

Minutes of a meeting of the Policy and Regulatory Committee held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **22 FEBRUARY 2023** commencing at **1pm**.

Present:

Cr CA Eyre (Chairperson)
Cr C Beavis (Deputy Chair)
Her Worship the Mayor, Mrs JA Church
Cr JM Gibb
Cr EM Patterson
Cr M Raumati
Cr LR Thomson
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Mr K Martin (Waters Manager)
Ms J Bell-Wymer (Corporate Planner)
Ms N Hubbard (Corporate Planning Team Leader)
Ms R Leahy (Democracy Advisor)
Ms G Shaw (Democracy Advisor)
Ms E Saunders (Democracy Advisor)
Ms C Armstrong (Compliance Advisor Trade Waste)

Cr Turner opened the hearing with a Karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Cr P Thomson/Cr Beavis)

THAT:

- a. an apology from Cr Reeve for non-attendance be accepted; and
- b. an apology from Cr L Thomson for early departure be accepted.

CARRIED

P&RH2302/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Cr Patterson/Cr Whyte)

THAT the agenda for a meeting of the Policy and Regulatory Committee hearings and deliberations of the Trade Waste and Wastewater Bylaw held on Wednesday 22 February 2023 be confirmed:

- a. all reports be received and;**
- b. all items therein be considered in open meeting with the exception of those items detailed at agenda item 5 which shall be considered with the public excluded.**

CARRIED

P&RH2302/02

DISCLOSURES OF INTEREST

Cr Raumati and Cr Turner disclosed a personal connection to the submitter Mr Haydn Solomon who submitted on behalf of Ngāti Naho Trust.

REPORTS

Hearings Report on Trade Waste and Wastewater Bylaw
Agenda Item 4.1

The report was received under [*P&R2303/02 refers*], and the following discussion was held:

- The Corporate Planner highlighted some of the key changes that occurred during the consultation process. These included:
 - the inclusion of Te Ture Whaimana in the introduction of the bylaw; new clauses to shape the new Wastewater section;
 - the removal of Schedule 2 and replacing it with updated information on the website with the information; and the removal of mortuary waste from the wastewater system.
- The Corporate Planner and the Chairperson outlined the process for the hearing.
- It was noted that five (5) submitters indicated they would like to present at the hearing. However, only three confirmed they would present and only two showed up on the day.

Resolved: (Her Worship, the Mayor JA Church/ Cr Whyte)

That the Policy and Regulatory Committee:

- a. considers all submissions and, where requested, hear, and consider submissions on the notified Proposed Trade Waste and Wastewater Bylaw 2023 pursuant to section 83 and 150 of the Local Government Act 2002;**
- b. provides direction to staff on changes required to the Trade Waste and Wastewater Bylaw.**

CARRIED

P&R2302/03

Hearings – Verbal Submissions

Bryce Mounsey, Haven Funeral Services Limited (Submission ID 5151)

- The submitter did not support separating mortuary waste from the wastewater system.
- The submitter discussed the impact COVID had on the way families grieve. Many families chose to cremate the deceased instead of embalming due to the cost associated with the process. As a result, less families were embalming therefore reducing the amount of embalming fluids entering the wastewater system.
- The submitter raised a concern about the costs associated with making mortuary waste a prohibited waste. A requirement for the storage and removal of mortuary waste would result in additional costs being passed onto grieving families.
- The submitter raised a concern that only one community's (Māori) views were being considered.
- *What is the current cost for embalming and what would it be if this bylaw was put in place?* The current cost varied between \$1000-1500. If the bylaw was introduced the business would incur costs for installing a tank, pipes, the removal of waste, and likely a council fee for compliance. These costs would be passed onto the customer. The submitter also noted, that they leased the building and there was ambiguity on how they would be compensated for making improvements to the building.
- *What is your understanding of tikanga?* The submitter understood that under tikanga everything would be buried with the body but did not understand how this would translate at a practical level. The submitter raised a concern about the practicalities involved with returning embalming fluid back to their family without being insensitive.
- *How is Watercare Auckland considering this in their bylaws?* Gisborne and Wairoa were the only councils that had adopted a mortuary waste process bylaw.
- *How would the collection and disposal of mortuary waste work in practice?* In terms of collection there would need to be a separation of mortuary waste, a holding tank was an option however, this is yet to be considered.

- *Is your property a rear property or is the mortuary at the rear of the property?* The property is a rear property, and the mortuary is at the rear of the property. There was two to three (2-3) metres between the mortuary and the boundary fence. Access to the holding tank at the mortuary would be difficult. A truck would have to access the mortuary through the rugby grounds.
- *Are there trade magazines or shows that are New Zealand based and are there discussions held in these forums about disposal waste and the cultural impact on Māori?* There are regular district meetings that had guest speakers who discussed cultural and regulatory impacts on the industry.
- *Would there be a social impact on funerals if the cost of embalming were a factor?* Yes, there would be a social impact on funerals. The cost of caskets had gone up and that would be passed on to the customer. The way customers hold funerals would change if the cost increased.

Jamie Toko – Sincere Funeral Home Ngaruawahia (Submission ID 5149)

- The submitter supported the separation of Mortuary waste from the wastewater in part.
- The submitter noted that there had been an increase in Māori families coming to their funeral home for the purpose of tikanga.
- It was noted that the submitters view was not necessarily the view of Sincere Funeral Home in Hamilton or any other funeral home.
- The submitter would like to provide an environmentally friendly process for mortuary waste. This would be done through educating families on the current process and providing an alternative option to the disposal of mortuary waste.
- It was noted that when discussing mortuary waste they are referring to blood (toto) and how they could give that back to the family.
- The collection and return of toto is one of the biggest issues for Māori families. The submitter discussed how families could request their loved one's toto being returned to them and some families had asked for it back.
- The submitter explained that they would need to contain the toto in a biodegradable vessel so it can be placed in a grave or cremated.
- Currently the funeral home did not offer the toto back, however, if families requested it then it could be given back to the family. The submitter did not envisage any issues with collecting the toto for families. However, a concern was raised about educating non-Māori communities.
- The Submitter proposed to eliminate the disposal of mortuary fluids into the wastewater system by placing them in a purpose fit biodegradable vessel to return back to the family for cremation or burial.

- *The way the current bylaw was written meant it would capture the hair and body washing of an embalmed person. How would this affect your business? Currently, the funeral home shampoos and showers a body the same way they would shower themselves. However, if the bylaw changes then the fluid would need to be collected and given back to the family.*
- *If another funeral home had to collect toto and store it in a holding tank, how would that feel from a cultural perspective? Many families would object to their loved one's toto being stored with others in a holding tank.*

The hearing adjourned at 2:14pm and resumed at 2:30pm for deliberations.

DELIBERATIONS

Deliberations on Trade Waste and Wastewater Bylaw

Introduction (clause 1)

- Proposed changes to the introductory note are to align with other bylaws.

Short title, commencement, and application (clause 2)

- Changes to 2.3 which relate to mortuary waste would not come into effect until Council had determined a date.

Definitions (clause 6)

- A concern was raised about compost in relation to biosolids. It was noted that compost was an overarching term and should be replaced with 'composted biosolids or waste'. It was agreed that (e.g. compost) be removed from the biosolids definition altogether.
- A concern was raised that the definition of 'Mortuary Waste' would capture any trade waste involved in the embalming process including gloves and not just toto and mortuary fluid.

ACTION: Staff to re-work the definition of 'Mortuary Waste' before presenting it to the Committee.

- A concern was raised about futureproofing the bylaw and the unintended consequences it could have on the collection of toto in hospitals and medical centres.

ACTION: Staff to investigate and clarify that hospitals and medical centres were excluded from the bylaw.

Control of discharge (clause 7.2)

- *Could residential taps flow at 2.0 litres/second?* No, residential taps did not flow at this rate.

Wastewater service areas (clause 7.3)

- *How frequent did maps change?* Maps are updated when networks are changed. In general, the network did not change frequently. There is a requirement for contractors to input the data in the GIS system so the changes could be reflected in the maps.

ACTION: Staff to update the bylaw using NZ English spelling rather than American spelling.

Protection of Wastewater System (clause 7.5)

- A concern was raised about a) of the bylaw 'except with approval of Council' and noted it should be changed to Authorised Officer.

ACTION: Staff to update bylaw delegations to Authorised Officer rather than Council.

Private Wastewater Systems (clause 7.7)

- *Why was the word upgrade removed from a) of the bylaw?* Under the Building Code the owner would be required to fix their private wastewater system to meet the original design specifications not meet today's Building Code.

ACTION: Staff to update the bylaw and remove the double negative that 'no person may cause or allow'.

Councillor L Thomson left the hearing at 2:55pm.

Prohibited discharge (clause 7.8)

- Discussion was held around fat and grease as a prohibited waste. It was noted that fat and grease can cause major issues in the drainage network for Council and that further education for the public is required.
- *How would this be monitored and enforced?* It was noted that it is generally quite clear where the grease had come from because it often results in drainage issues outside the offending property. Furthermore, bylaws aren't always a preventative tool but could be used as an enforcement tool.
- *Should grease traps be required in households or in new developments?* It was noted that more work and education need to be done in this area.

ACTION: Staff to investigate enforcement options and a letter drop campaign to educate households on what can be put down household drains.

Mortuary Waste (clause 8.3)

- A discussion was held around the inclusion of Te Ao Māori in the bylaw. Council wants to restore the physical and spiritual wellbeing of the river. Currently, treated mortuary waste is going into the river. The intention of having approved disposal sites for mortuary waste was to return the toto back to the whenua.
- The Corporate Planner explained that if any substantial changes were made to the bylaw, then Council would need to re-consult with the public on that.
- It was noted that Auckland Council had simplified their bylaw to say that mortuary waste should not enter the system but did not define how it should be disposed of.
- A concern was raised that timing and the definition of ‘mortuary waste’ and ‘an approved disposal site’ needed more work.
- A concern was raised that if an approved site was included in the bylaw then there should be sites throughout the district to provide a local option for mortuary waste.

ACTION: Staff to arrange a workshop on Mortuary Waste for Councillors.

- It was noted that Mortuary Waste could be considered as a prohibited activity after a certain date to give time to workshop the definition.

ACTION: P&R Committee to consider the workshopped bylaw before it goes back to the Committee for adoption.

ACTION: Cr Beavis to send the Corporate Planning team the grammatical errors and typos in the bylaw that needed to be amended.

Sampling, Testing and Monitoring (clause 8.13)

- *In relation to clause 8.13 b) are commercial operations audited?* The risk class of the commercial business determines how often they are audited. Food premises are audited yearly however, some industrial sites can be audited three times a year.

ACTION: Staff to seek legal advice on whether or not Review of Decisions clause 8.13 h) should be delegated to a subcommittee.

Her Worship the Mayor, JA Church left the hearing at 3:49pm.

Tankered Waste (clause 9)

- It was noted that 9.1 should be changed to ‘hold a consent.’

