provide a clear, streamlined registration alternative that meets legislative requirements without unnecessary cost or complexity. Retain a simplified, low-cost registration pathway for low-volume, low-risk dischargers where chemicals are standard, diluted, and non-hazardous.
- Council adopt a proportionate, risk-targeted approach that protects infrastructure and supports small business viability.
- Permits should be reserved for medium- and high-risk operators only. Fees must be transparent, tiered, and reflect actual discharge volume and risk, not a flat rate.
- A minimum 6-month transition period before new requirements apply is essential.

Background

- 34 Under the current 2020 Bylaw, some low-risk discharges that meet specified limits are required to be registered with the DCC without requiring a consent/permit, while discharges that do not meet these limits require a consent/permit. The proposed 2026 Bylaw approach removes this distinction and requires permits for all discharges, aligning with the approach in the Act.
- 35 The proposed Bylaw (Clause 4.1) specifies: *“Any person that discharges, or proposes discharging, trade waste to the wastewater network, must obtain approval from the Council through the granting of a trade waste permit.”*

Staff response or analysis

- 36 The proposed Bylaw framework requires all trade waste dischargers to hold a discharge permit, aligning with the approach in the Act. DCC is already implementing this approach and has issued permits to dischargers who were registered with DCC as discharging trade waste that complies with the limits specified in the 2020 Bylaw.
- 37 The proposed framework provides a more consistent approach for trade waste customers and ensures that all customers have appropriate documentation, in the form of an issued permit, confirming their rights and obligations for the discharge of trade waste to the wastewater network.
- 38 Customers who have had their trade waste discharge registered with DCC have not incurred any costs as a result of the DCC issuing them with permits. The future process for applying for a permit for low-risk discharges of trade waste will not be significantly different to the previous process of applying to register a trade waste discharge.
- 39 Businesses that have discharges to the wastewater network that are truly similar to domestic discharges and do not meet the definition of ‘trade waste’, such as office-based businesses,

would be managed the same as domestic waste and would not be required to have a trade waste permit.

- 40 The proposed framework achieves the matters that the submitter raised.

Staff recommendation

- 41 No amendments to the proposed Plan or proposed Bylaw are recommended in response to the submission.

Submission on proposed Bylaw Clause 9.3 - infringement offences

- 42 Anonymous agrees stronger enforcement for genuine non-compliance is necessary but disagrees with broad-sweeping infringement provisions.

- 43 The submitter suggests:

- Infringement offences should be targeted at material, high-risk breaches only — not minor administrative oversights. Penalties should be calibrated to the severity of the impact, not applied uniformly.

Background

- 44 Clauses 9.3-9.6 of the proposed Bylaw outline the infringement offences, issuing of infringement notices and fees in response to such offences, as prescribed in the LGWSA. These proposed changes provide an additional enforcement tool to support compliance and help protect the wastewater network.

Staff response or analysis

- 45 The DCC generally uses education as the first approach to non-compliance with the 2020 Bylaw and trade waste consents/permits. This approach is not expected to change substantially under the proposed Plan and proposed Bylaw. Infringement notices would be used as a tool to enforce compliance in instances where non-compliance is not rectified in a timely or appropriate manner, where non-compliance is repeated over a period of time with limited or no improvement, or where the non-compliance results in severe outcomes or significant risks. Based on current experience, staff estimate the frequency infringement notices would be used as an enforcement tool is likely to be low.
- 46 The LGWSA sets maximum infringement fees for individuals and organisations, with the DCC having discretion to apply fees up to this limit as appropriate to the nature and scale of the infringement.
- 47 The framework specified in the LGWSA and reflected in the proposed Bylaw is not contrary the matters raised by the submitter.

Staff recommendation

- 48 No amendments to the proposed Plan or proposed Bylaw are recommended in response to the submission.

Submission on proposed Bylaw - Inclusion of provisions for management of Persistent Organic Pollutants

- 49 The Fuel Companies seek explicit provision for the management of Persistent Organic Pollutants (POPs) in the proposed Bylaw.
- 50 The Fuel Companies seek that the Bylaw provides for the discharge to the wastewater network of water generated during maintenance, repair, upgrade and similar activities of hazardous sites, where that water is contaminated with POPs, provided the discharge complies with the characteristics and limits set out in Schedule A of the Bylaw – Controlled Waste Discharge Standards, and that this section be amended to permit POPs to be discharged.
- 51 The Fuel Companies support the proposed Bylaw to the extent that it does not seek to prevent or eliminate POPs in trade waste discharges. However, the Fuel Companies submit that the proposed Bylaw could be improved by defining POPs and regulating the presence of POPs as controlled or conditional discharges.
- 52 The submitter seeks:
- **Addition of a new definition** - “POPs: persistent organic pollutants, including polyfluoroalkyl and perfluoroalkyl substances (PFAS), perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA)”
 - **Addition of a new line item to the table in Schedule A – Controlled Waste Discharge Standards (c)** - “Any POPs do not exceed the levels recommended by the Environmental Protection Authority, or the Ministry for the Environment.”
 - **Or alternatively, amend the table** to include maximum concentration and/or mass limits for PFAS, PFOS and PFOA that are equivalent to limits recommended by the Environmental Protection Authority or the Ministry for the Environment.

Background

Regulation of POPs

- 53 POPs are very stable compounds that do not readily break down through chemical or biological processes. They remain for a long time in the environment, in the human body, in other organisms, and bioaccumulate up food chains. They include pesticides, industrial chemicals and compounds present in manufactured articles.
- 54 Storage and disposal of POPs is currently regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004. This includes the regulation of development of sites where firefighting foams have been used, such as fuel stations, which are hazardous sites managed under HSNO regulations.
- 55 In recent years, there has been significant regulatory activity around the world related to regulating POPs, with the addition of new POPs to the list of those regulated. The current 2004 Notice does not contain suitable or adequate provisions to address all the newer POPs. Since the listing of the new POPs, technical expert groups have established threshold concentrations for the purposes of disposal.
- 56 The importation or manufacture of firefighting foams containing PFOS were effectively prohibited in New Zealand in 2006. In 2011 the use of existing PFOS-containing firefighting foam

became prohibited in New Zealand's, with strict requirements for storage and disposal. The use of PFOS-containing foam was completely phased out by Fire and Emergency New Zealand by 2022.

- 57 An update of the 2004 Notice was proposed and consulted on in 2023 but has not been progressed, therefore the 2004 Notice is still in force. The proposed 2023 Notice was intended to revoke and replace the 2004 Notice, principally because the 2004 regime had become outdated as additional POPs are now being regulated, and manufactured articles were brought into the HSNO definition of POPs.
- 58 The material difference between the 2004 Notice and the draft 2023 Notice is that the 2004 Notice effectively prohibits disposal of POPs into a sewage system, whereas the proposed 2023 Notice introduced a specific, limited pathway allowing certain liquid wastes containing POPs at specified concentrations to be discharged to wastewater where a trade waste bylaw expressly permits it and the specified concentration conditions are met.

DCC WWTPs and discharge consents

- 59 The DCC operates seven wastewater treatment plants (WWTP): three 'metropolitan' WWTPs at Tahuna, Green Island and Mosgiel, and four 'community' WWTPs servicing smaller populations at Middlemarch, Waikouaiti/Karitāne, Seacliff and Warrington.
- 60 The DCC holds multiple resource consents from the Otago Regional Council that authorise WWTP activities, including permits for discharges to the coast, and land (including discharges to land in a manner that may enter water). The majority of these consents expire in 2032.
- 61 Discharge consents are in place to ensure the potential for wastewater discharges to result in adverse effects on the receiving environment is appropriately controlled. A condition of the discharge consent for the Tahuna WWTP, for example, requires that "*The discharge, outside the mixing zone, shall not result in any significant adverse effects on aquatic life.*" Given the nature of POPs discussed above, it is considered that POPs discharged to the environment could result in adverse effects on aquatic life, therefore DCC may not be able to maintain compliance with the Tahuna WWTP discharge consent in this respect.
- 62 DCC does not have facilities at its WWTPs to remove POPs before the treated wastewater is discharged to the environment. PFAS substances are not readily removed in WWTP operations, and there may be some implications for contamination of biosolids if such discharges are not controlled. The publication '*Disposal of PFAS containing wastewater to trade waste*' prepared by the Environmental Protection Authority, indicates that no facility in New Zealand can dispose of materials with high PFAS content to meet international disposal standards.
- 63 If POPs were discharged to the wastewater network, all wastewater passing through the WWTP would have to be treated to remove POPs in order to prevent POPs from reaching the receiving environment.

Trade Waste Bylaw

- 64 The proposed Bylaw explicitly says its purposes include:
 - protect the environment from adverse effects of contaminants discharged to the wastewater network; and

- assist the Council to comply with RMA requirements for discharges of contaminants to the environment.
- 65 Achievement of these purposes of the Bylaw may be compromised if POPs are discharged to the environment via the WWTP.
- 66 The 'Controlled' category of trade waste is trade waste that has flows and contaminant loads below set baseline limits and meets the characteristics defined in Schedule A of the proposed Plan without pre-treatment. This category is for the lowest risk trade waste discharges.
- 67 The current 2020 Bylaw and the proposed Bylaw (Schedule 1) expressly prohibits the discharge of any 'organochlorine pesticides or herbicides' to the wastewater network and contains a general prohibition, stating the discharge of trade waste to the DCC wastewater network is prohibited where it would have any of the following implications, immediately or over time, for the final disposal of treated wastewater or biosolids from the DCC wastewater system:
- breach any RMA limit or condition;
 - be toxic to fish, animals or plants;
 - cause specified receiving-water visual effects; or
 - cause oil/grease films, scums or foams.
- 68 The DCC prohibition on organochlorine pesticides and herbicides deals with many POP pesticides but does not capture all the new POPs being regulated.

Staff response or analysis

DCC WWTPs and discharge consents

- 69 DCC WWTPs do not have the capacity to destroy, isolate or otherwise safely manage POPs prior to the discharge of treated wastewater to the environment. Therefore, accepting POPs into the wastewater network would mean they pass through the WWTPs to the environment. The Ministry for the Environment identifies WWTPs, their outfalls, landfills and biosolids as potential PFAS environmental sources. If the DCC accepts POPs it becomes the point-source discharger to the receiving environment. That would potentially turn acceptance of POPs in the wastewater network into an environmental compliance issue for the DCC.
- 70 If DCC accepted POPs in the wastewater network there would be a risk that the POPs would accumulate in the WWTPs and therefore even small periods of POP discharge may have cumulative impacts. Accepting a persistent contaminant could create long-term operational, remediation, consent-renewal or reputational risk for DCC.

Responsibilities for the disposal of POPs

- 71 The current DCC approach is that water from construction work on hazardous sites managed under HSNO regulations would likely have prohibited characteristics and would not be permitted to be discharged to the wastewater network.
- 72 This is broadly consistent with the main philosophy of the proposed 2023 Notice, because environmentally-sound disposal for higher-risk POPs centres on destruction/irreversible

transformation or appropriate export, rather than discharging the POP content in the wastewater network. The specified POP maximum concentration for discharge to wastewater networks in the 2023 Notice is therefore structured as an exception, not the default disposal pathway.

- 73 The Fuel Companies could do onsite pre-treatment to remove all POPs using appropriate recommended technologies and processes if they wanted to discharge water that had been contaminated with POPs to the wastewater network. This approach would facilitate the onsite small-scale treatment of condensed POPs rather than requiring large-scale treatment of all wastewater passing through the WWTP to treat the diluted POPs. The cost to the DCC of installing appropriate recommended technologies and processes to treat all wastewater that passes through the WWTP would be substantially more costly than the cost to the Fuel Companies of being responsible for onsite pre-treatment, and would involve the DCC passing the costs onto ratepayers rather than the costs being met by the operator generating POP waste.

Trade Waste Bylaw 2020 and impact of proposed 2023 Notice

- 74 This gives DCC a strong rationale not to expressly permit POPs simply because the proposed 2023 Notice makes such permission legally possible. The proposed 2023 Notice gives councils a choice rather than obliging them to accept discharges containing POPs.
- 75 The 'Controlled' category of trade waste discharge is for the lowest risk trade waste discharges. It is not appropriate for the discharge of POPs to be included under this category, as requested by the submitter, due to the potential risk of POPs to the environment as discussed in this report.

Regulation of POPs

- 76 The proposed Bylaw carries forward provisions from the current 2020 Bylaw for the prohibition of discharges of trade waste contaminants where final disposal of treated wastewater or biosolids would breach RMA requirements or be toxic to the receiving environment.
- 77 The proposed 2023 Notice created an exception to the normal POP disposal requirements where a territorial authority had independently chosen to accept that waste through its trade waste regime. The proposed 2023 Notice did not require councils to accept POP-containing wastewater and does not indicate a deviation from the management approach in the 2020 Bylaw is needed.

Staff recommendation

- 78 Add a definition of POPs to the proposed Plan proposed Bylaw as follows:

Persistent organic pollutants: means toxic, carbon-based synthetic chemicals that resist degradation and remain intact in the environment for decades.

They include any substance listed in Schedule 2A of the Hazardous Substances and New Organisms Act 1996 and include a substance or manufactured article containing 1 or more of those substances.

- 79 Amend Schedule 1 of the Bylaw and Schedule C of the Plan to clarify that all persistent organic pollutants are prohibited, not just organochlorine pesticides and herbicides previously listed in the 2020 Bylaw:

Specific prohibited characteristics

2 The following are specifically prohibited from discharge to the wastewater network:

- (a) Any materials which combine with water to form a cemented mass;
- (b) Any material with flammable or explosive properties, including oil, fuel, solvents, calcium carbide, either on its own or in combination with wastewater;
- (c) Asbestos;
- (d) Tin (as tributyl and other organotin compounds);
- (e) Any persistent organic pollutants, including, but not limited to, organochlorine pesticides or herbicides;
- (f)

Explanation summary

- 80 The submitter has identified that new POPs are now being regulated and there is a lack of clarity about the status of these new POPs in the proposed Bylaw and proposed Plan. In response to the submission, DCC staff recommend the DCC position on POPs be clarified in the proposed Bylaw and proposed Plan. That position being that the DCC will not accept POPs in trade waste discharges to the wastewater network. The reasons for this are discussed in detail above and summarised below.
- 81 DCC WWTPs cannot remove or treat POPs, there would be potential long-term cumulative impacts on the WWTPs, even on lower concentrations of discharge, WWTP discharges are to sensitive receiving environments, compliance with WWTP discharge consents could be compromised, and DCC cannot accept responsibility for managing an industrial POP waste stream.
- 82 The existing and proposed bylaws do not support the discharge of pollutants from the WWTP where those pollutants will cause adverse environmental effects, or discharge to a WWTP where there may be adverse effects on the WWTP. They also prohibit the discharge of organochlorine pesticides or herbicides.
- 83 The proposed 2023 Notice has not progressed following consultation and the 2004 Notice is still in force. The central purpose of the proposed 2023 Notice was essentially about ensuring POP waste gets appropriately managed/disposed of rather than determining the concentration of a POP that is environmentally safe for a municipal WWTP to discharge. The proposed 2023 Notice places the choice of acceptance of POPs in the wastewater network with the DCC and if accepted, must be included in the Bylaw.
- 84 With consideration of the matters discussed above, the DCC should manage POPs with a precautionary approach, through source control rather than trying to deal with them after they are in the wastewater network. Prohibition of discharge of POPs to the wastewater network is appropriate.

OPTIONS

Option One – Proceed to make recommendations to the Council based on proposed amendments in this report. Recommended Option

- 85 The Hearings Committee may choose to make recommendations to the Council to address matters raised by submitters based on the advice provided in this report. This would be subject to any minor amendments the Committee determines are necessary in response to matters raised by submitters at the hearing, or as agreed by the Committee during deliberations.

Advantages

- A recommendation to Council could be made promptly.

Disadvantages

- No disadvantages have been identified.

Option Two – Ask staff to provide more advise on different amendments to the proposed Plan or Bylaw in response to submissions prior to the Hearings Committee making recommendations to the Council.

- 86 The Hearings Committee may choose to ask staff to provide more advise on different amendments to the proposed Plan or Bylaw to address matters raised by submitters prior to the Hearings Committee making recommendations to the Council.

Advantages

- None identified.

Disadvantages

- Delays making recommendations to the Council and will delay the proposed Plan and proposed Bylaw becoming operative.

NEXT STEPS

- 87 Next steps are for the Hearings Committee to consider the written and verbal submissions and the associated staff analysis and advice, and to determine its recommendations to the Council on any amendments to the content of the proposed Plan and proposed Bylaw.

Signatories

Author:	Jacinda Baker - Senior Policy Analyst
Authoriser:	Scott Campbell - Regulation and Policy Team Leader Jared Oliver - Planning Manager John McAndrew - Head of 3 Waters Mike Costelloe - General Manager, Arts, Culture & Economic Development

Attachments

There are no attachments for this report.

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities.
 This decision promotes the social well-being of communities in the present and for the future.
 This decision promotes the economic well-being of communities in the present and for the future.
 This decision promotes the environmental well-being of communities in the present and for the future.
 This decision promotes the cultural well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	☐	☐	✓
Economic Development Strategy	☐	☐	✓
Environment Strategy	✓	☐	☐
Arts and Culture Strategy	☐	☐	✓
3 Waters Strategy	✓	☐	☐
Future Development Strategy	☐	☐	✓
Integrated Transport Strategy	☐	☐	✓
Parks and Recreation Strategy	☐	☐	✓
Other strategic projects/policies/plans	☐	☐	✓

This report has been prepared with reference to Dunedin's strategic framework.

Māori Impact Statement

This report supports responsible wastewater management, which aligns with the importance of the health of the environment and waterways to Māori. Māori individuals and organisations had the opportunity to provide feedback on the proposed Bylaw and proposed Plan via the public consultation process – a specific notification email about the consultation being open was sent to Aukaha. No submissions from Aukaha or rūnaka were received.

Sustainability

The proposed Bylaw is intended to enable the DCC to manage discharges of trade waste to the wastewater network in a manner that supports the long-term sustainability of the wastewater network and the environment.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

This report and the recommended decisions have no immediate direct implications for these plans and strategies. However, the proposed Bylaw is intended to enable the DCC to manage use of the wastewater network in a manner that supports the DCC to achieve the objectives set out in these plans and strategies.

Financial considerations

There are no known specific financial implications related to this report and the recommended decisions. The costs of immediate implementation of the proposed Bylaw (if subsequently adopted) can be met from existing budgets. Additional funding (if required) for longer-term implementation activities would be sought through budgets included in the first Water Services Strategy in 2027.

SUMMARY OF CONSIDERATIONS

Significance

This report and the recommended decisions have been assessed as low significance in terms of the Council's Significance and Engagement Policy.

Engagement – external

It is noted these decisions are part of the Special Consultative Procedure and result from external consultation being undertaken.

Engagement - internal

Regulation and Policy staff have engaged with other 3 Waters staff as part of the analysis of submissions and formulation of staff recommendations.

Risks: Legal / Health and Safety etc.

There are no risks to this summary report for consideration or the recommendations.

Conflict of Interest

No conflicts of interest have been identified as a result of submissions or recommendations on the proposed Trade Waste Discharge Plan 2026 or proposed Trade Waste Bylaw 2026.

Community Boards

No implications for Community Boards have been identified as a result of submissions or submissions or recommendations on the proposed Trade Waste Discharge Plan 2026 or proposed Trade Waste Bylaw 2026.