

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 12 SEPTEMBER 2022** commencing at **9.30am**.

1.	<u>APOLOGIES AND LEAVE OF ABSENCE</u>	
2.	<u>CONFIRMATION OF STATUS OF AGENDA</u>	
3.	<u>DISCLOSURES OF INTEREST</u>	
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GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and Mrs Maxine Moana-Tuwahangai (Maangai Maaori)
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.

- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

To	Policy & Regulatory Committee
Report title	Confirmation of Minutes
Date:	1 September 2022
Report Author:	Grace Shaw, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Policy & Regulatory Committee held on Monday, 1 August 2022.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the minutes for a meeting of the Policy & Regulatory Committee held on Monday, 1 August 2022 be confirmed as a true and correct record.

3. Attachments

Ngaa taapirihanga

Attachment 1 – P&R Minutes, Monday, 1 August 2022

Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 1 AUGUST 2022** commencing at **9.30am**.

Present:

Cr JD Sedgwick (Chairperson)
Cr AD Bech
Cr C Eyre
Cr J Church
Cr JM Gibb
Cr SL Henderson
Cr RC McGuire
Mrs Moana-Tuwahangi
Cr FM McInally
Cr JD Sedgwick
Cr CT Woolerton

Attending:

Mrs S O’Gorman (General Manager Customer Support)
Mr G Ion (Chief Executive)
Mr T Whittaker (Chief Operating Officer)
Ms A Diaz (Chief Financial Officer)
Mr R MacCulloch (General Manager Service Delivery)
Mr C Morgan (General Manager Community Growth)
Ms M Russo (Corporate Planning Team Leader)
Ms A Sayer (Policy Advisor)
Mr J Ebenhoh (Planning & Policy Manager)
Ms S Smith (Community Safety Support Team Leader)
Ms S Bourke (Community Safety Manager)
Ms S Flay (Senior Communications Advisor)
Ms L Hood (Corporate Planner)
Ms J Bishop (Contracts & Partnering Manager)
Mrs G Kanawa (Democracy Manager)
Ms G Shaw (Democracy Advisor)
Ms E Saunders (Democracy Advisor)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Gibb/Eyre)

THAT the Policy & Regulatory Committee accepts the apologies from His Worship the Mayor, AM Sanson; Cr Smith; Cr Patterson and Cr Thomson for non-attendance.

CARRIED

P&R2208/01

CONFIRMATION OF STATUS OF AGENDA ITEMS**Resolved: (Crs Church/Woolerton)****THAT:**

- a. the agenda for a meeting of the Policy & Regulatory Committee held on Monday, 1 August 2022 be confirmed; and
- b. all items therein being considered in open meeting, with the exception of those items detailed at agenda items 7, which shall be considered with the public excluded; and
- c. all reports be received.

CARRIED**P&R2208/02****DISCLOSURES OF INTEREST**

There were no disclosures of interest.

CONFIRMATION OF MINUTES**Resolved: (Crs McInally/Eyre)****THAT the minutes for an extraordinary meeting of the Policy & Regulatory Committee held on Tuesday, 14 June 2022 be confirmed as a true and correct record.****CARRIED****P&R2208/03****Resolved: (Crs Woolerton/Church)****THAT the minutes for a meeting of the Policy & Regulatory Committee held on Tuesday, 12 July 2022 be confirmed as a true and correct record, noting an amendment to reflect Cr Woolerton's apology for non-attendance.****CARRIED****P&R2208/04**

ACTIONS REGISTER

Agenda Item 5

The report was received [*P&R2208/02 refers*] and the following discussion was held:

- Staff confirmed wording of the Council waiata had been distributed to Councillors and the Councillors' Reconnection Tour would be held following this meeting.
- Mrs Moana-Tuwhangai was noted that the Government recognised Te Reo as an official language 35 years ago so it was pleasing to see the Councillors were committed to learn the waiata.
- Staff would ensure relevant chair was briefed prior to workshops to ensure clarity of those outcomes. A broader programme and way forward would be developed to discuss with the new Council.

REPORTS

Chief Executive's Business Plan

Agenda Item 6.1

The report was received [*P&R2208/02 refers*] and the following discussion was held:

- Councillors queried non-delivery of capital projects and how the issue could be solved? The Chief Executive confirmed Council had undertaken a review of the capital works projects and performance to date. This would be shared at an upcoming Infrastructure Committee meeting. Extensive discussions had also been held with Watercare regarding its ability to deliver. Staff had received assurances from Watercare in this regard. COVID-19 interruptions and issues with supply partners had been an issue, however, staff had developed an action plan to improve delivery.
- Councillors indicated they would like to be updated on the official stance Council takes on specific projects affecting their areas – e.g. the closing of the Holland Road intersection. Noted it was difficult to liaise with the public at times when Council/staff views were not known around these kinds of matters.
- Councillors noted not all of them had been informed of the feedback provided by the Submissions Subcommittee on the Three Waters to the Government. Councillors sought a copy of the submission.

ACTION: Three Waters submission would be forwarded to next Infrastructure/Council meeting for noting.

Policy and Bylaw Review Programme

Agenda Item 6.2

The report was received [P&R2208/02 refers] and the following discussion was held:

- Staff had worked on updating several bylaws and policies since June 2022. Policy work had focused on the Local Alcohol Policy. Reviews of the Public Places, Reserves and Beaches, Cemeteries, and Trade Waste and Wastewater bylaws had continued and were at varying stages in the review process.
- Staff provided an update around the status of various reviews, workshops and bylaw engagement processes.
- Councillors noted there were several policies and bylaws under review. Suggested that Councillors were not always informed of these reviews until it was too late to provide their input. Hoped to be able to intercept these workflows in a timely manner. Queried if staff could provide additional briefings to Councillors.

ACTION: Staff to investigate option of providing additional policy and bylaw review briefings to Councillors to ensure Councillors have sufficient opportunity to provide feedback and suggestions.

- Queried if Council had engaged with cemetery operators who were not under Council control (e.g. funeral directors, churches) to ensure they had sufficient lead-in time to consider the review. Staff confirmed Council had consulted with funeral homes and similar groups.
- Mrs Moana-Tuwhangai queried if the cemeteries bylaw review would affect access to urupa sites? Suggested Council discusses continued access to urupa sites with appropriate stakeholders.

ACTION: Staff to discuss continued access to urupa sites with appropriate stakeholders as part of the Cemeteries Bylaw review.

- Staff were waiting for further information from MBIE regarding the timeframe for the Freedom Camping Bylaw review.

Approval for Consultation on the Draft Local Alcohol Policy (LAP)

Agenda Item 6.3

The report was received [P&R2208/02 refers] and the following discussion was held:

- The review of the LAP began in early 2022. Three Council workshops had taken place and several changes made to the policy as a result. The biggest change to the policy was a proposal to place more restrictions on bottle stores in areas of higher deprivation in the district.

- A definition of 'site' had been included in the policy, there had been minor changes to the definition of 'new licence', additional guidance was provided on how the distance between a licensed premises and another licensed premises or facility is measured, libraries have been added to the list of sensitive sites were some of the changes.
- Staff recommended that Council approves formal consultation to be undertaken from 10 August 2022 to 11 September 2022.
- Draft policy was being reviewed by Council's Legal Team. Council would attempt to reflect the wishes of the community.
- Committee noted that Iwi had very strongly added to this policy review.
- Committee queried if those who had participated in pre-consultations were aware that they were not contributing to the formal consultation process. Suggested there would be value in adding pre-consultation submissions to the formal consultation outcomes.
- Mrs Moana-Tuwhangai noted that the report stated there were no cultural issues associated with the report. Suggested that there was an opportunity for draft reports to be checked by the Iwi and Community Partnerships Manager to ensure cultural considerations are accurately reflected.

ACTION: Staff to consider running draft reports past the Iwi and Community Partnerships Manager to ensure cultural considerations are accurately reflected.

- Noted some people consider their social media comments as a formal submission to Council. Suggested comments are turned off on these posts to drive people to the formal submission process.

Resolved: (Crs Woolerton/Lynch)

THAT the Policy and Regulatory Committee:

- adopts the Statement of Proposal for the proposed Local Alcohol Policy (as set out in Attachment I of this report); and**
- approves the commencement of a Special Consultative Procedure as per section 83 of the Local Government Act 2002 on the proposed Local Alcohol Policy to be undertaken between Wednesday 10 August and Sunday 11 September 2022.**

CARRIED

P&R2208/05

EXCLUSION OF THE PUBLIC

Agenda Item 7

Resolved: (Crs Woolerton/McInally)**THAT** the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX 1 Confirmation of unconfirmed minutes PEX 2.1 Recommended Appointment – District Licensing Committee Commissioner	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 1 Confirmation of unconfirmed minutes PEX 2.1 Recommended Appointment – District Licensing Committee Commissioner	7(2)a	Refer to the previous Public Excluded reason in the agenda for this meeting To maintain a person’s privacy.

CARRIED**P&R2208/06**

Resolutions 2208/07-2208/10 are contained in the public excluded section of these minutes.

There being no further business the meeting was declared closed at 11.33am.

Minutes approved and confirmed this day of 2022.

JD Sedgwick
CHAIRPERSON

To	Policy and Regulatory Committee
Report title	Actions Register – September 2022
Date:	12 September 2022
Report Author:	Karen Bredesen, PA General Manager Service Delivery
Authorised by:	Sue O’Gorman, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To update the Policy and Regulatory Committee on the actions arising from the previous meeting.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Actions Register – September 2022 be received.

3. Attachments

Ngaa taapirihanga

Attachment 1 – Policy and Regulatory Committee Actions Register September 2022

	Action	Responsible to Action	Status/Update/Response
1.	Staff to provide Councillors with a copy of the Three Waters Subcommittee submission to the Government.	Deron Sharma, Three Waters Reform Project Manager	The Waters Services Entities Bill submission was presented to Council during the August meeting.
2.	<u>Policy and Bylaw Review Programme</u> Staff to investigate option of providing additional policy and bylaw review briefings to Councillors to ensure Councillors have sufficient opportunity to provide feedback and suggestions.	Melissa Russo, Corporate Planning & Policy Team Leader	Approach has been discussed with the Committee Chair and will continue as has done previously. Staff are happy to discuss any policy revocations in greater detail should Council have any hesitations.
3.	<u>Cemeteries Bylaw Review</u> Staff to discuss continued access to Pa sites with appropriate stakeholders as part of the Cemeteries Bylaw review.	Melissa Russo, Corporate Planning & Policy Team Leader	Staff have investigated options to enable continued access to Pa sites. This is out of scope for the bylaw review, however staff acknowledge this in an ongoing issue. One solution is to ensure access is considered as part of any subdivision consents.
4.	Staff to consider running draft reports past the Iwi and Community Partnerships Manager to ensure cultural considerations are accurately reflected.	Melissa Russo, Corporate Planning & Policy Team Leader	Noted. Will action as required.

To	Policy & Regulatory Committee
Report title	Chief Executive’s Business Plan
Date:	12 September 2022
Report Author:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To update/inform the Committee on progress covering 2022/2023 business plan items.

2. Executive summary

Whakaraapopotanga matua

The Chief Executive's Business Plan is a summary of progress on priority issues agreed by Councillors.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Policy & Regulatory Committee receives the update on the Chief Executive’s Business Plan for September 2022.

4. Background

Koorero whaimaarama

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things of strategic importance.

The Plan is in line with the Chief Executive's Performance Agreement which was updated in June 2022 in preparation for the new financial year.

Work on the plan is underway in a difficult environment given resource and supply change issues.

5. Discussion Matapaki

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan is aligned to the Chief Executive's Performance Agreement. The underpinning criteria is the council vision of "liveable, thriving and connected communities".

The list of KPIs was updated in line with the Chief Executive's Performance Agreement Reports in June 2022.

5.1 Options Ngaa koowhiringa

This report is for information only and as an update on progress. No decision is being sought from the Committee other than to receive the report.

5.2 Financial considerations Whaiwhakaaro puutea

This report covers the strategic goals set for the Chief Executive for the year. There will be financial implications as the various projects and initiatives are worked through. There are no immediate concerns at the time of this report.

5.3 Legal considerations Whaiwhakaaro-aa-ture

There are potential legal issues that arise through the implementation of this work plan and these will be discussed with council if and when these come to light.

5.4 Strategy and policy considerations Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with and give effect to Council's vision of "Liveable, thriving and connected communities - He noohanga aahuru, he iwi whai ora, he hapori tuuhono tahi."

5.5 Maaori and cultural considerations Whaiwhakaaro Maaori me oona tikanga

Iwi and Tangata Whenua have been or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council through our Joint Management Agreements and projects such as Raglan, Huntly and Te Kauwhata Wastewater Treatment plant upgrades and consent processes.

Iwi have been engaging in the waters management project, the Better Off funding assessment and with Council and central government through Future Proof.

5.6 Climate response and resilience considerations Whaiwhakaaro-aa-taiao

The matters in this report will impact on climate action but it is unclear what this will be until further progress on individual projects is made.

5.7 Risks Tuuraru

As this report seeks to provide a general update only, it is anticipated that the risk level is low.

6. Significance and engagement assessment Aromatawai paahekoheko

6.1 Significance Te Hiranga

The matters covered in this report may be assessed as of high significance, in accordance with the Council's [Significance and Engagement Policy](#).

This will be determined as the work programme is worked through and progress, concerns and issues are worked through against the policy criteria.

6.2 Engagement Te Whakatuutakitaki

Engagement on the contents of this report has been low and internal.

The following areas are priorities in the communications and engagement approach:

- Keeping councillors informed of progress
- Ensuring the development of strategic partnerships and relationships.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Staff have worked collaboratively with our iwi/hapuu to maximise engagement on a range of activities and actions. Similarly, there has been consistent communication with a range of strategic partners and organisations.				

Stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
✓	✓	<input type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	✓	<input type="checkbox"/>	Waikato-Tainui/Ngati Maniapoto/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	✓	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	✓	<input type="checkbox"/>	Other (Please Specify) Waters Governance Board Regional Leadership Group Future Proof Chief Executives Advisory Group Waka Kotahi Ministry of Social Development Ministry of Business, Innovation & Employment

7. Next steps Ahu whakamua

- Regular updates will be provided on progress with delivery of the business plan.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Delegations. Confirmed

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments

Ngaa taapirihanga

Attachment 1 – Chief Executive's KPI worksheet

Chief Executive's KPIs – 2022/2023

Overarching Council Vision: “Liveable, Thriving and Connected Communities”

Staff & Wellbeing Vision: “Work Safe, Home Safe”

Key project/priority	Key deliverables/KPIs	Comments	
1. Delivery and achievement of Annual Plan 2022/2023 (covers normal business activities, financial and non-financial performance measures and the delivery of the annual work programme)	1.1	The 2022/2023 Annual Plan is delivered within the agreed budget, and in accordance with variations approved by Council. Provide regular updates to the Strategy & Finance Committee on progress.	Work is underway around delivery of work plans. This is a combination of work that was underway in the last financial year, new work underway this year, design and tender processes being undertaken.
	1.2	Capital Works are delivered within the agreed budget and in accordance with variations approved by Council. Provide regular updates on progress and any barriers to the delivery of the projects under the following key categories: a) 3 Waters (projects managed and delivered via Watercare) b) Roothing (project predominantly delivered through the Waikato District Alliance) c) Sustainable communities (largely blueprints, social & community related projects).	Work continues on projects that were in progress at the end of June. Planning and design work is happening on a number of projects. In terms of the specific categories: a) Watercare assessing their ability to deliver years 1-3 of the LTP by the end of year 3. b) Discussions held with Councillors about the allocation of the Roothing programme for the coming year. c) Projects such as the Raglan Wharf are underway.
	1.3	Advance social procurement through: (a) Implementing the Sustainable Procurement Framework by 31 December (b) Develop a Small Business Panel to enable businesses to work with us in an easier way by 31 March 2023.	 (a) Work underway to bring the Sustainable procurement Framework to the new council by December. (b) The Small Business Panel work will follow approval of the Procurement Strategy.

Key project/priority	Key deliverables/KPIs		Comments	
2. To deliver the 2023-2024 Draft Annual Plan	2.1	The 2023-2024 Draft Annual Plan is complete by 30 June 2023.	Preliminary planning has started but direction from the new council will be required to bring this work to life.	
3. Local Government Reform	3.1	<p>Demonstrate the work being done by the Chief Executive and staff to inform, advise and advocate on behalf of the Council (evidenced through reports, workshops, briefings or emails) towards a better outcome for the District in relation to Local Government reform to:</p> <ul style="list-style-type: none"> a) Future of Local Government b) RMA c) 3 Waters Reform. 	<ul style="list-style-type: none"> a) Submission made to the Future for Local Government Panel. Awaiting release of the first report from the Future for Local Government Panel. b) RMA – Submissions made about proposed legislation. c) 3 Waters Reform – opportunities to engage and to submit have been taken. The appropriate Select Committee is working through the submissions. The Chief Executive and the Mayor have been engaging with the National Transition Unit Board. 	
4. Strategic Management & Delivery (key projects and priorities includes regional and national matters)	4.1	<p>Futureproof and related initiatives - At each performance review, demonstrate the role that the Chief Executive and staff have played to inform, advise and advocate on behalf of Council in relation to Futureproof and associated initiatives e.g., reports, workshops, submissions and briefings.</p>	<p>4.1 The review of Future Proof has been completed. The Chief Executive has played his part through the Chief Executive Advisory Group.</p> <p>Work underway as to how to operationalise the decisions made in Future Proof e.g., changes to the Regional Policy Statement and this impacts on our District Plan.</p>	

Key project/priority	Key deliverables/KPIs	Comments	
	<p>4.2 Solid Waste:</p> <p>a) Bollard Road (Tuakau) development:</p> <ul style="list-style-type: none"> - Procurement Plan & RFP by 31st July 2022 - Consultant appointed by 30 September 2022 - Stage I detailed design with cost estimate ready for Council workshop by 28 February 2023. <p>b) Huntly recycling sorting facility & Community resource centre (McVie Road)</p> <ul style="list-style-type: none"> - Rotowaro Road sorting facility operational by end July 2022 (Waiting on a new trommel & conveyor belt) - McVie Road site reconfigured and cleaned up for public drop-off by 30 September 2022 - Community resource recovery centre facility in place by March 2023. 	<p>a)</p> <ul style="list-style-type: none"> - Final version of the Procurement Plan should be signed off in the next week or so. - Expect to go to market within next two weeks for the appointment of a Consultant, in the market for 4 weeks, should have consultant appointed by mid-October. - Still expect design and cost estimate on schedule for workshopping with Council in early 2023. <p>b)</p> <ul style="list-style-type: none"> - Expect recycling facility to undergo commissioning in September. Discussions with Kalista (Green Gorilla) ongoing, novation is likely to take effect from 1 October. - Proposal received from the Alliance for site upgrade works to be undertaken in the construction season (budget available). Discussion with community groups ongoing, proposal received, will put to the Solid Waste Steering Committee in September. - Possible but more likely to be later in the year. 	

Key project/priority	Key deliverables/KPIs		Comments	
5. Partnerships and Relationships (includes relationships with central government, Waka Kotahi, Iwi and the Waikato District Alliance)	5.1	<p>a) Provide evidence of outcomes achieved through initiatives, collaboration, and engagement with Iwi.</p> <p>b) Demonstrate significant progress on delivering at least 3 of the initiatives of the Waikato-Tainui JMA workplan.</p> <p>c) Prepare a report for each Ngati Maniapoto JMA meeting which reflects matters of interest for our treaty partner.</p>	<p>a) Discussions underway with mana whenua and Waikato-Tainui about upgrades to Te Kauwhata and Huntly Wastewater Treatment Plants.</p> <p>Council has resolved to look to advance the return of the Raglan Airfield to the rightful owners.</p> <p>b) Three projects that are advancing are the election process (noting the establishment of Maaori wards), Mana whenua forums (sorting out the appropriate representation), work on Better Off Funding with a co-management panel to recommend projects to council. Work on social procurement is also advancing as detailed above.</p> <p>c) A strategic report has been prepared for the Ngati Maniapoto JMA meeting. The report shares insights on Future Proof, the Proposed District Plan and other issues.</p>	
	5.2	<p>Central Government – Provide evidence at each performance review of the outcomes achieved by the Chief Executive through building relationships with central government that are related to Council's future strategies and delivery aspirations. Particular focus should be on:</p> <p>a) Waka Kotahi</p>	<p>a) Waka Kotahi – The Council has been kept informed of ongoing discussions regarding Telephone Road rail crossing closure and Huntly revocation projects.</p>	

Key project/priority	Key deliverables/KPIs		Comments	
		<ul style="list-style-type: none"> b) Kainga Ora c) Ministry for Social Development d) MBIE. 	<ul style="list-style-type: none"> b) Engaging with representatives from Kainga Ora regarding houses to be built in the district as well as Infrastructure Acceleration Fund applications. c) Ministry for Social Development – Discussions have been held about office locations in Ngaruawahia and covid related matters. d) MBIE – Engagement with MBIE has been around reform to the Building Consent processes. 	
6. Staff and Culture (including leadership, engagement and retention)	6.1	<ul style="list-style-type: none"> a) Outline what initiatives have been undertaken to strengthen the internal culture and leadership of the organisation and provide staff survey results to indicate whether these have been successful or not. b) Provide evidence on recruitment strategies being used to attract new talent and retention strategies in place including an assessment of effectiveness. c) Provide an update on flexible and hybrid working arrangements and the effect (positive or negative) on culture as evidenced through staff survey results. 	<ul style="list-style-type: none"> a) The recent staff survey provided strong evidence of a positive culture with a 4% movement in engagement. Whilst we are dealing with a tough employment market, word of mouth is proving a way of attracting good people. This can only happen if there is a positive culture in place. b) As noted, word of mouth is proving effective, being flexible and interviewing good candidates as early as possible has identified some good recruits. Staff retention particularly for staff recruited within the past year (93%) is high. Our Takitaki bespoke leadership programme is building the capability and confidence of our people. d) The flexible working arrangements have been embraced by staff. Flexible working is trending as the second most important employee benefit so far in 2022 based on recent research. 	

Key project/priority	Key deliverables/KPIs		Comments	
	6.2	<p>Demonstrate progress in relation to how diversity and inclusion is being embraced by the organisation.</p> <p>This includes how the opportunity is developing, is being kept alive by behaviours and practices and broadening the perspective of staff.</p>	<p>6.2 Our second Te Reo course has been running for a few weeks now. Our Team Planning session with People Leaders required each Team to identify how they were embracing Te Tiriti o Waitangi principles in their plans.</p> <p>Diversity, Equity & Inclusion are a key course topic for our Takitaki programme, so these principles have already reached about 60 staff through the programme.</p>	
7. Zero Harm (Work Safe, Home Safe)	7.1	Lead initiatives that clearly demonstrate progress towards safety leadership in the way the organisation operates.	The role of the Safety Action Team is evolving from the identification of hazards to reviewing and developing aspects of the safety management system.	
	7.2	Complete the Strategic Plan work for 2022/2023 by 30 June 2023.	Work on the plan is progressing. Several standards have been written and critical risk control reviews are happening on a regular basis.	
8. Climate Action	8.1	<p>Give effect to the goals identified in the Climate Action Plan this financial year and provide updates on progress.</p> <p>a) Agree a Climate Action work plan with the Strategy & Finance Committee by September.</p> <p>b) Complete the work plan as agreed with the Strategy & Finance Committee by 30 June.</p> <p>c) Achieve an emission reduction target of 8% for the year ended 30 June 2023.</p>	<p>a) The Climate Action Steering Group has met to review progress. Good progress is being made around delivery of the current Climate Action Plan.</p> <p>b) Once the work plan is agreed, the focus will shift to implementation.</p> <p>c) The composition of the vehicle fleet is being changed to incorporate hybrids and consider electric vehicles if these are affordable and meet the business needs. At this stage we do not have an updated figure for emissions reduction.</p>	

Key project/priority	Key deliverables/KPIs		Comments	
			<p>In 2020/21 we achieved a reduction of 23% driven largely by changes in the three waters area. In 2023/24 we expect the reduction to be in the order of 16-18% based on initiatives underway now.</p>	
9. 2022 Elections	9.1	<p>Meet legislative compliance by completing the workplan undertaken to facilitate and foster representative and substantial elector participation in elections.</p>	<p>Election process on track. We have used a variety of means to encourage participation. This has included Candidate Information Evenings and an online version as well. We are working with Waikato-Tainui through the JMA meetings to look at ways to work together to increase participation.</p>	

Footnote:

1. The Chief Executive has agreed to deliver KPIs, subject to any changes due to Council's change of direction on any of the KPIs, in which case such changes would be taken into account. Delivery will also be subject to factors within the control of the Chief Executive e.g. a delay in receiving materials for capital works due to Covid-19 would be outside the control of the Chief Executive.
2. Each deliverable including subcategories (e.g. (a), (b) etc.) will be assessed individually.

To	Policy and Regulatory Committee
Report title	August Update on Policy and Bylaw Review Programme
Date:	12 September 2022
Report Author:	Melissa Russo, Corporate Planning Team Leader Anthea Sayer, Corporate Planner
Authorised by:	Clive Morgan, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

To update the Policy and Regulatory Committee on progress made on the Policy and Bylaw Review Programme since the previous report in August 2022.

2. Executive summary

Whakaraapopototanga matua

Staff have worked on updating several bylaws and policies since August 2022. Policy work has focused on the Local Alcohol Policy. Reviews of the Public Places, Cemeteries, Freedom Camping and Trade Waste and Wastewater bylaws have continued and are at varying stages in the review process. Development of a new Traffic Bylaw is also underway. Provisions from the now quashed Reserves and Beaches Bylaw will be included in the review of the Public Places Bylaw.

Details of where each bylaw is at in the review process is detailed in attachment 1.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT August Update on Policy and Bylaw Review Programme report be received.

4. Discussion Matapaki

Progress made:

Policies and bylaws are key decision-making and regulatory monitoring documents. They need to be kept up to date so any decision or enforcement action using the bylaw or policy that is taken by Council is appropriate and consistent.

The following bylaws and policies have had work carried out on them since August 2022:

Document	Update
Bylaws	
Trade Waste and Wastewater Bylaw	The review of the Trade Waste and Wastewater Bylaw has commenced. A second workshop was held on 18 July. A draft bylaw will be presented at the Policy and Regulatory Committee meeting in September seeking approval for formal consultation.
Public Places Bylaw	A review of the Public Places Bylaw is in its early stages. Provisions from the now quashed Reserves and Beaches Bylaw will be included in this review.
Cemeteries Bylaw	Early engagement took place in July and August. A Council workshop is scheduled for 14 September to provide elected members with early engagement feedback.
Freedom Camping Bylaw	A review of the Freedom Camping Bylaw has commenced and an initial workshop is scheduled for 14 September to seek feedback on issues.
Public Places Bylaw	Report is being presented to September Policy and Regulatory Committee meeting proposing amendments to a schedule. No consultation would be required and noting a full review of the bylaw is still in progress.
Policies	
Local Alcohol Policy 2016	Formal consultation took place from 10 August to 11 September. Hearings and deliberations are scheduled for 28 September.

Further details on the bylaw and policy review programme are provided in the attachments to this report.

The review timings noted in the attachments are an estimate only. If the Committee would like to see the review of a policy or bylaw fast-tracked, then direction for staff is requested so that other reviews can be re-prioritised or delayed.

This is to ensure resourcing in the Corporate Planning team, as well as from subject matter experts, is allocated to meet any re-prioritisation.

Policies

Council has several policies that relate to a broad range of acts. These policies cover a variety of activities and while some are on legislated review cycles, policies not required by legislation are intended to be reviewed every three to five years or as required. Policies that are required by legislation are given higher priority than those that are not.

Bylaws

Under section 156 of the Local Government Act 2002 (LGA), bylaws must be reviewed five years after they are made and every 10 years thereafter. The LGA allows bylaws to remain in force for two years after their review period (i.e. years six and seven after the first review and years 11 and 12 thereafter).

Review Process

The process of review often starts with discussion in a Council workshop to identify any issues or improvements related to the policy or bylaw. Once these have been discussed and considered by Council, staff will work through these and produce a report seeking consultation approval from the Policy and Regulatory Committee.

Consultation then occurs, as appropriate, under s.82 or s.83 of the LGA. The results of the consultation are presented to the Committee who can request further changes or corrections to the policy or bylaw in response to submissions. The Committee may recommend that Council formally adopts the policy or bylaw. The adopted policy or bylaw is publicly notified and the review is complete. The whole process can take anywhere from eight to 18 months depending on the complexities of the document and related issues.

A review may be triggered by a legislated review period or change in legislation, a political driver or an issue having been identified that requires an amendment.

5. Attachments **Ngaa taapirihanga**

Attachment 1 – Register of bylaws

Attachment 2 – Register of policies

Bylaw Review programme

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for consultation	Progress made at September 2022	Comments
Trade Waste and Wastewater Bylaw	2 year grace period	1	2021	2023	September 2022	Early engagement with funeral directors and local iwi has occurred seeking feedback on the disposal of mortuary waste and general issues. Formal consultation approval is being sought through this meeting.	
Cemeteries Bylaw	2 year grace period	2	2021	2023	November 2022	Early engagement has been completed seeking feedback on natural burials and dogs in cemeteries. Feedback and next steps will be discussed at a workshop on 14 September.	
Freedom Camping Bylaw	2 year grace period	3	2021	2023		A project team has been formed and the extent of the review is being considered. A workshop to present issues is scheduled for 14 September.	
Public Places Bylaw	2 year grace period	4	2021	2023	TBC	A project team has been formed and issues are being understood. The intention is, at this stage, to include provisions that were previous part of the Reserves and Beaches Bylaw as there was a lot of cross over between the two.	Staff anticipate anti-social driving provisions will be addressed through this bylaw review.
Reserves and Beaches Bylaw	Quashed	-	-	-	-	This Bylaw has been quashed. Provisions will be included in the Public Places Bylaw.	
Speed Limit Bylaw	Expired	5	2016	2018		The objectives of speed bylaws have been superseded by regional speed management plans which are the responsibility of regional councils. A paper will be presented in the coming months to revoke this bylaw.	Section 6 of the Land Transport (Speed Limits Validation and Other Matters) Act 2015 validates the Speed Limits Bylaw i.e., this bylaw can expire but cannot lapse
Keeping of Animals Bylaw	Current	6	2031	2033			
Waste Management and Minimisation Bylaw	New	7	N/A	N/A		Bylaw development has been put on hold until resource allows within both the Corporate Planning and Solid Waste teams.	Developing a bylaw is one of the action points included in the Waste Management and Minimisation Plan.
Alcohol Control Bylaw	Current	8	2025	2027			
Dog Control Bylaw	Current	9	2027	2029			Dog Control Policy must be reviewed at the same time (s.10AA Dog Control Act).
Water Supply Bylaw	Current	10	2031	2033			
Stormwater Bylaw	Current	11	2026	2028			
Livestock Movement Bylaw	Current	12	2027	2029			

Register of Policies
Updated: 18 August 2022

Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
Policy is current										
Ready to be revoked										
Will be revoked										
Under review										
Appointing Directors and Trustees to Council Controlled Organisations Policy	WDC	Operations	Chief Executive Group	Feb 2014	Feb 2017	Yes	N/A		UNDER REVIEW	Review will be complete by the end of the calendar year at the latest.
Appointments to Community Boards and Other Committees Policy	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Oct 2013	Oct 2016	No	Local Government Act 2002 Local Electoral Act 2001		UNDER REVIEW	Will be reviewed October/November after local body elections.
Cellular Network Site Policy	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2008	Jan 2011	No	N/A	All property related policies are under review and will form part of a new general property management policy. Due to competing priorities, the review won't be completed until later this year.	UNDER REVIEW	Guidelines for the new policy have been drafted.
Conferences and Seminars Policy – Attendance and Payment of Expenses (Including Local Government NZ	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Sept 2013	Sept 2016	No	N/A		UNDER REVIEW	Reviewed policy will be presented to the September Policy and Regulatory Committee meeting.

Register of Policies

Updated: 18 August 2022

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	Policy is current										
	Ready to be revoked										
	Will be revoked										
	Under review										
Conferences)											
District Tree Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Apr 2015	Apr 2018	Yes	N/A	Policy review is underway but dependent on PDP appeals.	UNDER REVIEW	
Easements Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2014	Dec 2017	Yes	N/A	All property related policies are under review and will form part of a new general property management policy. Due to competing priorities, the review won't be completed until later this year.	UNDER REVIEW	Guidelines for the new policy have been drafted.
Funding for Road Closures for Community Events Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	Jan 2011	No	N/A		UNDER REVIEW	Currently determining if this policy can be revoked.
Grass Verge Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Oct 2019	Yes	N/A	Review of this policy has commenced but progress has been restrained by competing priorities in the Open Spaces team.	UNDER REVIEW	

Register of Policies

Updated: 18 August 2022

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Overdue for review															
Policy is current															
Ready to be revoked															
Will be revoked															
Under review															
	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Apr 2014	Apr 2017	Yes	N/A	The review of this policy is underway but is dependent on the PDP being finalised and Heritage Strategy completed. Once these two parallel processes are complete, the policy review can be finalised.	REVIEW						
	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	No	N/A	All property related policies are under review and will form part of a new general property management policy. Due to competing priorities, the review won't be completed until later this year.	UNDER REVIEW	Guidelines for the new policy have been drafted.					
	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	No	N/A	All property related policies are under review and will form part of a new general property management policy. Due to competing priorities, the review won't be completed until later this year.	UNDER REVIEW	Guidelines for the new policy have been drafted.					

Register of Policies

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	Policy is current										
	Ready to be revoked										
	Will be revoked										
	Under review										
Local Alcohol Policy		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Dec 2016	Dec 2022	Yes	Sale and Supply of Alcohol Act 2012		UNDER REVIEW	Formal consultation took place from 10 August to 11 September. Hearings and deliberations are scheduled for 28 September.
Notable Tree Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Nov 2014	Nov 2017	No	N/A		UNDER REVIEW	Staff have decided that this policy should be revoked and replaced with a process.
Plaques, Memorials and Monuments Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Sep 2019	Yes	N/A	Review of this policy has commenced but progress has been restrained by competing priorities in the Open Spaces team.	UNDER REVIEW	
Property Management Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	No	N/A	All property related policies are under review and will form part of a new general property management policy. Due to competing priorities, the review won't be completed until later this year.	UNDER REVIEW	Guidelines for the new policy have been drafted.

Register of Policies

Updated: 18 August 2022

	Overdue for review	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
	Policy is current										
	Ready to be revoked										
	Will be revoked										
	Under review										
Reimbursements for Elected Members Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	Aug 2017	Aug 2020	No	N/A		UNDER REVIEW	Reviewed policy will be presented to the September Policy and Regulatory Committee meeting.
Road Closure for Motor Sport Events Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2012	Mar 2015	Yes	N/A	The policy review has been paused until after the October local body election The World Rally Championship road closure process will provide valuable insights into the policy review.	UNDER REVIEW	
Road Naming Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Mar 2016	Oct 2018	Yes	N/A		UNDER REVIEW	
Sponsorship of, and Advertising On, Council Properties and Assets Policy		WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2002	Jan 2005	No	N/A	The review of this policy falls across several different areas within council. It is likely that some parts of this policy will be placed into the new General Policies Reserve Management Plan.	UNDER REVIEW	

Register of Policies

Updated: 18 August 2022

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Policy is current										
Ready to be revoked										
Will be revoked										
Under review										
	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Apr 2016	Apr 2019	No	N/A	A paper was presented to the April JMA co-governance meeting to seek Waikato-Tainui agreement and support on the draft policy. Will be presented again to the October meeting.	UNDER REVIEW	
	WDC	Operations	Tony Whittaker (Chief Operating Officer)	May 2017	May 2020	Yes	N/A	This policy review is dependent on the Te Reo Maaori Policy review being completed.	REVIEW	
	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Dec 2021	Dec 2022	Yes	N/A		CURRENT	
	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Dec 2019	Dec 2022	Yes	Local Government Act 2002	Will be reviewed after the October 2022 local body election.	CURRENT	
	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Mid - 2019	Mid- 2022	Yes	N/A	Will be reviewed in 2022.	CURRENT	

Register of Policies

Updated: 18 August 2022

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Overdue for review										
Policy is current										
Ready to be revoked										
Will be revoked										
Under review										
Dangerous and Insanitary Buildings Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2018	Sep 2023	Yes	Building Act 2004		CURRENT	
Development Contributions Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2018	Jun 2021	Yes	Local Government Act 2002		CURRENT	
Development Contributions Policy	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jun 2021	Jun 2024	Yes	Local Government Act 2002		CURRENT	
Development Contributions - Remissions for Subsidiary or Second Dwelling for Dependents Only	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2007	N/A	Yes	Local Government Act 2002		CURRENT	
Development or Financial Contributions	WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Jan 2009	N/A	Yes	Local Government Act 2002	Review will commence mid-2022	CURRENT	

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Overdue for review															
Policy is current															
Ready to be revoked															
Will be revoked															
Under review															
Dog Control Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	April 2022	With the Dog Control Bylaw	Yes	Dog Control Act 1996		CURRENT						
Easter Trading Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Feb 2022	Feb 2027	Yes	Shop Trading Hours Act 1990		CURRENT						
Gambling Venues Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Dec 2021	Dec 2024	Yes	Gambling Act 2003 Racing Act 2003		CURRENT						
Gifts and Hospitality Policy	WDC	Operations	Alison Diaz (Chief Finance Officer)	April 2019	April 2024	Yes	No		CURRENT						
Library Policy	WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Oct 2019	Oct 2024	Yes	N/A		CURRENT						
Meremere Community Committee	WDC	Operations	Tony Whittaker (Chief	Mid- 2019	Mid - 2022	Yes	N/A	Will be reviewed in 2022 after the local body election.	CURRENT						

Register of Policies

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	Overdue for review										
	Policy is current										
	Ready to be revoked										
	Will be revoked										
	Under review										
		Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	On website	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
Charter				Operating Officer)							
Petitions Guidelines Policy		WDC	Community Growth	Clive Morgan (General Manager Community Growth)	Mar 2021	Mar 2024	Yes	N/A		CURRENT	
Psychoactive Substances Policy		WDC	Customer Support	Sue O'Gorman (Customer Support General Manager)	Jul 2019	Jul 2024	Yes	Psychoactive Substances Act 2013		CURRENT	
Rates Remission and Postponement Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	Jun 2021	June 2024	Part of LTP	N/A		CURRENT	
Remission or Postponement of Rates on Māori Freehold Land Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	Jun 2021	June 2024	Part of LTP	Local Government Act 2002		CURRENT	
Sensitive Expenditure Policy		WDC	Operations	Alison Diaz (Chief Finance Officer)	April 2022	April 2025	Yes	N/A		CURRENT	
Significance and Engagement Policy		WDC	Community Growth	Clive Morgan (General Manager)	Dec 2020	Dec 2023	Yes	Local Government Act 2002		CURRENT	

Register of Policies

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Policy is current			Community Growth)							
Ready to be revoked	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Sept 2018	Sept 2022	Yes	Local Government Act 2002	Will be reviewed after the October 2022 local body elections.	CURRENT	
Will be revoked	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Oct 2019	Oct 2024	Yes	N/A		CURRENT	
Under review	WDC	Operations	Tony Whittaker (Chief Operating Officer)	Mid- 2019	Mid - 2022	Yes	N/A	Will be reviewed in 2022 after the local body election.	CURRENT	
	WDC	Operations	Alison Diaz (Chief Finance Officer)	April 2022	April 2025	Yes	N/A		CURRENT	
	WDC	Service Delivery	Ian Cathcart (Special Infrastructure Projects Manager)	Sept 2021	Sept 2024	Yes	N/A		CURRENT	

Register of Policies

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	Policy is current										
	Ready to be revoked										
	Will be revoked										
	Under review										
Street Lighting and Other Security/Amenity Lighting Policy		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 1997	Jan 2000	No	N/A		TO BE REVOKED	This policy will be proposed to be revoked at the September Policy and Regulatory Committee as it is no longer relevant. Instead, strategy will be developed to guide where streetlights are placed and how they are funded.
Relocatable Home Parks and Camping Grounds Policy		FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2009	Jan 2012	No	N/A		TO BE REVOKED	This policy will be proposed to be revoked at the September Policy and Regulatory Committee. This is an old Franklin District Council policy. WDC no longer has responsibility for a campground in the Franklin district.

To	Policy and Regulatory Committee
Report title	Revocation of Policies
Date:	12 September 2022
Report Author:	Anthea Sayer, Corporate Planner
Authorised by:	Clive Morgan, General Manager Community Growth

1. Purpose of the report

Te Take moo te puurongo

To recommend to the Council that the policies listed below be revoked with immediate effect:

- Relocatable Home Parks and Camping Grounds Policy 2009
- Street Lighting and Other Security/Amenity Lighting Policy 1997.

2. Executive summary

Whakaraapopototanga matua

Staff seek approval to revoke the following policies:

- Relocatable Home Parks and Camping Grounds Policy 2009
- Street Lighting and Other Security/Amenity Lighting Policy 1997.

Policies are key decision-making documents and therefore need to be kept up to date to ensure that decisions being made are appropriate and consistent. These policies are no longer required as they have either been superseded by other documents or are deemed out-of-date and unnecessary.

The policies to be revoked have been attached to this report.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee recommends to Council that the policies listed below be revoked with immediate effect:

- a. Relocatable Home Parks and Camping Grounds Policy 2009**
- b. Street Lighting and Other Security/Amenity Lighting Policy 1997.**

4. Background

Koorero whaimaarama

Council currently has 47 externally facing policies of which one is overdue for review (excluding the two policies for revocation). Best practice is that policies be reviewed every three years. However, to progress the policy review programme, policies will be reviewed at five-yearly intervals until three-yearly intervals become more manageable.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Work is progressing on Council's policy review programme. The two policies proposed to be revoked were adopted in 1997 and 2009 respectively. A summary of each policy is noted below along with the reasons for revocation.

Relocatable Home Parks and Camping Grounds Policy 2009

This is a Franklin District Council policy and applied to campgrounds in the former Franklin district (noting Council does not have any campgrounds in this part of the district). The policy outlines relocatable home park requirements including rules on allocation of relocatable homes to camping sites within the campground and length of stay.

Staff are currently developing a new policy to cover the Lake Hakanoa campground, noting that what's covered in the old policy are covered by current campground rules.

Street Lighting and Other Security/Amenity Lighting Policy 1997

This is a Franklin District Council policy that outlines standards for street lighting. It notes that security lighting on private property is the responsibility of the owner and clubs/facilities on council reserves are responsible for their security lighting.

This policy can be revoked as street lighting standards are now subject to Regional Infrastructure Technical Specifications. District Plan rules guide lighting on private property and the General Policies Reserve Management Plan covers lighting of clubs/facilities on Council reserves.

Staff are developing a Street Lighting Strategy to guide where streetlights should be placed in urban and rural areas.

5.1 Options

Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Committee to consider.

Option 1 – Revoke the policies

The policies included are no longer required as they have been deemed to be out of date and of little to no value in their current form.

This option is recommended.

Option 2- Retain the policies mentioned above

The policies included could be retained, however all are currently out of date and are no longer in use. This option is not recommended.

5.2 Financial considerations
Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations
Whaiwhakaaro-aa-ture

Staff confirm that the preferred option complies with the Council's legal and policy requirements.

5.4 Strategy and policy considerations
Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations
Whaiwhakaaro Maaori me oona tikanga

There are no impacts on Maaori related to this decision.

5.6 Climate response and resilience considerations
Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks
Tuuraru

There are no risks associated with this decision.

6. Significance and engagement assessment
Aromatawai paahekoheko

6.1 Significance
Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform ✓	Consult ✓	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
	The owners of the policies proposed to be revoked have been consulted and will be notified of the outcome of the report.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps Ahu whakamua

If the policies are revoked, they will be removed from the policy register and Waikato District Council website.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Relocatable Home Parks and Camping Grounds Policy

Attachment 2 – Street Lighting and Other Security/Amenity Lighting Policy

D12 Relocatable Homes Parks and Camping Grounds Policy

POLICY OBJECTIVES

- To create the mechanism whereby Relocatable Home Park status can be granted to areas within holiday parks.
- This Policy is in addition to the Camping-Ground Regulations 1985

DEFINITIONS

This Policy is promulgated pursuant to the Camping-Grounds Regulations 1985.

In this Policy, if not inconsistent with the context, -

Holiday Park means for the purposes of this Policy, the area comprising of the camping-ground and the relocatable home park

Camping ground means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living-places for occupation by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water- supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping-ground.

Relocatable Home means a structure comprising of a group of rooms occupied or intended to be occupied either permanently or temporarily as the living quarters of a single housekeeping unit (whether comprising of 1 or more persons), which is completely self-contained in respect of domestic equipment and facilities and which is designed to be relocatable and is located in a camping-ground; but does not include a tent. For the purposes of this Policy a relocatable home can be placed on foundations, wheels or skids.

Relocatable Home Park means an area of land within the holiday park used or intended to be used for relocatable homes.

PART A:

RELOCATABLE HOME PARK

Relocatable Home Park Requirements

- Not more than 40 percent of sites within a relocatable home park shall be set aside for permanent stays
- No more than two persons shall stay permanently within any site set aside for permanent stays
- The maximum floor area for relocatable homes shall be restricted to 65 square metres unless otherwise restricted by the zone of the land on which the relocatable home park is located
- The relocatable home park shall be located within an area or areas specifically set aside for this use within the holiday park;
- Each site within the relocatable home park shall be serviced with sewerage, storm water drainage and a water supply to the satisfaction of the Council;
- Minimum of one car park per site, located within the footprint the site.

- Prior to installation of a relocatable home, all Building Consent and Resource Consent from Council shall be obtained.
- Each relocatable home site shall have a minimum area of 100 square metres, including car parking.
- There shall be no storage on the site of the relocatable home
- All sites for relocatable homes are to be clearly demarcated.
- Provision is made for one ten square metre garden shed per site.

Allocation of areas within Holiday Parks

- Not more than forty percent of the area of a holiday park shall be set aside for relocatable homes;

Application

- Approval may be granted on application to set aside an area or areas within an existing holiday park as a relocatable home park.
- A fee shall be charged for consideration of the application.
- Details of wastewater, storm water and water supply shall accompany the application.
- Approval for Relocatable Home Park status shall be granted with certain conditions that include the maintenance of the homes to the satisfaction of Council.
- Detailed scaled site plan showing all areas of the holiday park, particularly the sites used for camping and relocatable homes, shall accompany the application for relocatable home park status.

PART B **CAMPING GROUND**

Allocation of areas within Holiday Parks

- Not less than sixty percent of the area of the holiday park shall be set aside for a camping ground.

Length of Stay

- The length of consecutive stay by any person or family shall be restricted to fifty days in all areas of the camping ground.

REVIEW OF POLICY

The Franklin District Council Relocatable Home Park Policy shall be reviewed every three years or sooner if deemed necessary.

NOTE

This Policy supersedes the current Franklin District Council Camping Ground Policy. SP/2005/12/19, SP/2009/6/14

Street Lighting - and other Security/Amenity Lighting Street Lighting

1. AS/NZS 1158 – Lighting for Roads & Public Spaces, has been adopted by Council as the standard for determining street lighting requirements in the urban areas.
2. Pedestrian crossings are lit in accordance with the Transit New Zealand Manual of Traffic Signs and Markings and AS/NZS 1158.
3. Major rural intersections are lit where traffic engineering studies show such lighting to be required.
4. The hours of operation for all Council provided and funded lighting are from dusk to dawn.

Security and Amenity Lighting

Note: *Security and amenity lighting must conform to the provisions of the District Plan*

1. Amenity lighting provided by property owners at their expense, such as under verandah lighting, festive and advertising lighting, shall be controlled at those owners' discretion but preferably shall be from dusk to dawn to counter security and vandalism problems.
2. Financing, installation and maintenance of security lighting of clubrooms and facilities on Council reserves is the responsibility of the clubs or organisations using or leasing the reserves.

To	Policy and Regulatory Committee
Report title	Approval to consult on the Proposed Trade Waste and Wastewater Bylaw
Date:	12 September 2022
Report Author:	Jodi Bell-Wymer, Corporate Planner
Authorised by:	Megan May, Acting General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To seek approval from the Committee to undertake formal consultation on the Proposed Trade Waste and Wastewater Bylaw.

2. Executive summary

Whakaraapopotanga matua

The Waikato District Council Trade Waste and Wastewater Bylaw 2016 (2016 Bylaw) was due for review on 01 October 2021. The 2016 Bylaw continues to have legal effect under section 160A of the Local Government Act 2002 (Act) until it is automatically revoked on 1 October 2023 or replaced sooner. By replacing the 2016 Bylaw with a new bylaw, Council can continue to regulate trade waste and wastewater discharges into the public wastewater network.

Staff have reviewed the 2016 Bylaw and suggested new clauses to better protect public wastewater infrastructure and provide clearer information on connections and accountability for damages caused. A significant clause proposed is for mortuary waste to be separated from the public wastewater network as a prohibited waste and no longer discharged to the Waikato River, in accordance with tikanga Māori (customary practice/values).

Staff consider the decisions and matters of this report as being of moderate significance when assessed using Council's Significance and Engagement Policy. Mana Whenua, trade waste consent holders, Community Board and Committees and funeral directors were invited to share their views through early engagement which was presented to Council at a workshop on 18 July 2022. As a result of the early engagement and Council's feedback, a new draft Bylaw is proposed.

If approved, this report will allow consultation from 21 September to 21 November with the intent of adopting a new Bylaw in 2023.

Staff recommendations

Tuutohu-aa-kaimahi

That the Policy & Regulatory Committee:

a. confirms that:

- i. a Bylaw is the most appropriate way of addressing the perceived problem;**
- ii. the proposed Bylaw is the most appropriate form of Bylaw; and**
- iii. the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 2002.'**

b. adopts the Statement of Proposal (attachment 2); and

c. approves the consultation commencement in accordance with section 83 of the Local Government Act 2002 on the Proposed Trade Waste and Wastewater Bylaw.

3. Background

Koorero whaimaarama

A workshop was held on 3 May 2022 with the purpose of seeking general feedback from Council on the 2016 Bylaw. Feedback was also sought on the disposal of mortuary waste to land. One of the principles of Te Ao Māori is that people are to be returned to the land once deceased (including by-products associated with preparation). Separating mortuary waste from the reticulated system and disposing to land was presented to Council to consider including in the Bylaw consultation.

Council requested stakeholder feedback through early engagement to obtain opinions, prior to any clauses being formally drafted into the Bylaw. Stakeholders were asked for comments on the trade waste and wastewater sections and what they thought about separating mortuary waste from the public wastewater system.

Feedback received during the early engagement suggested improvements that could be made to the 2016 Bylaw.

The results of the early engagement were presented to Council at a second workshop on 18 July 2022. At this workshop, Council gave feedback on the clauses staff proposed to include in the consultation and discussed their support for including the mortuary waste clauses.

4. Discussion and analysis

Taataritanga me ngaa tohutohu

The 2016 Bylaw has been reviewed and forms the basis for the proposed Trade Waste and Wastewater Bylaw (proposed Bylaw) that this report is seeking approval to consult on.

The proposed Bylaw is a continuation of the 2016 Bylaw with proposed amendments to existing clauses and added new clauses to better protect the wastewater network and provide clarity on connections, liability, and accountability for damage to infrastructure. The proposed new clauses are outlined in the tables below and the 2016 Bylaw with tracked changes is provided with this report as attachment 3.

Introduction

Including these clauses in the introduction proposes to appropriately provide for Te Ture Whaimana and our vision for a healthy Waikato River. These are consistent with the introductions in the Waikato District Council Water Supply and Stormwater Bylaws.

Clause	Proposed Wording
1.2	Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have particular regard to Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River). The vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. In this regard, the Council recognises the special cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.
4.1 (g)	Ensure Council meets its legal obligations and commitments, including (but not limited to): i. The Waikato River Settlement Act 2010, in particular, the requirement that Council have regard to the Vision and Strategy for the Waikato River by contributing to the protection and restoration of the health and wellbeing of the Waikato River.

Wastewater

Clause	Proposed Wording	Reason
7.1	(c) Any application for approval must be made in writing on the prescribed form and be accompanied by all information relating to the application as required by the Council. (d) Only Council is to install low pressure wastewater connections to the property boundary. (e) All standard gravity wastewater connections are to be carried out by owner or other person and must ensure prior to any wastewater connection, disconnection, or other works: that works are carried out by a qualified contractor/drainlayer holding the current NZ Certificate in Infrastructure Works, obtain Council approved consent or engineer plan and provide information specific by Council or Authorised Officer, Installation completed to meet Regional Infrastructure Technical Specifications (RITS).	This clause will clarify who can install connections to low pressure and standard gravity connections.

Clause	Proposed Wording	Reason
7.3	<p>Wastewater Service Areas: Council may define the service area and make information relating to the service area and availability of connection publicly available on the Council website.</p>	<p>The intention of this clause is to allow for supplementary information to the Bylaw (i.e. maps) to be available on the Council website.</p>
7.6	<p>Building Over or near the Wastewater Network: A person intending to do any new building works over or within five meters of the Public Wastewater System must:</p> <ul style="list-style-type: none"> • make an application to Council and must not proceed with the works until approval is granted. • Ensure compliance with the approval and any conditions of the approval. • Ensure that the works comply with any requirements of the Regional Infrastructure Technical Specifications (RITS). 	<p>The addition of this clause ensures Council has legal grounds to request written applications for building over or near the public wastewater network.</p>
7.7	<p>Private Wastewater Systems</p> <p>a) Where it is identified that a private wastewater system is not operating effectively, Council may issue a Notice to fix to require an owner or occupier of a property to fix the private wastewater system systems, including, at the owner's cost, to meet original design specifications.</p> <p>b) No person may cause or allow stormwater inflow or groundwater infiltration into the wastewater network or any private drain which is connected to the wastewater network.....</p>	<p>(a) This clause has been revised to allow Council to issue a notice to fix when private systems aren't operating effectively, particularly when private systems affect the public wastewater network.</p> <p>(b) This clause has been revised to prevent inflow and infiltration of stormwater into the wastewater system. It gives Council enforcement ability to correct private stormwater drains connecting to the wastewater system.</p>
7.8	<p>Prohibited discharge</p> <p>No person may discharge or introduce prohibited waste into the wastewater network. For the purposes of the above clause, prohibited waste means: Waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1; and includes, but is not limited to non-dispersible items or waste such as Disposable wipes</p>	<p>This clause prohibits these items from being discharged into the wastewater network.</p>

Clause	Proposed Wording	Reason
	<ul style="list-style-type: none"> • Nappies and diapers • Sanitary products • Paper other than toilet or tissue paper • Fat and grease • Plants, wood and vegetation • Soil, rocks and stones • Fabric and material such as rags • Solid objects such as toys • Paint and solvents • Pharmaceutical products • Plastic bags 	
10.2	<p>Payment:</p> <p>a) Payment for the discharge of wastewater and related services shall be in accordance with the Council rates, development or capital works contributions prevailing at the time.</p> <p>b) The Council may recover unpaid wastewater rates in respect of the wastewater services as prescribed in the Local Government Act 2002 from the owner or occupier (or both) of the premises.</p>	This clause is to clarify that current charges apply to wastewater services and the recovery process of unpaid wastewater rates.
13.1	<p>Breakage and Damage of the Wastewater System on Private Property:</p> <p>Where the wastewater system is on private land and the wastewater system is damaged, even if unintendedly, by build overs or private assets or private infrastructure, the Council is not liable for the cost of remedy or repair of the wastewater system. The owner of the private property whose build over or private asset or infrastructure that has aided in the damage to the wastewater system is liable and responsible for the cost of remediation and repair back to the original standard.</p>	This clause proposes to protect Council's liability for repair costs to the wastewater system when damage occurs on private property.
13.2	Stop Works	This clause allows Council to issue a 'stop works' notice where works or intended works have or are likely to damage Council's infrastructure.

Clause	Proposed Wording	Reason
	<p>Council or Authorised Officer may serve or issue a notice or order on the owner, occupier or other person where works have damaged or are likely to cause damage to any part of Council's wastewater infrastructure. Failure to comply with such notice or order constitutes an offence against this Bylaw. The stopped work is not to recommence until appropriate remedial work is carried out and an 'Approval to Recommence Work' authority is signed and issued by Council or Authorised Officer.</p> <p><i>Advisory note: Negligent or willful damage to Council infrastructure is prohibited under section 232 of the Local Government Act 2002.</i></p>	
14.1	<p>Council or an Authorised Officer may serve or issue a notice or order on the owner, occupier or other person where works have damaged or are likely to cause damage to any part of Council's wastewater infrastructure. Failure to comply with such notice or order constitutes an offence against this Bylaw. The stopped work is not to recommence until appropriate remedial work is carried out and an 'Approval to Recommence Work' authority is issued by Council or Authorised Officer.</p>	<p>This clause proposes to clarify the authority under which such orders may be issued and could also ensure that non-compliance with the order itself constitutes a breach of this Bylaw.</p>

Trade Waste

Staff are proposing to remove Schedule 2 from the Bylaw (Pre-Treatment and discharge requirements) and have the information available on the Council website. The pre-treatment and discharge requirements change regularly and removing them from the Bylaw will allow staff to make changes when needed without requiring a Council resolution.

Schedule	Document	Explanatory notes
2	Pre-treatment and Discharge Requirements -	As the requirements are regularly updated by central government, Staff propose to remove the pre-treatment and discharge requirements schedule and instead have the most up to date information available on the Council website.

General

Clause	Proposed New Clause	Reason for Clause
12	Liability The Council shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies, reduced level of service or interruptions to the wastewater system.	This clause proposes to protect Council against consequential loss from system failures or outages that customers may experience. It is consistent with The Waikato District Council Water Supply Bylaw.

Mortuary Waste

The following clauses are proposed in the Bylaw for the requirement of separating mortuary waste from the public wastewater system to align with tikanga Māori. They are proposed to be inserted under the relevant sections of the draft Bylaw.

Short title, commencement, and application

Clause	Proposed New Clause	Reason for Clause
2.3	<p>This bylaw shall come into force on XXX, except for the following clauses which relate to mortuary waste:</p> <ul style="list-style-type: none"> • (a) Clauses 8(c) and • (b) Paragraph (d) of the definition of prohibited waste contained in any clauses which relate to mortuary waste shall come into force on a date determined by resolution. 	<p>This section relates to the mortuary discharge clause proposed to be introduced to the bylaw. It states that the mortuary clause (8) does not come into force until a Council resolution is made.</p>

Definitions

Clause	Proposed Definition	Reason for Definition
6	<p>Mortuary: Means premises used or intended to be used for the preparation of deceased bodies or burial or for the embalming of bodies or the examination or treatment of bodies prior to burial; but does not include premises so used or intended to be so used primarily for hospital care within a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001).</p> <p>Mortuary Waste: Means the trade waste from any process involving physical contact with a deceased person at a mortuary.</p> <p>Mortuary Waste Disposal Site: Means a site designated by the Council as a mortuary waste disposal site.</p>	<p>These definitions will be required to establish the meanings relating to mortuary waste.</p>

Clause	Proposed New Clause or Change	Reason for Clause
8.3	Mortuary Waste Trade waste from a mortuary shall only be disposed of to a site approved by the Council as a mortuary waste disposal site.	This clause is proposed to be introduced in the Bylaw to allow for the Te Ao Māori view of disposing mortuary waste to land (not the Waikato River). Although the clause may be introduced in the Bylaw, it will not come into effect until a date decided by Council, when stakeholders have worked through a solution that allows for land-based discharge.

4.1 Options

Ngaa koowhiringa

The following options have been identified.

- Option 1:** Accept the recommendations in this report and begin consultation on the Proposed Bylaw from 21 September to 21 November 2022.
- Option 2:** Do not accept the recommendations to begin consultation and require staff to make amendments to the proposed Bylaw postponing consultation to a later date.

Staff recommend option 1 as two workshops have been held with Council and early engagement has occurred. The proposed Bylaw includes input from staff, Watercare and Council and is ready to be consulted on. This will allow for the proposed Bylaw to be adopted in a timely manner in 2023.

4.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report. However, financial support to provide for mortuary waste disposal sites may need to be addressed in the next Long Term Plan.

4.3 Legal considerations

Whaiwhakaaro-aa-ture

Section 145 of the Act gives council the power to make bylaws for 1 or more of the following purposes:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety;
- c) minimising the potential for offensive behaviour in public places;

Additional powers provided by section 146 of the Act gives Council specific authority to make bylaws for the purpose of regulating trade waste.

Despite the Trade Waste and Wastewater Bylaw 2016 requiring to be reviewed by 1 October 2021, s160A of the Act provides that the current bylaw will continue to have legal effect until 01 October 2023.

In any event, upon adoption, the draft Bylaw will revoke the 2016 Bylaw and will be the new Bylaw.

In accordance with their delegated authority, the Corporate Planning team have determined, under section 155 of the Act, that the proposed Bylaw:

- (a) is the most appropriate way of addressing the problem or perceived problem; and
- (b) is the most appropriate form of bylaw.

Legal staff have confirmed that, in accordance with section 156 of the Act the proposed Bylaw, does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

4.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The proposed Bylaw incorporates Te Ture Whaimana – The vision and strategy for the Waikato River. There are no other policies and strategies that staff consider affected by the draft Bylaw.

4.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Council have considered Māori tikanga (values) regarding the tapu (sacredness) of tūpāpaku (deceased) and the tikanga of being returned to land which includes tūpāpaku para (mortuary waste). Early engagement was undertaken with mana whenua to provide feedback on separating mortuary waste from the reticulated wastewater system that currently discharges to the Waikato River.

3 mana whenua responses were received supporting the separation of mortuary waste through the Bylaw from:

- Tūrangawaewae Trust Board
- Ngaa Uri o Maahanga Trust Board
- Waikare Marae

As a result of the early engagement and recognising the relationship Māori have with land and water, Council agreed to include the mortuary waste clauses in the proposed Bylaw for consultation. If the mortuary waste disposal clauses are adopted into the Bylaw, collaboration with mana whenua will be undertaken by staff to determine appropriate disposal methods.

4.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The decisions sought by and matters covered in this report are consistent with the Council's [Climate Action](#) Plan. However, the [New Zealand specific climate projections](#) reviewed by the Ministry for the Environment identified key climate hazards relevant to wastewater systems. They are: increased rainfall, decreased rainfall, sea-level rise, increased temperature and increased wind. Those hazards could result in damage to infrastructure through flooding, blockages, and increased water table levels.

Protecting infrastructure through the Bylaw and ensuring it is in good condition may help minimise damage should climate change impacts occur.

4.7 Risks

Tuuraru

This report has been assessed using Council's Risk Profile Assessment Tool and is of low-moderate risk. If the Committee do not recommend the Bylaw for consultation at this time, it could create delays in adopting a new Trade Waste and Wastewater Bylaw before the 2016 Bylaw is automatically revoked.

5. Significance and engagement assessment

Aromatawai paahekoheko

5.1 Significance

Te Hiranga

The decisions and matters of this specific report are assessed as of moderate significance in accordance with Council's Significance and Engagement Policy.

The following criteria are particularly relevant in determining the level of significance for this matter:

- The likely impact on present and future interests of the community, recognising Māori Tikanga (cultural values) and their relationship to land and water.
- The community interest is likely to be high.

5.2 Engagement

Te Whakatuutakitaki

Section 148(2) of the Act provides additional legislation when making Trade

Waste Bylaws. It requires engagement to be open for no less than a two-month period and that trade waste consent holders are invited to make a submission during the consultation period. It is proposed that consultation will begin on 21 September and end on 21 November 2022.

Additional stakeholders will also be notified that the draft Bylaw consultation is open, including Community Boards and Committees, Mana Whenua and Funeral Directors in the Waikato District.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- Public notice on the Council website and local newspapers - An update on the Council Website - Promotional Media release - Social media posts to support the release on the Council Facebook page.				

6. Next steps

Ahu whakamua

Subject to approval, the Bylaw will be publicly notified for consultation on Wednesday 21 September 2022 with submissions being open until Monday 21 November 2022.

Submissions on the proposed Bylaw will be considered and, if requested, heard by Council at a meeting in February 2023.

7. Confirmation of statutory compliance

Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
<i>Refer to the Governance Structure</i>	
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 4.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 5.1</i>).	Moderate
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 5.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 4.6</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 4.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 4.3</i>).	Confirmed

8. Attachments

Ngaa taapirihanga

Attachment 1 – Proposed Trade Waste and Wastewater Bylaw

Attachment 2 – Statement of Proposal for the Proposed Trade Waste and Wastewater Bylaw

Attachment 3 – Trade Waste and Wastewater Bylaw 2016 with tracked changes

Waikato District Council

(Proposed) Trade Waste and Wastewater Bylaw

Waikato District Council, in exercise of its powers and authorities given to it under the Local Government Act 2002, and the Health Act 1956 and their respective amendments, and all other relevant powers, hereby makes the following Bylaw.

Part I: Preliminary Provisions

1. Introduction

- 1.1 Waikato District Council (the Council) has the ability to make bylaws for managing, regulating and protecting wastewater drainage and Trade Waste. Under Section 10 of the Local Government Act, Council needs to provide effective and efficient wastewater infrastructure. The regulation of Trade Waste allows Council to control the quality and quantity of Trade Waste and recover the additional costs of Trade Waste collection and treatment. The management of wastewater assists in protecting wastewater infrastructure from damage, removing substances that could affect the environment, and controlling stormwater discharges to the wastewater system.
- 1.2 Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have regard to Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River). The vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. In this regard, the Council recognises the special cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.

Advisory Note: the above introduction does not form part of this Bylaw and is intended to be read as an introductory note.

2. Short title, commencement, and application

- 2.1 The Bylaw shall be known as the ‘Waikato District Council Trade Waste and Wastewater Bylaw (insert date)’.
- 2.2 The Bylaw shall apply to the Waikato District.
- 2.3 This bylaw shall come into force on (insert date), except for the following clauses which relate to mortuary waste:
 - (a) Clauses 8.3 and,
 - (b) Paragraph (d) of the definition of prohibited waste contained in clause 6.
 Any clauses which relate to mortuary waste shall come into force on a date determined by Council resolution.

3. Revocation

- 3.1 The following Bylaws are hereby revoked from the day this new Bylaw comes into force:
'Waikato District Council Trade Waste and Wastewater Bylaw 2016.

4. Purpose

- 4.1 The purpose of this Bylaw is to enable Council to:
- a) Protect the health and safety of people using or working in the Wastewater System.
 - b) Protect the Wastewater System from damage and misuse.
 - c) Protect the environment from adverse effects of harmful substances discharged to the Wastewater System.
 - d) Produce Wastewater and Biosolids of a consistent quality.
 - e) Encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams by businesses.
 - f) Ensure that businesses maintain Trade Waste discharges within agreed levels.
 - g) Ensure Council meets its legal obligations and commitments, including (but not limited to):
 - i. The Waikato River Settlement Act 2010, in particular, the requirement that Council have regard to the Vision and Strategy for the Waikato River by contributing to the protection and restoration of the health and wellbeing of the Waikato River.

5. Compliance with Other Acts and Codes

- 5.1 This Bylaw has been developed in accordance with all relevant legislation, Council policy and guidance documents.
- 5.2 Without limiting subclause (5.1), compliance with the requirements of this Bylaw does not remove the need to comply with the requirements of any Act, regulation or other Bylaw.

6. Definitions

For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

Access Point	Means a place where access to a Private Drain is available for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point must be in accordance with the New Zealand Building Code.
Alternative Grease Removal System	Refers to a grease removal system other than a Grease Trap and includes, but is not limited to, grease converters and mechanical grease removal systems.
Approval or Approved	Means an approval provided in writing by Council, either by resolution of the Council or by any Authorised Officer of the Council.
Approval Notice	Means a notice of an Approval authorising a Person to discharge Permitted Trade Waste to the Wastewater System.

Authorised Officer	Means any person authorised by Council to carry out general or specific duties arising from any of the provisions of this Bylaw, unless stated otherwise.
Biosolids	Means wastewater sludge derived from a Wastewater Treatment Plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land or reused and does not include products derived solely from industrial Wastewater Treatment Plants. <i>Advisory note: The term “Biosolid” is used generically throughout the Bylaw to include products which contain Biosolids (eg composts).</i>
Characteristics	Means any of the physical or chemical properties of a Wastewater and may include the level of a Characteristic.
Cleaner Production	Means the implementation and use on Premises of effective operations, methods and processes appropriate to achieve the reduction or elimination of the quantity and toxicity of wastes.
Condensing or Cooling Water	Means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
Conditional Consent	Means a consent granted by Council authorising a Person to discharge Conditional Trade Waste to the Wastewater System but subject to conditions.
Consent Holder	Means the Person occupying Premises who has obtained approval and includes any Person who does any act on behalf or with the express or implied consent of the Consent Holder (whether for reward or not) and any licensee of the Consent Holder.
Council	Means Waikato District Council or any person authorized by Council to carry out duties relating to Trade Waste and Wastewater management.
Defect Notice	Means a notice issued in accordance with clause 13.1.
Disconnection	Means the physical cutting and sealing of any of Council’s water services, utilities, drains or Wastewater System to prevent use by any Person.
Domestic Wastewater	Means either wastewater which is discharged from premises used solely for residential activities or wastes of the same character discharged from other premises, if the characteristics of the wastewater are an acceptable discharge; but does not include any solids, liquids or gases that cannot lawfully be discharged into the wastewater system.
Grease Trap	Means a separation tank that reduces the amount of fat, oil and grease in Trade Waste prior to it being discharged into the Wastewater System.
Hazardous Materials	Means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any materials which when mixed with Wastewater, are likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any Person or harmful to the Wastewater System, and includes hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
Independently Qualified Person	Means a person with appropriate qualifications, approved by Council and who is independent of the Consent Holder.
Infiltration	Means ground or surface water entering the Wastewater System or a Private Drain connected to the Wastewater System through defects such as, but not limited to, poor joints and cracks in pipes or manholes. It does not include Inflow.

Inflow	Means water discharged into the Wastewater System or a Private Drain connected to the Wastewater System from non-complying connections. It includes Stormwater entering through illegal down pipe connections or from low gully traps.
Management Plan	Means a plan which shows how the Consent Holder will manage their operations and discharge to comply with their Consent. It may include provision for flow and quality monitoring, sampling and testing, Cleaner Production, waste minimisation, discharge, contingency management procedures, or any relevant industry Code of Practice.
Mass Limit	Means the total mass of any Characteristic that may be discharged to the Wastewater System over any stated period from any single Point of Discharge or collectively from several points of discharge.
Maximum Concentration	Means the instantaneous peak concentration that may be discharged at any instant in time.
Mortuary	Means a premises used, or intended to be used, for the preparation of dead bodies for burial or for the embalming of deceased bodies or the examination or treatment of deceased bodies prior to burial; but does not include premises so used or intended to be used primarily for hospital care within a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001).
Mortuary Waste	Means the trade waste from any process involving physical contact with a deceased person at a mortuary.
Mortuary Waste Disposal Site	Means a site designated by the Council as a mortuary waste disposal site.
Occupier	Means the person occupying Premises connected to the Wastewater System.
Permitted Trade Waste	Means a Trade Waste discharge that complies with the physical and chemical Characteristics defined in Schedule IA of this Bylaw.
Person	Includes a corporation sole and also a body of persons whether incorporated or unincorporated.
Point of Discharge	Means the boundary between the Wastewater System and a Private Drain. However, for the purposes of monitoring, sampling and testing, any Point of Discharge must be in the area.
Pretreatment	Means any processing of Trade Waste designed to reduce or vary any Characteristic in a waste before discharge to the Wastewater System in order to comply with a Consent or this Bylaw.
Private Drain	Means that section of drain between the Premises and the point of connection to the Wastewater System.
Premises	Means: <ul style="list-style-type: none"> a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued; b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease; c) Land held in public ownership for a particular purpose; or d) Individual units in buildings, which are separately leased or separately occupied. <p>Allotment means the same as defined in the Land Transfer Act 1952.</p>

Prohibited Trade Waste	Means a Trade Waste discharge that has any of the prohibited Characteristics as defined in Schedule 1B of this Bylaw.
Stormwater	Means surface water runoff that: <ul style="list-style-type: none"> a) Enters or may enter the Stormwater system as a result of a rain event; and b) Contains any substance where the type and concentration of the substance is consistent with the contributing catchments land use(s) and that of the receiving environment.
Tankered Waste	Is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding Domestic Wastewater discharged directly from house buses, caravans, buses and similar vehicles.
Temporary Discharge	Means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of waste from Premises subject to an existing Consent.
Trade Waste	Is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Premises to the Wastewater System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include Condensing or Cooling Waters; or Stormwater which cannot be practically separated.
Trade Waste Agreement	Is a written agreement between Council and a Person, authorising the Person to discharge Conditional Trade Waste to the Wastewater System, that outlines both parties' rights and responsibilities.
Wastewater	Means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the Wastewater System. This includes Domestic Wastewater and Trade Wastes.
Wastewater System	Includes all infrastructure, including pipes, fittings, manholes, pumps, pump stations; and any land, buildings, and treatment works which are under the control of the Council or any other Council and used for the purpose of providing a Wastewater service.
Wastewater Treatment Plant	Means the processes and facilities involved in treating Wastewater.
Working Day	Has the same meaning as contained in the Legislation Act 2019.

Part 2: Wastewater

7. Wastewater

7.1 Connecting to the Wastewater System

- a) No Person may, without Council's Approval
 - i. Connect to the Wastewater System;
 - ii. Disconnect from the Wastewater System;
 - iii. Carry out any other works on, or in relation to, the Wastewater System; or
 - iv. Open any manhole, chamber, Access Point on, or otherwise tamper with the Wastewater System.
- b) The Council may grant approval to such connection, disconnection or other works, and may impose conditions.
- c) Any application for approval must be made in writing on the prescribed form and be accompanied by all information relating to the application as required by the Council.
- d) Only Council is to install low pressure wastewater connections to the property boundary.
- e) All standard gravity wastewater connections are to be carried out by owner or other person and must ensure prior to any wastewater connection, disconnection, or other works:
 - i. that works are carried out by a qualified contractor/drainlayer holding the current NZ Certificate in Infrastructure Works,
 - ii. obtain Council approved consent or engineer plan and provide information specific by Council or Authorised Officer,
 - iii. Installation completed to meet Regional Infrastructure Technical Specifications (RITS).
- f) Without limiting subclause (b), any condition imposed by Council in relation to such approval may require that the connection, disconnection or works comply with any relevant code of practice.
- g) Council may refuse any application for Approval to connect to a system where:
 - i. The applicant has not paid fees or charges associated with the connection (including development charges) or has refused to provide Council with specified information relating to the application;
 - ii. In Council's reasonable opinion, there is insufficient capacity in the system to accommodate the connection;
 - iii. In Council's reasonable opinion, the connection would compromise its ability to maintain levels of service in relation to the Wastewater System;
 - iv. The connection is outside the area currently served by the Wastewater System, regardless of its proximity to any specific component of the Wastewater System; or
 - v. In Council's reasonable opinion, refusal is necessary to protect the Wastewater System, the health and safety of any Person, or the environment.

7.2 Control of Discharges

- a) A Person must not discharge or allow any Wastewater to be discharged into the Wastewater System except in accordance with this Bylaw and with the provisions of a Consent or Trade Waste Agreement.
- b) No Person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule 1B into the Wastewater System.

- c) No Person may cause or allow Stormwater to enter the Wastewater System unless specific Approval is given.
- d) No Person may introduce or discharge Condensing water, Cooling water, disinfected or super-chlorinated water into the Wastewater System unless specific Approval is given.

Advisory note: condensing, cooling, disinfected or super-chlorinated water must not be discharged to the Stormwater system without specific Approval.

- e) When any person fails to comply with clauses 7.2 (a) – (d), and a reasonable alternative method cannot be agreed with the discharging party, the Council may physically prevent discharge into the Wastewater System.
- f) Domestic Wastewater must comply with the physical and chemical Characteristics in Schedule IA.
- g) The maximum instantaneous flow rate discharged from any Premises solely used for residential purposes must not exceed 2.0 litres/second.

7.3 Wastewater Service Areas

- a) Council may define the service area and make information relating to the service area and availability of connection publicly available on the Council website.

7.4 Hazardous Materials

- a) A Person must take all practicable steps to store, handle, transport and use Hazardous Materials in a way that prevents Wastewater with prohibited Characteristics as described in Schedule IB entering the Wastewater System.
- b) Any Person who knows of the entry or imminent entry of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- c) Any Person who causes or allows the discharge of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must:
 - i. Immediately take all practicable steps to stop the imminent entry or further entry of this Wastewater to the Wastewater System; and
 - ii. Inform an Authorised Officer or Council as soon as reasonably practicable.

7.5 Protection of Wastewater System

- a) No Person may cause or allow to be caused any damage to, or modification, stoppage, or obstruction of, or interference with the Wastewater System, except with approval of Council.
- b) Every Person excavating or working around the Wastewater System must take due care to ensure that the work does not damage and/or compromise the integrity of the Wastewater System.
- c) Any Person who knows of any serious or substantial damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- d) Any person who causes or allows any damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- e) No Person may place any additional material over or near a Wastewater System without Approval.

- f) No Person may cover an Access Point without Approval. If any material covering an Access Point is required to be removed or an Access Point requires adjustment, such work will be at the property owner's expense.

7.6 Building Over or in near the Wastewater Network

- a) A person intending to do any building works over or within five meters of the Public Wastewater System must:
- (i) make an application to Council and not proceed with the works until such time as Approval is granted.
 - (ii) Ensure compliance with the approval and any conditions of the Approval.
 - (iii) Ensure that the works comply with any requirements of the Regional Infrastructure Technical Specifications (RITS).
- b) In granting approval for an application to do building works over or near the Wastewater Network, Council may include any conditions as it considers appropriate including a requirement to carry out or to permit Council to carry out (in either case at the expense of the person) works for the protection of the network.

7.7 Private Wastewater Systems

- a) Where it is identified that a private wastewater system is not operating effectively, Council may issue a Notice to fix to require an owner or occupier of a property to fix the private wastewater system including, at the owner's cost, to meet original design specifications.
- b) No person may cause or allow stormwater inflow or groundwater infiltration into the wastewater network or any private drain which is connected to the wastewater network, including:
- i. No direct connection of any stormwater pipe or drain to the wastewater system;
 - ii. Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
 - iii. Inspection covers are in place and are appropriately sealed.
- c) An Occupier or owner whose Private Drain is overflowing or has other reasons to suspect a blockage, must immediately call a drainlayer to clear and remove any blockage in the Private Drain, at the Occupier or Owner's expense. If the drainlayer considers that the blockage originates within the Wastewater System, then the drainlayer must contact Council.
- d) Council may reimburse the owner of the Private Drain for the reasonable cost of unblocking work for which the owner has paid, provided that Council is satisfied that:
- i. The blockage originated in the Wastewater System;
 - ii. The blockage was not forced downstream into the Wastewater System in the act of clearing the Private Drain; and
 - iii. The owner or occupier of the Premises has not caused or permitted a discharge which does not comply with this Bylaw, a Consent or a Trade Waste Agreement.
- e) Where the roots of a tree which is on private land enter or are likely to enter the Wastewater System, Council will follow the procedure set out in s 468 of the Local Government Act 1974.

- f) A Person with a pressure Wastewater System, or any other system that is connected to the Wastewater System, must use that system in accordance with any operating manual or guidelines for that system.

7.8 Prohibited discharge

- a) No person may discharge or introduce prohibited waste into the wastewater network.
- b) For the purposes of the above clause, prohibited waste means:
- Waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1; and includes, but is not limited to non-dispersible items or waste such as Disposable wipes
 - Nappies and diapers
 - Sanitary products
 - Paper other than toilet or tissue paper
 - Fat and grease
 - Plants, wood and vegetation
 - Soil, rocks and stones
 - Fabric and material such as rags
 - Solid objects such as toys
 - Paint and solvents
 - Pharmaceutical products
 - Plastic bags

Part 3: Trade Waste

8. Trade Waste Discharges and Consents

8.1 Classification of Discharges

- a) Trade Waste discharges are classified as one of the following types:
- i. Permitted Trade Waste, (in which case an Approval Notice must be obtained);
 - ii. Conditional Trade Waste, (in which case a Conditional Consent must be obtained or a Trade Waste Agreement be entered into); or
 - iii. Prohibited Trade Waste, (in which case no Approval in any form will be granted).

8.2 Discharge of Trade Waste

- a) No Person may discharge or cause to be discharged Trade Waste into the Wastewater System except in accordance with approval from Council (either through an Approval Notice, Conditional Consent or a Trade Waste Agreement).
- b) Council is not obliged to accept any Trade Waste.

8.3 Mortuary Waste

Trade waste from a mortuary shall only be disposed of to a site approved by the Council as a mortuary waste disposal site.

8.4 Trade Waste Agreement

- a) An application for Trade Waste discharge may be made to Council using the prescribed form.
- b) Council may, at any time and at its complete discretion, require an Occupier to enter into a Trade Waste Agreement for the discharge and reception of Trade Waste.
- c) Any such agreement may be made in addition to or in place of a Conditional Consent or a Trade Waste Agreement and its terms will have the same force as if the agreement was a Consent issued under this Bylaw.
- d) A Trade Waste Agreement may be appropriate in circumstances where, in the reasonable opinion of Council, the discharge is considered to have:
 - i. Unique discharge Characteristics;
 - ii. A volume or loading of any Characteristic that may affect the operation of the Wastewater System or Treatment Plant;
 - iii. Potential discharge of hazardous or prohibited substances;
 - iv. Pre-Treatment systems;
 - v. The requirement for capacity to be reserved at the Wastewater Treatment Plant;
 - vi. A history of non-compliance with a Consent or Trade Waste Agreement.
 - vii. Any other matter Council may consider relevant.

8.5 Application for a Conditional Consent or Variation of Consent

- a) Every Person who does, proposes to, or is likely to:
 - i. Discharge into the Wastewater System, any Trade Waste either continuously, intermittently or temporarily;
 - ii. Vary the Characteristics of a Permitted Trade Waste discharge in a manner which may cause it to fail to meet the standards for a Permitted Trade Waste;
 - iii. Vary the conditions of a Conditional Consent that has previously been granted; or
 - iv. Significantly change the method or means of Pre-Treatment for a Trade Waste Discharge;

must apply to Council, using the prescribed form, for Condition Consent to discharge Trade Waste, or for the proposed variations.
- b) Council reserves the right to deal with the owner as well as the Occupier of any Premises.
- c) Where Trade Waste is produced from more than one area of the Premises, any application for Approval must include a separate description of the Trade Waste Characteristics for the proposed Trade Waste discharge for each area. This clause applies even if the separate areas are part of a single trade process.
- d) Any application must include all required information, be properly executed and accompanied by the application fee.

- e) Council may require an application to be supported by a report or statement from an Independently Qualified Person, to verify information supplied by the applicant.
- f) Any costs incurred in making the application or providing any required information are borne solely by the applicant.

8.6 Processing an Application for Approval

- a) On receipt of an application for an Approval Notice, Conditional Consent or Trade Waste Agreement, Council may:
 - i. Require the applicant to submit additional information which Council considers necessary to reach an informed decision;
 - ii. Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - iii. Wherever appropriate, have the discharge investigated and analysed as provided for at clauses 8.8 and 8.10 of this Bylaw at the applicant's cost.
- b) In considering any application for an Approval Notice, Conditional Consent, Trade Waste Agreement or variation, Council must consider the Characteristics, volume, and rate of discharge of the Trade Waste from such Premises or tanker and any other matter that it considers, on reasonable grounds, to be relevant, which may include:
 - i. The health and safety of Council staff, Council's agents and the public;
 - ii. The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules IA and IB of this Bylaw;
 - iii. The extent to which the Trade Waste may react with other Trade Waste or Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System, etc;
 - iv. The flows and velocities in the Wastewater System and the material or construction of the Wastewater System;
 - v. The capacity of the Wastewater System including the capacity of any Wastewater Treatment Plant, and other facilities;
 - vi. The nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Wastewater Treatment Plant;
 - vii. The timing and balancing of flows into the Wastewater System;
 - viii. Any statutory requirements relating to the discharge of raw or treated Wastewater to receiving waters, the disposal of Wastewater sludges, beneficial use of Biosolids, and any discharge to air. This includes compliance with any resource consent, discharge permit or water classification;
 - ix. The possibility of unscheduled, unexpected or accidental events and the degree of risk these could pose to humans, the Wastewater System or the environment;
 - x. Consideration of other existing or future discharges;
 - xi. Existing Pre-Treatment works on the Premises;
 - xii. The use of Cleaner Production techniques and waste minimisation practices;
 - xiii. Control of Stormwater;
 - xiv. Any Management Plan;
 - xv. Tankered Waste being discharged at an approved location/s; and
 - xvi. Whether it would be more appropriate for the discharge to be controlled pursuant to a Trade Waste Agreement.
- c) If Council considers an application is satisfactory, it will then:

- i. Issue an Approval Notice and inform the Consent Holder of the conditions imposed;
- ii. Grant a Conditional Consent and inform the Consent Holder of the conditions imposed;
- iii. Advise the applicant that Council is willing to enter into a Trade Waste Agreement on terms acceptable to Council; or
- iv. Decline the application and notify the applicant of the decision, giving a statement of the reasons for refusal.

8.7 Conditions of Conditional Consent, Trade Waste Agreement and Approval Notice

- a) Any Consent may be granted subject to such conditions that Council may impose, including, but not limited to:
 - i. Where the discharge will be made;
 - ii. The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
 - iii. The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with clause 8.4 (b) of this Bylaw;
 - iv. The times during which the discharge, or a particular concentration, or volume of discharge may be made;
 - v. The provision by, or for the Consent Holder, at the Consent Holder's expense, of screens, Grease Traps, silt traps or other Pre-Treatment works to control Trade Waste discharge Characteristics to the consented levels;
 - vi. The provision and maintenance, at the Consent Holder's expense, of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
 - vii. The provision and maintenance of a sampling, analysis and testing programme and flow measurement, at the Consent Holder's expense;
 - viii. The method or methods to be used for measuring flow rates and/or volume and/or Characteristics and taking samples of the discharge for use in determining compliance with the consent and for determining the amount of any Trade Waste charges applicable to that discharge;
 - ix. The provision and maintenance by, and at the expense of, the Consent Holder of any devices required to measure the volume or flow rate or Characteristics of any Trade Waste being discharged from the Premises, and for the calibration and/or validation of such devices;
 - x. The provision and maintenance, at the Consent Holder's expense, of such services, (electricity, water, compressed air or otherwise), which may be required to operate meters and similar devices;
 - xi. At times specified, the provision in an Approved format of all flow and/or volume records, on-line monitoring readings, results of analyses (including Pre-Treatment by-products, e.g. Wastewater sludge disposal) and calibration/validation records;
 - xii. The provision and implementation of a Management Plan;
 - xiii. Risk assessment of damage to the environment due to an accidental discharge of a chemical;
 - xiv. The investigation of waste minimisation and Cleaner Production techniques;
 - xv. Remote monitoring or control of discharges and associated control, telemetry or SCADA systems;
 - xvi. Third party treatment, carriage, discharge or disposal of by-products of Pre-

- Treatment of Trade Waste (including Wastewater sludge disposal);
- xvii. The provision of a bond or insurance in favour of Council where failure to comply with the consent could result in damage to the Wastewater System, the Wastewater Treatment Plants, or could result in Council being in breach of any statutory obligation or resource consent;
 - xviii. Specific discharge related capital costs Council would incur for altering the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge; and
 - xix. Specific discharge related operational costs Council would incur for operating the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge.
- b) A Conditional Consent may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic. Any Characteristic permitted by Mass Limit must also have its maximum concentration limited to the value scheduled unless Approved otherwise.
 - c) When setting Mass Limit allocations for a particular Characteristic, Council may consider:
 - i. The operational requirements of and risk to the Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - ii. Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Wastewater sludge;
 - iii. Conditions in the Wastewater System near the Trade Waste discharge point and elsewhere in the Wastewater System;
 - iv. The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
 - v. Whether or not the applicant uses waste minimisation and Cleaner Production techniques within a period satisfactory to Council;
 - vi. Whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
 - vii. Any requirements of Council to reduce the discharge of any Characteristic to the Wastewater System;
 - viii. How great a proportion the mass flow of a Characteristic of the discharge will be of the total mass flow of that Characteristic in the Wastewater System;
 - ix. The total mass of the Characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
 - x. Whether or not there is an interaction with other Characteristics that increases or decreases the effect of either Characteristic on the Wastewater System, treatment process, or receiving water (or land).

8.8 Duration and Review

- a) Conditional Consents, Trade Waste Agreement granted under this Bylaw expire at the end of a term not exceeding 5 years. Shorter terms may be applied where, in the reasonable opinion of Council:
 - i. The applicant has a history of non-compliance with a previous Conditional Consent or Trade Waste Agreement;
 - ii. The flow or Characteristics of the discharge are uncertain; or

- iii. The flow or Characteristics of the discharge may change over time.
- b) Approval Notices remain valid until:
 - i. Cancellation under clause 8.12;
 - ii. The discharge fails to comply with the physical and chemical characteristics defined in Schedule IA of this Bylaw (including any amendments to Schedule IA); or
 - iii. In the reasonable opinion of Council, the discharge changes or is likely to change to such an extent that it becomes a Conditional or Prohibited Trade Waste.
- c) Council may at any time during the term of a Consent, by written notice to the Consent Holder (following a reasonable period of consultation), vary any condition to such an extent as Council considers necessary.
Advisory note: A condition could be varied if technical matters associated with the discharge have changed, to meet any new resource consent imposed on the discharges from Council's Wastewater Treatment Plant or to comply with any other legal requirements imposed on Council.)
- d) A Consent Holder may at any time during the term of a Consent, by written application to Council, seek to vary any condition of Consent, as provided for in clause 8.2 (a) of this Bylaw.

8.9 Accidents and Spills

- a) A Person who discharges Trade Waste must inform the Council immediately upon becoming aware of any matter which may result in a breach of this Bylaw, including (but not limited to):
 - i. Any accident;
 - ii. Spillage;
 - iii. A defect in the process discharging Trade Waste; or
 - iv. A risk to the health and safety of the public or the environment;
- b) A Person who reports an accident, spillage or defect as provided for in clause 8.9 (a) or the Consent Holder for a Premises must disclose any information that may contribute to:
 - i. The restoration of the integrity of the Wastewater System,
 - ii. The cleaning of any spillage; or
 - iii. The determination of the risks associated with the Trade Waste.
- c) In the event of any accident, spillage or defect referred to in clause 8.9 (a) from Premises where a Consent Holder has a Conditional Consent, Council may:
 - i. Review the Consent under clause 8.9; or
 - ii. Require the Consent Holder to review the contingency management procedures and resubmit the Management Plan to the Council for its Approval.
- d) In the event of any accident, spillage or defect referred to in clause 8.9 (a) from Premises where a Consent Holder has an Approval Notice, Council may require the Consent Holder to apply for a Conditional Consent.
- e)

8.10 Pre-treatment Requirements

- a) Council may approve a Trade Waste discharge subject to the provision of appropriate Pre-Treatment systems to enable the Consent Holder to comply with this Bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Person discharging, at their expense.
- b) Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Trade Waste Premises to the Wastewater System unless Approved by Council.
- c) Grease Traps must:
 - i. Have a functional capacity of no less than 500 litres;
 - ii. Be sized according to the greatest volume as specified in Table I contained in Schedule 2;
 - iii. Be cleaned out at least once every 6 months or more frequently as specified in Consent conditions. The frequency with which Grease Traps are required to be cleaned out may be determined through a visual inspection and/or sample testing from the device outlet by Council.
- d) Shared Grease Traps, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 500 litres for each connected Premises.
- e) A Consent Holder whose Premises has existing Grease Traps with a functional capacity of less than 500 litres must apply for a Conditional Consent unless they can demonstrate compliance with the physical and chemical characteristics set out in Schedule IA to Council's satisfaction.
- f) Alternative Grease Removal Systems must be:
 - i. Operated in accordance with the manufacturer's instructions;
 - ii. Serviced and/or cleaned out by a contractor Approved by Council as specified in Consent conditions;
 - iii. Sized according to manufacturer's recommendation; and
 - iv. May only be used with Council's Approval.
- g) The frequency with which Alternative Grease Removal Systems are required to be serviced and/or cleaned out in accordance with sub-clause 8.10 (f) may vary. This will be determined by Council after a visual inspection and/or sample testing from the device outlet.
- h) Alternative Grease Removal Systems which do not meet the requirements contained in this Bylaw must be replaced at the Consent Holder's expense.

8.11 Flow Metering

- a) Where flow and/or volume metering of any Trade Waste discharge is required as a condition of a Consent the Consent Holder is responsible, at their own expense, for the supply, installation, reading and maintenance of a meter. These devices are subject to the Approval of Council, but remain the property of the Consent Holder.
- b) Records of flow and/or volume must be available for viewing at any time by the Council, and must be submitted to Council at prescribed intervals by the Consent Holder in a format Approved by Council.
- c) Meters must be located in a position Approved by Council that provides the required

degree of accuracy and should be readily accessible for reading and maintenance. The meters must be located in the correct position according to the manufacturer's installation instructions.

- d) The Consent Holder must arrange for in situ calibration and verification of the flow metering equipment and instrumentation by an Independent Qualified Person and method Approved by Council upon installation, and at least annually after that, to ensure its performance. The meter accuracy should be $\pm 10\%$, but with no greater a deviation from the previous meter calibration than $\pm 5\%$. A copy of the independent certification of each calibration and verification must be submitted to Council.
- e) Should any meter be found to have an error greater than that specified in clause 8.8 (d) of this Bylaw, Council may make an adjustment in accordance with the results shown by such tests. The adjustment may be back-dated for a period at the discretion of Council, but not exceeding 12 months. The Consent Holder must pay or be credited a greater or lesser amount according to such adjustment.
- f) Where in the reasonable opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided in clause 8.9(a) of this Bylaw.
- g) Measurement of flow and/or volume must be carried out by or on behalf of the Consent Holder in accordance with British Standard (BS)3680: Part IIA, BS 3680: Part IIB and BS 5728: Part 3, or another Council Approved methodology.

8.12 Estimating Discharge

- a) Where no flow meter or similar device is required or where no flow or sample results have been supplied by the Consent Holder, Council may estimate the discharge of Trade Waste for charging purposes based on:
 - i. The volume of water supplied to the Premises, taking into account the proportion of that volume which is estimated to be discharged to the Wastewater System;
 - ii. The flow or characteristics of the discharge measured by the Consent Holder at a previous time during similar operating conditions; and/or
 - iii. The flow or characteristics measured by Council during the most recent audit sample.

8.13 Sampling, Testing and Monitoring

- a) Council may undertake sampling, testing, monitoring and audit inspections to determine if:
 - i. A discharge complies with the provisions of this Bylaw;
 - ii. A discharge is to be classified as Permitted, Conditional, or Prohibited (refer to clause 8.1 of this Bylaw);
 - iii. A discharge complies with any condition of a Consent or Trade Waste Agreement including a Management Plan; and
 - iv. Trade Waste Consent charges are applicable to that discharge.
- b) Where monitoring of any Trade Waste discharge is required as a condition of a Consent to ensure compliance with other conditions of the Consent:
 - i. The Consent Holder must monitor the discharge of Trade Waste; and
 - ii. Council may independently monitor the discharge of Trade Waste.

- c) The Consent Holder is responsible for all costs of monitoring, sampling and testing.
- d) The taking, preservation, transportation and analysis of the samples must be undertaken by an Authorised Officer or agent of Council, or the Consent Holder in accordance with accepted industry standard methods or another methodology Approved by Council.
- e) Any sample analysis must use methods or procedures in accordance with, or validated against, the latest version of the AWWA Standard methods for the examination of Water and Wastewater” or by such alternative method or procedure Approved by Council. Analysis must be undertaken by a laboratory accredited by IANZ, or a laboratory Approved by Council.
- f) The Consent Holder must provide to Council or an Authorised Officer the results of any sampling, analysis, flow measurements or other monitoring requirements such as Pre-Treatment system maintenance, within one Working Day of any request by Council.
- g) Where clause 8.13 does not apply, but there is non-compliance with the conditions of a Consent or a Trade Waste Agreement or where an anomalous result is obtained, the Consent Holder must report the results of the analysis to Council as soon as practicable and in all cases within three Working Days.

Review of Decisions

- h) If any Person is dissatisfied with any decision by an Authorised Officer made under this Bylaw, that Person may request in writing that the Council review any such decision. The request must be made no later than 20 Working Days after the decision by the Authorised Officer. The Councils decision is final.
- i) Nothing in this clause affects any right of appeal under the Local Government Act 2002.

8.14 Transfer or Termination

- a) A Trade Waste Consent must be issued in the name of the given Consent Holder. The Consent Holder must not, without Council Approval:
 - i. Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the Consent;
 - ii. Allow a Point of Discharge to serve another Premises, or the Private Drain to that point to extend by pipe, or any other means, to serve another Premises; or
 - iii. In particular and not in limitation of the above, allow Wastewater from any other party to be discharged at their Point of Discharge.
- b) Council may suspend or cancel any Consent at any time following not less than 20 Working Days (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:
 - i. For the failure to comply with any condition of the Consent or to maintain effective control over the discharge;
 - ii. For the failure to comply with the requirements of this Bylaw or a Consent in respect of the volume, nature or composition of Trade Waste being discharged;
 - iii. In the event of any breach of a Resource Consent held by Council issued under the Resource Management Act caused in whole or in part by the Trade Waste discharge;
 - iv. Failure to provide and when appropriate update a Management Plan as required for a Conditional Consent;
 - v. Failure to follow the Management Plan provisions;
 - vi. Failure to pay any Trade Waste charges;
 - vii. If new information becomes available on the nature or Characteristics of the Trade

Waste discharge; or

- viii. If any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge.
- c) Further to clause 8.12 (b) of this Bylaw, any Consent may at any time be immediately suspended or cancelled by Council, on giving to the Consent Holder, written notice, if:
- i. They discharge any Wastewater with prohibited Characteristics as set out in Schedule 1B;
 - ii. Council is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
 - iii. The discharge of Trade Waste is unlawful;
 - iv. If the discharge is, in the opinion of Council, a threat to the environment or public health;
 - v. In the event of any negligence which, in the opinion of Council, threatens the operation of the Wastewater System; or
 - vi. In the opinion of Council, the discharge puts at risk the ability of Council to comply with the conditions of a Resource Consent and/or requires identified additional treatment measures or costs to avoid a breach of any such Resource Consent.
- d) Council may require a Consent Holder, at their expense, to disconnect the Premises from the Wastewater System where:
- i. The Consent has expired;
 - ii. Council suspends or cancels a Consent; or
 - iii. The Consent Holder breaches clauses 7.2 (a) to (d).
- e) If the Consent Holder fails to comply with any such requirement to disconnect, Council may at the Consent Holder's expense, access the Premises in accordance with section 171 of the Local Government Act 2002 in order to disconnect it from the Wastewater System. Council may carry out such works as it considers necessary to prevent the further discharge of Trade Waste into the Wastewater System.

8.15 Transitional provisions

- a) Any application for a Consent made under Council's Trade Waste and Wastewater Bylaw 2016, for which a Consent has not been granted at the time of this new Bylaw coming into force, is deemed to be an application made under clause 8.5 of this Bylaw.
- b) Every existing Consent continues to be in force as if it were a Consent under this Bylaw until it reaches its expiry date, provided that no Consent runs beyond (7 years from adoption date) For the avoidance of doubt, Schedule 1A of this Bylaw applies to existing consents except to the extent that the consent conditions specifically provide for a different limit.
- c) Subject to clause 8.15 (d) of this Bylaw, every existing duly executed Trade Waste Agreement between an Occupier and Council which is current at the date this bylaw comes into force continues on the same terms and conditions as if it was a Trade Waste Agreement issued under this Bylaw.
- d) Where an existing Trade Waste Agreement is silent as to its term, that agreement will be terminable on six months' written notice by Council and the Occupier shall be required to apply for a Consent or Trade Waste Agreement in accordance with this

Bylaw.

- e) A Person who proposes to continue a discharge of Permitted Trade Waste who does not have an Approval Notice must apply for an Approval Notice within twelve weeks of this Bylaw coming into force.

9. Tankered Waste

- 9.1 Any Person wishing to discharge Tankered Waste into the designated wastewater site must hold consent under this Bylaw.
- 9.2 Applicants must apply to Council for an approval notice to discharge tanker waste. This must be made using the prescribed application form and provide all information relating to the application as specified by the Council.
- 9.3 Processing an Application for Approval
 - a) On receipt of an application for an Approval Notice, Council may:
 - i. Require the applicant to submit additional information that Council considers necessary to make an informed decision.
 - ii. Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - iii. Wherever appropriate, have the discharge investigated and analysed as provided in clauses 8.11 and 8.13 of this Bylaw at the applicant's cost.
- 9.4 Conditions of Approval Notice

Any Consent may be granted subject to such conditions that Council imposes in the approval notice and may include, but are not limited to:

- a) Tanker Waste will only be accepted during working hours on Working Days or as advised by Council.
- b) To prevent cross-contamination, between tanker loads. The tank must be washed before collecting a load for disposal in the Wastewater System.
- c) The Council may require an analysis of Tankered Waste to confirm its Characteristics.
- d) The Council may require the Consent Holder to obtain specialist advice on Pre-Treatment or acceptance.
- e) The cost of all discharge, audit/monitoring, sampling, analysis, and advice must be met by the Consent Holder.
- f) The consent holder must ensure that Tankered Waste is treated and managed in accordance with the consent conditions before disposal.
- g) The consent holder must ensure that all weekly tracking reporting is completed as specified per the conditions of the consent
- h) No discharge of tanker waste directly to wastewater ponds or wastewater network unless approved by Council or authorised agent.

Part 4: Other Provisions

9. Access

- 9.1 In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house) for routine inspection or monitoring or for post breach monitoring. The owner of the land or building must be given at least 24 hours' notice of the intended entry.

- 9.2 In accordance with section 172 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land for the purpose of detecting a breach of this Bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. Unless the giving of notice would defeat the purpose of entry, reasonable notice must be provided. Any entry into private land will comply with the statutory requirements of S171-176 of the Local Government Act 2002.
- 9.3 In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings without any notice being provided.

10. Fees and Charges

- 10.1 In accordance with sections 150 and 151 of the Local Government Act 2002, Council may, by resolution using the procedures required by the Act, fix charges payable by Consent Holders and applicants for the purposes of:
- a) Administering this Bylaw;
 - b) Administering Consent applications and Consents granted under this Bylaw;
 - c) Recovering the cost of receiving, treating and disposing of Trade Waste by or on behalf of Council.

10.2 Payment

- a) Payment for the discharge of wastewater and related services shall be in accordance with the Council rates, development or capital works contributions as per the schedule of fees and charges prevailing at the time.
- b) The Council may recover unpaid wastewater rates in respect of the wastewater services as prescribed in the Local Government Act 2002 from the owner or occupier (or both) of the premises.

11. Breaches

- 11.1 It is a breach of this Bylaw to:
- a) Fail to comply with any requirement of this Bylaw;
 - b) Fail to comply with any Defect Notice issued by an Authorised Officer pursuant to this Bylaw;
or
 - c) Obstruct an Authorised Officer in the performance of their function under this Bylaw.
- 11.2 Any Consent Holder who incorrectly informs Council of the Characteristics or volume of Tankered Waste, or who discharges Tankered Waste other than in the prescribed location and in accordance with the Consent will be in breach of this Bylaw.
- 11.3 Council may physically prevent discharge to the Wastewater System in the case of a non-compliance with this Bylaw, a Consent or a Trade Waste Agreement.
- 11.4 An Authorised Officer may report breaches or imminent breaches to Waikato Regional Council and the Environment Protection Authority for further enforcement.
- 11.5 A Person is not in breach of this Bylaw if that Person proves that the act or omission complained of was necessary to:
- a) Save or protect life or health or prevent injury; or

- b) Comply with Council's obligations under the Health Act 1956 and any subsequent amendments; or
- c) Prevent serious damage to property; or
- d) Avoid actual or likely damage to the environment.

provided the conduct of the Person was reasonable in the circumstances and the effects of the act or omission were adequately remedied or mitigated by the Person after the breach occurred.

12. Liability

- 12.1 The Council shall not be liable for any loss, damage, or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies, reduced level of service or interruptions to the wastewater system.

13. Breakage and Damage of the Wastewater System on Private Property

- 13.1 Where the wastewater system is on private land and the wastewater system is damaged, even if unintendedly, by build overs or private assets or private infrastructure, the Council is not liable for the cost of remedy or repair of the wastewater system. The owner of the private property whose build over or private asset or infrastructure that has aided in the damage to the wastewater system is liable and responsible for the cost of remediation and repair back to the original standard.

Stop Works

- 13.2 Council or Authorised Officer may serve or issue a notice or order on the owner, occupier or other person where works have damaged or are likely to cause damage to any part of Council's wastewater infrastructure. Failure to comply with such notice or order constitutes an offence against this Bylaw. The stopped work is not to recommence until appropriate remedial work is carried out and an 'Approval to Recommence Work' authority is signed and issued by Council or Authorised Officer.

Advisory note: Negligent or willful damage to Council infrastructure is prohibited under section 232 of the Local Government Act 2002.

14. Remedial Works and Cost Recovery

- 14.1 In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or Occupier requiring any works in connection with the Premises to comply with the requirements of this Bylaw, a Consent, or Trade Waste Agreement, Council or an Authorised Officer may carry out the works where the owner or Occupier fails to comply with the notice, either:
 - a) Within the time specified in the notice; or
 - b) Within 24 hours if the notice certifies that the work is urgent; or
 - c) If the owner or Occupier fails to proceed with the work with all reasonable speed.
- 14.2 In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any Person under this Bylaw, and the Person fails to take the steps within the time specified, then Council or any Authorised Officer is authorised to take the steps set out in the notice. Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.
- 14.3 In accordance with section 176 of the Local Government Act 2002, a Person who has been convicted of any offence against this Bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence. The costs must be assessed by a

District Court Judge and are recoverable summarily as if they were a fine.
Costs recoverable under clause 13.3 are in addition to any other penalty for which the Person who committed the offence is liable.

15. Offences and Penalties

- 15.1 A Person who breaches this Bylaw is liable, upon conviction, to penalties in accordance with to section 242 under the Local Government Act 2002.

16. General

- 16.1 Any notice, order or other document which is required by this Bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 16.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on the
THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was affixed in the presence of:

Mayor

Chief Executive

Schedule IA – Permitted Characteristics

The following tables set out general requirements and maximum concentrations for Permitted Trade Waste and Domestic Wastewater.

Conditional Consents and Trade Waste Agreements may contain lower or higher concentration limits and/or Mass Limits to control the total mass of a substance discharged.

Table I - General Characteristics

Parameter	Requirement or limit	Commentary
Bio-chemical Oxygen Demand (BOD5)	1,000 g/m ³ or 5 kg/ day.	It is sufficient to comply with either the concentration limit or the mass limit. High BOD can overload treatment plants.
Chemical Oxygen Demand (COD)	2,000 g/m ³ or 10 kg/day.	It is sufficient to comply with either the concentration limit or the mass limit. High COD can overload treatment plants.
Colour	No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs Wastewater treatment processes or Council is at risk of breaching resource consent conditions relating to discharge to the environment.	Some coloured substances can be difficult to remove in the treatment process.
Emulsions of paint, latex, adhesive, rubber, plastic or similar	Must not cause blockages or interfere with the operation of the Wastewater treatment system including treatment process.	Emulsions will coagulate when unstable and can sometimes cause blockages in the Wastewater System or interfere with the operation of the treatment process.
Flow	Maximum daily total flow 5m ³ . Instantaneous flowrate 2.0 L/s.	The total flow should be measured over any 24 hour period. Trade waste discharges with a daily flow greater than 5m ³ will require a Conditional Consent.
Gross solids (non-faecal)	15mm maximum dimension.	Gross solids can cause blockages in the Wastewater System.

Parameter	Requirement or limit	Commentary
Oil and Grease	200 g/m ³ . (100 g/m ³ for Pokeno and Tuakau). No free or floating layer.	Oils and greases can cause blockages in the Wastewater System, adversely affect the treatment process, and may impair the aesthetics of the receiving environment.
pH	6.0 to 10.0.	Low pH can cause corrosion of the Wastewater System, generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Radioactivity	Must not exceed the Office of Radiation Safety Code of Practice CSPI for the Use of Unsealed Radioactive Material.	
Settleable Solids	50 ml/L.	Can cause blockages and overload the treatment process.
Solvents or other organic liquids	No free or floating layer.	Some organic liquids are denser than water and will settle in pipes and traps.
Suspended Solids	2,000 g/m ³ .	Can cause blockages and overload the treatment process.
Transmissivity	When diluted at 10:1 with distilled water and tested at 254nm, the result must have a transmissivity of 50% or more, equivalent to an absorbance of 0.3010 or less.	Poor transmissivity reduces the effectiveness of the UV light disinfection at treatment plants.
Temperature	40 °C.	High temperatures cause increased damage to structures, increase the potential for anaerobic conditions to form in the Wastewater, promote the release of toxic gases and can endanger workers. Conditional Consents may have a lower temperature limit.

Parameter	Requirement or limit	Commentary
Inhibitory Substances	Should any Characteristic of a discharge be found to inhibit the performance of the Wastewater treatment process, such that Council is at risk of breaching resource consent conditions, Council may limit the concentration of any inhibitory substance.	

Table 2 - Chemical Characteristics

Parameter	Limit g/m³	Commentary
Ammonia (as N)	50	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Ammonium salts	200	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Anionic Surfactants as methylene blue active substance (MBAS)	300	High MBAS can adversely affect the efficiency of activated sludge plants, cause foaming and impair the aesthetics of the receiving waters.
Boron	25	Boron is not removed by conventional Wastewater treatment.
Bromine as Br ₂	5	High concentrations could affect the health and safety of workers.
Chlorine (Cl ₂ free chlorine)	3	Can endanger workers, cause corrosion of the Wastewater collection system.
Cyanide as CN ⁻	1	Can produce toxic atmospheres and endanger workers.
Dissolved aluminium	100	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate as a scale, which may cause a blockage.
Dissolved iron	100	Iron salts may precipitate and cause a blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Fluoride as F	30	Not removed by conventional Wastewater treatment.
Hypochlorite	30	Can endanger workers, cause corrosion of the Wastewater collection system.
Kjeldahl nitrogen	150	May significantly contribute to the nutrient load discharged to the receiving environment.
Sulphate (measured as SO ₄)	500. (200 for Pokeno and Tuakau).	May adversely affect Wastewater System, may increase the potential for the generation of sulphides.
Sulphite (measured as SO ₂)	15	Can endanger workers, cause corrosion of the Wastewater collection system.
Sulphide (as H ₂ S on acidification)	5	May cause corrosion of Wastewater System, particularly the non-wetted part of the Wastewater pipes; generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Total Phosphorus as P	50	May significantly contribute to the nutrient load discharged to the receiving environment.

Table 3 - Heavy Metals

Heavy metals can inhibit Wastewater treatment process and restrict the reuse of Biosolids. Mass Limits may be imposed – refer to clause 8.4 (b) of this Bylaw.

Parameter	Limit g/m³
Antimony	5
Arsenic	5
Barium	5
Beryllium	0.005
Cadmium	0.5
Chromium (Total)	5
Cobalt	5
Copper	5
Lead	5
Manganese	5
Mercury	0.005
Molybdenum	5
Nickel	5
Selenium	5
Silver	2
Thallium	5
Tin	5
Zinc	5

Table 4 - Organic Compounds

Organic compounds can endanger sewer workers and treatment processes.

Parameter	Limit g/m³
Acetone	100
Benzene	1
Butanone	100
Chlorinated phenols	0.02
Ethylbenzene	5
Ethylene Glycol	50
Formaldehyde	30
Halogenated aliphatic compounds	1
Halogenated aromatic hydrocarbons (HAH's)	0.002
Organophosphate pesticides	0.1
Pesticides (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any other pesticides not registered for use in New Zealand)	0.2 in total
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Polybrominated biphenyls (PBBs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Total Petroleum Hydrocarbons	
C7 - C14	30
C7 - C36	50
Tri-methyl Benzene	5
Toluene	5
Xylene	5

Table 5 - Liquid Waste from Pharmacies

Pharmacies must not discharge more liquid pharmaceutical waste per month than the volumes listed below. The volume limit is based on the concentration of active ingredients in the product.

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

Schedule IB: Prohibited Characteristics

This schedule provides the meaning of prohibited trade waste other than mortuary waste. Prohibited trade waste must not be discharged into the public wastewater system.

Prohibited Trade Waste has or is likely to have any of the prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the municipal water supply used on the Premises, or in any other water supply that is Approved by Council for the purpose of discharging waste.

Prohibited Characteristics

- I. Any discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - a) Interfere with the free flow of Wastewater in the Wastewater System; or damage any part of the Wastewater System;
 - b) In any way, directly or indirectly, cause the quality of the effluent or Biosolids and other solids from any Wastewater Treatment Plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
 - c) Prejudice the occupational health and safety of any Person or people;
 - d) After treatment be toxic to fish, animal or plant life in the receiving waters;
 - e) Cause malodorous gases or
 - f) Contains substances that cause the discharge of any Wastewater Treatment Plant to receiving waters to be coloured.

2. A discharge has a prohibited Characteristic if it has any amount of:
 - a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - b) Dry solids, solids longer than 30mm, fibrous material, sheet films, and anything which may react to form a solid mass;
 - c) Except as allowed for in Schedule IA, liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
 - d) Asbestos;
 - e) The following organo-metal compounds:
 - i. tin (as tributyl and other organotin compounds); or
 - ii. chromium (as organic compounds);
 - f) Genetic wastes, being all wastes that contain or are likely to contain genetically altered material from Premises where the genetic alteration of any material is conducted;
 - g) Any health care wastes covered by NZS 4304 or any pathological or histological wastes;
 - h) Radioactivity levels not compliant with the Office of Radiation Safety Code of Practice CSPI for the Use of Unsealed Radioactive Material; Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means
 - i) waste that is contaminated by a cytotoxic drug.



HAVE YOUR
SAY ON OUR
PROPOSED
BYLAW

STATEMENT OF PROPOSAL

TRADE WASTE AND
WASTEWATER BYLAW

waikatodistrict.govt.nz

0800 492 452



This Statement of Proposal is made for the purposes of Sections 83, 86 and 156 of the Local Government Act 2002.

It includes:

- Background to the proposal
- Reasons for the proposal
- Summary of the proposed changes
- 'have your say' details.

BACKGROUND

Waikato District Council regulates Trade Waste and Wastewater through a Bylaw to control quality and quantity and to recover costs of collection and treatment.

The Waikato District Council 2016 Trade Waste and Wastewater Bylaw has been reviewed and forms the basis for the Proposed Trade Waste and Wastewater Bylaw (proposed Bylaw) that we are now consulting on.

The Wastewater section of the draft Bylaw focusses on reticulation and customer connection for domestic wastewater, while the Trade Waste section focusses on the permit process, the contaminants and volumes discharged from businesses and trade premises and industry.

Reasons for the proposal:

- To provide for Te Ture Whaimana (the vision and strategy for the Waikato River) and our vision for a healthy Waikato River.
- To provide clarity on the wastewater connection process.
- To prevent damage to infrastructure
- To address asset damage liability
- To align with Te Ao Māori when disposing of mortuary waste.

KEY CHANGES WE'RE PROPOSING TO MAKE

1. Changes to the introduction to appropriately provide for Te Ture Whaimana and our vision for a healthy Waikato River
2. Add new clauses to the Wastewater section of the Bylaw
3. Remove Schedule 2 of the Bylaw and make the information available on our website
4. Include provisional clauses on liability,
5. Remove mortuary waste from the public wastewater system.

PROPOSED CHANGES TO THE INTRODUCTION

This section is proposed to appropriately provide for Te Ture Whaimana and our vision for a healthy Waikato River.

Clause	Proposed Wording
1.2	Te Ture Whaimana: Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have particular regard to Te Ture Whaimana o Te Awa o Waikato (the vision and Strategy for the Waikato River) where the vision is 4.1 (e) "for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come". In this regard, the Council recognises the special cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.
4.1 (e)	The Waikato River Settlement Act 2010, in particular, the requirement that Council have regard to the Vision and Strategy for the Waikato River by contributing to the protection and restoration of the health and wellbeing of the Waikato River.

PROPOSED CHANGES TO WASTEWATER

We are proposing to include the following new clauses in the Bylaw:

Clause	Proposed Wording	Why we're proposing it
7.1	<p>(c) Connecting to the wastewater system: Low pressure wastewater systems must be installed by Council to the property boundary. Standard gravity wastewater connections are to be carried out by the owner or other person and must ensure prior to any wastewater connection, disconnection, or other works that:</p> <ul style="list-style-type: none"> works are carried out by a qualified contractor/drainlayer holding the current NZ Certificate in Infrastructure Works; they have obtained Council approved consent or Engineer Plan and provide information specific by Council or Authorised Officer; and Installation is completed to meet Regional Infrastructure Technical Specifications (RITS). <p>(d) Only Council is to install low pressure wastewater connections to the property boundary.</p> <p>(e) All standard gravity wastewater connections are to be carried out by owner or other person and must ensure prior to any wastewater connection, disconnection, or other works: that works are carried out by a qualified contractor/drainlayer holding the current NZ Certificate in Infrastructure Works, obtain Council approved consent or engineer plan and provide information specific by Council or Authorised Officer, Installation completed to meet Regional Infrastructure Technical Specifications (RITS).</p>	To clarify who can install connections to low pressure and standard gravity connections.
7.3	<p>Wastewater Service Areas: Council may define the service area and make information relating to the service area and availability of connection publicly available on the Council website.</p>	The intention of this clause is to allow for supplementary information to the Bylaw (i.e. maps) to be available on the Council website.
7.6	<p>Building over or near the Wastewater Network: A person intending to do any new building works over or within five meters of the Public Wastewater System must:</p> <ul style="list-style-type: none"> Make an application to Council and must not proceed with the works until approval is granted; Ensure compliance with the approval and any conditions of the approval; Ensure that the works comply with any requirements of the Regional Infrastructure Technical Specifications (RITS); and Include in the application to Council, a CCTV inspection of the subject pipeline, in accordance with Section 2 of the New Zealand Pipe Inspection Manual, undertaken by a contractor qualified and with the necessary experience to do so. 	Addition of this clause ensures Council has legal grounds to request written applications for building over or adjacent to the public wastewater network. Applications should include pre- and post- construction CCTV for proper assessment of the line condition.

Clause	Proposed Wording	Why we're proposing it
7.7	<p>Private Wastewater Systems:</p> <p>a. Where it is identified that a private wastewater system is not operating effectively, Council may issue a Notice to fix to require an owner or occupier of a property to fix the private wastewater system systems, including, at the owner's cost, to meet original design specifications.</p> <p>b. No person may cause or allow stormwater inflow or groundwater infiltration into the wastewater network or any private drain which is connected to the wastewater network</p>	<p>a. This revision allows Council to issue a notice to fix when private systems aren't operating effectively. Particularly when private systems affect the public wastewater network. It also acknowledges that the public network can affect private systems and advises Council can reimburse owners or occupiers if that occurs.</p> <p>b. This revision is to prevent inflow and infiltration of stormwater into the wastewater system. It gives Council enforcement ability to correct private stormwater drains connecting to the wastewater system.</p>
7.8	<p>Prohibited discharge:</p> <p>No person may discharge or introduce prohibited waste into the wastewater network. For the purposes of the above clause, prohibited waste means:</p> <p>Waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1; and includes, but is not limited to non-dispersible items or waste such as:</p> <ul style="list-style-type: none"> • Disposable wipes • Nappies and diapers • Sanitary products • Paper other than toilet or tissue paper • Fat and grease • Plants, wood and vegetation • Soil, rocks and stones • Fabric and material such as rags • Solid objects such as toys • Paint and solvents • Pharmaceutical products • Plastic bags. 	<p>This clause prevents the discharge of prohibited waste into the wastewater network.</p>
10.2	<p>Payment:</p> <p>a. Payment for the discharge of wastewater and related services shall be in accordance with the Council rates, development or capital works contributions prevailing at the time.</p> <p>b. The Council may recover unpaid wastewater rates in respect of the wastewater services as prescribed in the Local Government Act 2022 from the owner or occupier (or both) of the premises.</p>	<p>This clause is to clarify that current charges apply to wastewater services and the recovery process of unpaid wastewater rates.</p>

PROPOSED CHANGES TO PART 4 - OTHER PROVISIONS

Clause	Proposed Wording	Why we're proposing it
12.1	The Council shall not be liable for any loss, damage, or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies, reduced level of service or interruptions to the wastewater system	This clause proposes to protect against consequential loss from system failures or outages.
13.1	<p>Breakage and Damage of the Wastewater System on Private Property:</p> <p>Where the wastewater system is on private land and the wastewater system is damaged, even if unintendedly, by build overs or private assets or private infrastructure, the Council is not liable for the cost of remedy or repair of the wastewater system. The owner of the private property whose build over or private asset or infrastructure that has aided in the damage to the wastewater system is liable and responsible for the cost of remediation and repair back to the original standard.</p>	This clause proposes to protect Councils liability for repair costs to the wastewater system when damage occurs on private property
13.2	<p>Stop Works:</p> <p>Council or Authorised Officer may serve or issue a notice or order on the owner, occupier or other person where works have damaged or are likely to cause damage to any part of Council's wastewater infrastructure. Failure to comply with such notice or order constitutes an offence against this Bylaw. The stopped work is not to recommence until appropriate remedial work is carried out and an 'Approval to Recommence Work' authority is signed and issued by Council or Authorised Officer.</p> <p>Advisory note: Negligent or willful damage to Council infrastructure is prohibited under section 232 of the Local Government Act 2002.</p>	This clause allows Council to issue a 'stop works' notice where works or intended works have or are likely to damage Councils infrastructure.

PROPOSED CHANGES TO TRADE WASTE

We are proposing to improve the Tankered waste clause (9.1) to provide more information on tankered waste approval notices.

We are also proposing to remove Schedule 2 from the Bylaw (Pre-Treatment and discharge requirements). Removing the pre-treatment and discharge requirements from the Bylaw and having this information available on our website will allow the latest updates to be made without requiring a Bylaw amendment.

PROPOSED MORTUARY WASTE DISPOSAL REQUIREMENTS

We are proposing to prohibit mortuary waste from the public wastewater network in the Trade Waste section of the Bylaw. Council does not currently have requirements for mortuary waste disposal, and it is treated through the public wastewater system and discharged to the Waikato River. The proposed clause will mean that mortuary waste will need to be separated from the public wastewater system and disposed of to an approved disposal site.

In Te Ao Māori (Māori world view) tūpāpaku (deceased) and tūpāpaku para (mortuary waste) should return to land to align with tikanga (customary practice/values). Prohibiting mortuary waste disposal to the public wastewater system will align with tikanga and Te Ture Whaimana.

The following clauses have been drafted, noting that the mortuary waste requirements of the Bylaw will not come into effect until a Council resolution is made. This will allow Council, mana whenua, funeral directors and stakeholders to work through appropriate treatment and disposal options.

Clause	Proposed Wording	Why we're proposing it
8.3	Trade waste from a mortuary shall only be disposed of to a site approved by the Council as a mortuary waste disposal site.	<p>This clause is proposed to be introduced in the Bylaw to allow for the Te Ao Māori view of disposing mortuary waste to land (not the Waikato River).</p> <p>Although this clause may be introduced in this bylaw, it will not come into effect until a date decided by Council, where businesses and Iwi have worked through a solution that allows for land-based discharge.</p>

Short title, commencement and application

Clause	Proposed Wording	Why we're proposing it
2.3	<p>This bylaw shall come into force on [insert date at adoption], except for the following clauses which relate to mortuary waste:</p> <ul style="list-style-type: none"> • (a) Clauses 8.3 and • (b) Paragraph (b) of the definition of prohibited waste contained in any clauses which relate to mortuary waste shall come into force on a date determined by resolution. 	<p>This section relates to the mortuary discharge clause proposed to be introduced to the bylaw. It states that the mortuary clause (8.3) does not come into force until a Council resolution is made.</p>

Definitions

Clause	Proposed Wording	Why we're proposing it
6	<p>Mortuary: Means premises used or intended to be used for the preparation of deceased bodies or burial or for the embalming of bodies or the examination or treatment of bodies prior to burial; but does not include premises so used or intended to be so used primarily for hospital care within a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001).</p> <p>Mortuary Waste: Means the trade waste from any process involving physical contact with a deceased person at a mortuary.</p> <p>Mortuary Waste Disposal Site: Means a site designated by the Council as a mortuary waste disposal site.</p> <p>Prohibited Waste: Means a Trade Waste discharge that:</p> <ol style="list-style-type: none"> Has any of the prohibited characteristics as defined in Schedule 1B of this Bylaw Mortuary waste. 	<p>If mortuary waste to land-based discharge is included in the bylaw, these definitions will be required to establish the meanings relating to mortuary waste.</p>

CONSULTATION AND SUBMISSIONS

Anyone can make a submission on the Bylaw and we encourage you to let us know your views. This feedback will be used during the decision-making process.

PRIVACY ACT INFORMATION

The Local Government Act 2022 requires submissions to be made available to the public. Your details are collected:

- so the council can write and inform you of the decision(s) on your submission(s)
- to arrange a hearing date and time for you to speak (if you choose to).

Your name will be publicly available. If you would like your name kept confidential you need to inform us when you send in your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address the Council will formally receive your submission but will not be able to inform you of the outcome.

SUBMISSIONS CAN BE:

ONLINE:

www.waikatodistrict.govt.nz/sayit



POSTED:

Waikato District Council
Private Bag 544
Ngaruawahia 3742

DELIVERED:

Waikato District Council
Attn: Corporate Planner
15 Galileo Street, Ngaruawahia
3742



EMAILED:

consult@waidc.govt.nz
Subject heading should read:
"Trade Waste and Wastewater
Bylaw"

Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710

WHAT HAPPENS NEXT?

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of submissions on 22 November 2022, all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Policy & Regulatory Committee meeting on a date to be confirmed.

This meeting is open to both submitters and the public to attend.

IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 22 September 2022

SUBMISSIONS CLOSE – 22 November 2022

HEARING OF SUBMISSIONS – February 2023 (TBC)

DELIBERATIONS - February 2023 (TBC)

If you have any further queries or would like further copies of the proposed Bylaw, please contact Jodi Bell-Wymer via email at consult@waidc.govt.nz.



Waikato District Council

(Proposed) Trade Waste and Wastewater Bylaw ~~2016~~

Waikato District Council, in exercise of its powers and authorities given to it under the Local Government Act 2002, and the Health Act 1956 and their respective amendments, and all other relevant powers, hereby makes the following Bylaw.

Part I: Preliminary Provisions

1. Introduction

1.1 Waikato District Council (the Council) has the ability to make bylaws for managing, regulating and protecting wastewater drainage and Trade Waste. Under Section 10 of the Local Government Act, Council needs to provide effective and efficient wastewater infrastructure. The regulation of Trade Waste allows Council to control the quality and quantity of Trade Waste and recover the additional costs of Trade Waste collection and treatment. The management of wastewater assists in protecting wastewater infrastructure from damage, removing substances that could affect the environment, and controlling stormwater discharges to the wastewater system.

~~1.2 {Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have regard to Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River). The vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come”. In this regard, the Council recognises the special cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.~~

Advisory Note: the above introduction does not form part of this Bylaw and is intended to be read as an introductory note.

2. Short title, commencement, and application

2.1 The Bylaw shall be known as the ‘Waikato District Council Trade Waste and Wastewater Bylaw ~~2016~~(insert date)’.

2.2 The Bylaw shall apply to the Waikato District.

~~2.3 This~~ The bylaw shall come into force on ~~1 September 2016~~(insert date), except for the following clauses which relate to mortuary waste:

• ~~(a) Clauses 8.3 and,~~

• ~~(b) Paragraph (d) of the definition of prohibited waste contained in clause 6.~~

Any clauses which relate to mortuary waste shall come into force on a date determined by Council resolution.

3. Revocation

3.1 The following Bylaws are hereby revoked from the day this new Bylaw comes into force: 'Waikato District Council Trade Waste ~~Bylaw 2008~~' and the 'Franklin District Council Trade ~~Waste bylaw 2007~~ and Wastewater Bylaw 2016.

4. Purpose

4.1 The purpose of this Bylaw is to enable Council to:

- a) Protect the health and safety of people using or working in the Wastewater System.
- b) Protect the Wastewater System from damage and misuse.
- c) Protect the environment from adverse effects of harmful substances discharged to the Wastewater System.
- d) Produce Wastewater and Biosolids of a consistent quality.
- e) Encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams by businesses.
- f) Ensure that businesses maintain Trade Waste discharges within agreed levels.

g) Ensure Council meets its legal obligations and commitments, including (but not limited to):

- i. The Waikato River Settlement Act 2010, in particular, the requirement that Council have regard to the Vision and Strategy for the Waikato River by contributing to the protection and restoration of the health and wellbeing of the Waikato River.

5. Compliance with Other Acts and Codes

5.1 This Bylaw has been developed in accordance with all relevant legislation, Council policy and guidance documents.

5.2 Without limiting subclause (5.1), compliance with the requirements of this Bylaw does not remove the need to comply with the requirements of any Act, regulation or other Bylaw.

6. Definitions

For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

Access Point	Is <u>Means</u> a place where access may be made to a Private Drain <u>is available</u> for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point must be in accordance with the New Zealand Building Code.
Alternative Grease Removal System	Refers to a grease removal system other than a Grease Trap <u>and</u> includes, but is not limited to, grease converters and mechanical grease removal systems.
Approval or Approved	Means <u>Approved</u> <u>an approval provided</u> in writing by Council, either by resolution of the Council or by any Authorised Officer of the Council.

Approval Notice	Means <u>a notice of an Approval given by Council and signed by an Authorised Officer</u> authorising a Person to discharge Permitted Trade Waste to the Wastewater System.
Authorised Officer	Means <u>an employee, agent or contractor of Council, appointed any person authorised</u> by Council <u>as an enforcement officer under section 171 to carry out general or specific duties arising from any of the Local Government Act 2002 provisions of this Bylaw, unless stated otherwise.</u>
Biosolids	Means wastewater sludge derived from a Wastewater Treatment Plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land or reused, and does not include products derived solely from industrial Wastewater Treatment Plants. <i>Advisory note: The term "Biosolid/s" is used generically throughout this document <u>the Bylaw</u> to include products containing which contain Biosolids (eg composts).</i>
Characteristics	Means any of the physical or chemical properties of a Wastewater and may include the level of a Characteristic.
Cleaner Production	Means the implementation <u>and use</u> on Premises of effective operations, methods and processes appropriate to achieve the reduction or elimination of the quantity and toxicity of wastes. This is required to minimise and manage Trade Waste by: <ul style="list-style-type: none"> a) Using energy and resources efficiently, thereby avoiding or reducing the amount of waste produced; b) Producing environmentally sound products and services; <u>Achieving less waste, fewer costs and higher profits.</u>
Condensing or Cooling Water	Means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
Conditional Consent	Means <u>a consent granted by Council authorising a Person to discharge Conditional Trade Waste to the Wastewater System but subject to conditions.</u>
Consent Holder	Means <u>the Person occupying Premises who has obtained approval and includes any Person who does any act on behalf or with the express or implied consent of the Consent Holder (whether for reward or not) and any licensee of the Consent Holder.</u>
Council	Means <u>Waikato District Council or any person authorized by Council to carry out duties relating to Trade Waste and Wastewater management.</u>

Cooling Water	operation in such a manner that it does not take up matter into solution or suspension.
Conditional Consent	Means an Approval given by Council and signed by an Authorised Officer authorising a Person to discharge Conditional Trade Waste to the Wastewater System.
Conditional Trade Waste	Means a Trade Waste discharge which exceeds the physical and chemical Characteristics defined in Schedule 1A of this bylaw, and which is not a Prohibited Trade Waste.
Consent	Means an Approval Notice or Conditional Consent.
Consent Holder	Means the Person occupying Premises who has obtained a Consent or Trade Waste Agreement and includes any Person who does any act on behalf or with the express or implied consent of the Consent Holder (whether for reward or not) and any licensee of the Consent Holder.
Council	Means Waikato District Council or an employee, agent or contractor of Council appointed to carry out duties relating to Trade Waste and Wastewater management.
Defect Notice	Means a notice issued in accordance with clause 13.1.
Disconnection	Means the physical cutting and sealing of any of Council's water services, utilities, drains or Wastewater System to prevent use by any Person.
Domestic Wastewater	Means liquid wastes (with or without matter in solution or suspension) <u>either wastewater which is</u> discharged from premises used solely for residential purposes and which complies with the physical and chemical Characteristics defined in Schedule 1A activities or wastes of this bylaw, or wastes with the same volume and Characteristic <u>character</u> discharged from other premises, <u>if the characteristics of the wastewater are an acceptable discharge</u> ; but does not include any solids, liquids or gases that cannot lawfully be discharged into the wastewater system.
Grease Trap	Means a separation tank that reduces the amount of fat, oil and grease in Trade Waste prior to it being discharged into the Wastewater System.
Hazardous Materials	Means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any materials which when mixed with Wastewater, are likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any Person or harmful to the Wastewater System, and includes hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
Independently Qualified Person	Means a person with appropriate qualifications, approved by Council and who is independent of the Consent Holder.
Infiltration	Means ground or surface water entering the Wastewater System or a Private Drain connected to the Wastewater System through defects <u>such as, but not limited to, poor joints and cracks in pipes or manholes. It does not include Inflow.</u>

~~such as, but not limited to, poor joints and cracks in pipes or manholes.
It does not include Inflow.~~

Inflow	Means water discharged into the Wastewater System or a Private Drain connected to the Wastewater System from non-complying connections. It includes Stormwater entering through illegal down pipe connections or from low gully traps.
Management Plan	Means a plan which shows how the Consent Holder will manage their operations and discharge to comply with their Consent. It may include provision for flow and quality monitoring, sampling and testing, Cleaner Production, waste minimisation, discharge, contingency management procedures, or any relevant industry Code of Practice.
Mass Limit	Means the total mass of any Characteristic that may be discharged to the Wastewater System over any stated period from any single Point of Discharge or collectively from several points of discharge.
Maximum Concentration	Means the instantaneous peak concentration that may be discharged at any instant in time.
<u>Mortuary</u>	<u>Means a premises used, or intended to be used, for the preparation of dead bodies for burial or for the embalming of deceased bodies or the examination or treatment of deceased bodies prior to burial; but does not include premises so used or intended to be used primarily for hospital care within a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001).</u>
<u>Mortuary Waste</u>	<u>Means the trade waste from any process involving physical contact with a deceased person at a mortuary.</u>
<u>Mortuary Waste Disposal Site</u>	<u>Means a site designated by the Council as a mortuary waste disposal site.</u>
Occupier	Means the person occupying Premises connected to the Wastewater System.
Permitted Trade Waste Person	Means a Trade Waste discharge that complies with the physical and chemical Characteristics defined in Schedule 1A of this Bylaw. Includes a corporation sole and also a body of persons whether incorporated or unincorporated.
Point of Discharge	Is <u>Means</u> the boundary between the Wastewater System and a Private Drain but . <u>However</u> , for the purposes of monitoring, sampling and testing, <u>any Point of Discharge</u> must be as designated in the <u>Consent area</u> .
Pre <u>Treatment</u> Pretreatment	Means any processing of Trade Waste designed to reduce or vary any Characteristic in a waste before discharge to the Wastewater System in order to comply with a Consent or this Bylaw.
Private Drain	Means that section of drain between the Premises and the point of connection to the Wastewater System.
Premises	Means the physical location to which a Wastewater service is provided and includes: <u>Means:</u> <ol style="list-style-type: none"> a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued; b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease; c) Land held in public ownership for a particular purpose; or

- d) Individual units in buildings, which are separately leased or separately occupied.

Allotment means the same as defined in the Land Transfer Act 1952.

Prohibited Trade Waste

Means a Trade Waste discharge that has any of the prohibited Characteristics as defined in Schedule 1B of this Bylaw.

Stormwater

Means surface water runoff that:

- a) Enters or may enter the Stormwater system as a result of a rain event; and
- b) Contains any substance where the type and concentration of the substance is consistent with the contributing catchments land use(s) and that of the receiving environment.

Tankered Waste

Is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding Domestic Wastewater discharged directly from house buses, caravans, buses and similar vehicles.

Temporary Discharge

Means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of ~~an unusual~~ waste from Premises subject to an existing Consent.

Trade Waste

Is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Premises to the Wastewater System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include Condensing or Cooling Waters; or Stormwater which cannot be practically separated.

Trade Waste Agreement

Is a written agreement between Council and a Person ~~discharging Trade Waste~~, authorising the Person to discharge Conditional Trade Waste to the Wastewater System, that outlines both parties' rights and responsibilities.

Wastewater

Means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the Wastewater System. This includes Domestic Wastewater and Trade Wastes.

Wastewater System

Includes all infrastructure, including pipes, fittings, manholes, pumps, pump stations; and any land, buildings, and treatment works which are under the control of the Council or any other Council and used for the purpose of providing a Wastewater service.

Wastewater Treatment Plant

Means the processes and facilities involved in treating Wastewater.

~~**Waters-Manager Working Day**~~

Has the same meaning as contained in the Legislation Act 2019.

~~**Working Day**~~

~~Means any day of the week other than:~~

- ~~a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday,~~

|

Part 2: Wastewater

7. Wastewater

6.17.1 Connecting to the Wastewater System

- a) No Person may, without Council's Approval
 - i. Connect to the Wastewater System;
 - ii. Disconnect from the Wastewater System;
 - iii. Carry out any other works on, or in relation to, the Wastewater System; or
 - iv. Open any manhole, chamber, Access Point on, or otherwise tamper with the Wastewater System.
- ~~a) Any Person wishing to connect to, disconnect from, or work on the Wastewater System, must write to Council for Approval and provide any information specified by Council.~~
- b) The Council may grant approval to such connection, disconnection or other works, and may impose conditions.
- ~~c) Any application for approval must be made in writing on the prescribed form and be accompanied by all information relating to the application as required by the Council.~~
- ~~d) Only Council is to install low pressure wastewater connections to the property boundary.~~
- ~~e) All standard gravity wastewater connections are to be carried out by owner or other person and must ensure prior to any wastewater connection, disconnection, or other works:

 - ~~i. that works are carried out by a qualified contractor/drainlayer holding the current NZ Certificate in Infrastructure Works,~~
 - ~~ii. obtain Council approved consent or engineer plan and provide information specific by Council or Authorised Officer,~~
 - ~~iii. Installation completed to meet Regional Infrastructure Technical Specifications (RITS).~~~~
- ~~e)f) Without limiting subclause (e), ab), any condition imposed under that subclause by Council in relation to such approval may require that the connection, disconnection or works comply with any relevant code of practice.~~
- ~~d)g) Council may refuse ~~an~~any application for Approval to connect to a system where:

 - i. The applicant has not paid fees or charges associated with the connection (including development charges) or has refused to provide Council with specified information relating to the application;
 - ii. In Council's reasonable opinion, there is insufficient capacity in the system to accommodate the connection;
 - iii. In Council's reasonable opinion, the connection would compromise its ability to maintain levels of service in relation to the Wastewater System;
 - iv. The connection is outside the area currently served by the Wastewater System, regardless of its proximity to any specific component of the Wastewater System; or
 - v. In Council's reasonable opinion, refusal is necessary to protect the Wastewater System, the health and safety of any Person, or the environment.~~

6.27.2 Control of Discharges

- a) A Person must not discharge, or allow any Wastewater to be discharged ~~any Wastewater~~ into the Wastewater System except in accordance with this Bylaw and with the provisions of a Consent or Trade Waste Agreement.
- b) No Person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule IB into the Wastewater System.

- c) No Person may cause or allow Stormwater to enter the Wastewater System unless specific Approval is given.
- d) No Person may introduce or discharge Condensing water, Cooling water, disinfected or super-chlorinated water into the Wastewater System unless specific Approval is given.

~~NOTE: (this note does not form part of the bylaw)~~

Advisory note: condensing, cooling, disinfected or super-chlorinated water must not be discharged to the Stormwater system without specific Approval.

- e) When any person fails to comply with clauses 7.2 (a) – (d), and a reasonable alternative method cannot be agreed with the discharging party, the Council may physically prevent discharge into the Wastewater System.
- f) Domestic Wastewater must comply with the physical and chemical Characteristics in Schedule IA.
- g) The maximum instantaneous flow rate discharged from any Premises solely used for residential purposes must not exceed 2.0 litres/second.

7.3 Wastewater Service Areas

- a) Council may define the service area and make information relating to the service area and availability of connection publicly available on the Council website.

6.37.4 Hazardous Materials

- a) A Person must take all practicable steps to store, handle, transport and use Hazardous Materials in a way that prevents Wastewater with prohibited Characteristics as described in Schedule IB entering the Wastewater System.
- b) Any Person who knows of the entry or imminent entry of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- c) Any Person who causes or allows the discharge of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must:
 - i. Immediately take all practicable steps to stop the imminent entry or further entry of this Wastewater to the Wastewater System; and
 - ii. Inform an Authorised Officer or Council as soon as reasonably practicable.

6.47.5 Protection of Wastewater System

- a) No Person may cause or allow to be caused any damage to, or modification, stoppage, or obstruction of, or interference with the Wastewater System, except ~~as Approved by~~ with approval of Council.
- b) Every Person excavating or working around the Wastewater System must take due care to ensure that the work does not damage and/or compromise the integrity of the Wastewater System.
- c) Any Person who knows of any serious or substantial damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- d) Any person who causes or allows any damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.

- e) No Person may place any additional material over or near a Wastewater System without Approval.
- f) No Person may cover an Access Point without Approval. ~~Regardless of who covered~~ If any material covering an Access Point, removal of any covering material is required to be removed or adjustment of the an Access Point requires adjustment, such work will be at the property owner's expense.

~~1.2 Private Drains~~

7.6 Building Over or in near the Wastewater Network

- a) A person intending to do any building works over or within five meters of the Public Wastewater System must:
 - (i) make an application to Council and not proceed with the works until such time as Approval is granted.
 - (ii) Ensure compliance with the approval and any conditions of the Approval.
 - (iii) Ensure that the works comply with any requirements of the Regional Infrastructure Technical Specifications (RITS).
- b) In granting approval for an application to do building works over or near the Wastewater Network, Council may include any conditions as it considers appropriate including a requirement to carry out or to permit Council to carry out (in either case at the expense of the person) works for the protection of the network.

7.7 Private Wastewater Systems

- ~~g)a)~~ Where it is identified that a private wastewater system is not operating effectively, Council may issue a Notice to fix to require an owner to fix or upgrade Private Drains or occupier of a property to fix the private wastewater system including, at the owner's cost, to meet original design specifications.

~~Owners of Premises must ensure that all Private Drains on the Premises are kept and maintained in a state which is free of cracks and other defects that~~

~~a) No person may cause or allow Infiltration.~~

~~h)b) Occupiers and Owners of Premises must ensure that Stormwater is excluded from stormwater inflow or groundwater infiltration into the wastewater System and network or any private drain by ensuring that which is connected to the wastewater network, including:~~

- ~~i. There is~~ No direct connection of any stormwater pipe or drain to the wastewater system;
- ii. Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
- iii. Inspection covers are in place and are appropriately sealed.

~~i)c)~~ An Occupier or owner whose Private Drain is overflowing or has other reasons to suspect a blockage, must immediately call a drainlayer to clear and remove any blockage in the Private Drain, at the Occupier or Owner's expense. If the drainlayer considers that the blockage originates within the Wastewater System, then the drainlayer must contact Council.

~~i)d)~~ Council ~~will~~may reimburse the owner of the Private Drain for the reasonable cost of unblocking work for which the owner has paid, provided that Council is satisfied that:

- i. The blockage originated in the Wastewater System;
- ii. The blockage was not forced downstream into the Wastewater System in the act of clearing the Private Drain; and
- iii. The owner or occupier of the Premises has not caused or permitted a discharge which does not comply with this Bylaw, a Consent or a Trade Waste Agreement.

~~i)e)~~ Where the roots of a tree which is on private land enter or are likely to enter the Wastewater System, Council will follow the procedure set out in s 468 of the Local Government Act 1974.

~~i)f)~~ A Person with a pressure Wastewater System, or any other system that is connected to the Wastewater System, must use that system in accordance with any operating manual or guidelines for that system.

7.8 Prohibited discharge

a) No person may discharge or introduce prohibited waste into the wastewater network.

b) For the purposes of the above clause, prohibited waste means:

- Waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1; and includes, but is not limited to non-dispersible items or waste such as Disposable wipes
- Nappies and diapers
- Sanitary products
- Paper other than toilet or tissue paper
- Fat and grease
- Plants, wood and vegetation

- Soil, rocks and stones
- Fabric and material such as rags
- Solid objects such as toys
- Paint and solvents
- Pharmaceutical products
- Plastic bags

Part 3: Trade Waste

7.8. Trade Waste Discharges and Consents

7.8.1 Classification of Discharges

- a) Trade Waste discharges are classified as one of the following types:
- i. Permitted Trade Waste, (in which case an Approval Notice must be obtained);
 - ii. Conditional Trade Waste, (in which case a Conditional Consent must be obtained or a Trade Waste Agreement be entered into); or
 - iii. Prohibited Trade Waste, (in which case no ~~Consent~~Approval in any form will be granted ~~and no Trade Waste Agreement will be entered into~~).

8.2 Discharge of Trade Waste

~~b)a)~~ No Person may discharge or cause to be discharged Trade Waste into the Wastewater System except in accordance with approval from Council (either through an Approval Notice, Conditional Consent or a Trade Waste Agreement~~).~~

~~e)b)~~ Council is not obliged to accept any Trade Waste.

8.3 Mortuary Waste

Trade waste from a mortuary shall only be disposed of to a site approved by the Council as a mortuary waste disposal site.

8.4 Trade Waste Agreement

- a) An application for Trade Waste discharge may be made to Council using the prescribed form.
- b) Council may, at any time and at its complete discretion, require an Occupier to enter into a Trade Waste Agreement for the discharge and reception of Trade ~~Wastes with an Occupier.~~ Waste.
- ~~d)c)~~ Any such agreement may be made in addition to or in place of a Conditional Consent ~~and~~ theor a Trade Waste Agreement and its terms will have the same force as if the agreement was a Consent issued under this Bylaw.
- ~~e)d)~~ ~~Circumstances where~~ A Trade Waste Agreement may be appropriate ~~include, but are not limited to, in circumstances~~ where, in the reasonable opinion of Council, the discharge is considered to have:
 - i. Unique discharge Characteristics;
 - ii. A volume or loading of any Characteristic that may affect the operation of the Wastewater System or Treatment Plant;
 - iii. Potential discharge of hazardous or prohibited substances;
 - iv. Pre-Treatment systems;
 - v. The requirement for capacity to be reserved at the Wastewater Treatment Plant; ~~and/or~~
 - vi. A history of non-compliance with a Consent or Trade Waste Agreement.
 - vii. Any other matter Council may consider relevant.

7.28.5 Application for a Conditional Consent or Variation of Consent

- a) Every Person who does, proposes to, or is likely to:
 - i. Discharge into the Wastewater System, any Trade Waste either continuously, intermittently or temporarily;
 - ii. Vary the Characteristics of a Permitted Trade Waste discharge in a manner which may cause it to fail to meet the standards for a Permitted Trade Waste;
 - iii. Vary the conditions of a Conditional Consent that has previously been granted; or
 - iv. Significantly change the method or means of Pre-Treatment for a ~~discharge; Trade Waste Discharge;~~

must apply to Council, using the prescribed form, for ~~a~~ Condition Consent ~~for the~~ ~~to~~ discharge ~~of that~~ Trade Waste, or for ~~consent to~~ the proposed variations.
- b) Council reserves the right to deal with the owner as well as the Occupier of any Premises.
- c) Where ~~the Premises produces~~ Trade Waste is produced from more than one area of the

- Premises, any application for Approval must include a separate description of the Trade Waste Characteristics ~~must be included in any application for for the proposed~~ Trade Waste discharge for each area. This clause applies ~~whether or not even if~~ the separate areas are part of a single ~~or separate~~ trade process.
- d) ~~The~~Any application ~~and every document conveying required information~~ must contain~~include~~ all ~~the~~ required information, be properly executed and accompanied by the application fee.
- ~~b) The applicant is responsible for the correctness of the content of the application and any information attached.~~
- ~~c) Every act or omission done for, or on behalf of, the eventual Consent Holder (whether for reward or not) in making any such application is deemed to be an act of the Consent Holder.~~
- e) Council may require an application to be supported by a report or statement from an Independently Qualified Person, to verify information supplied by the applicant. ~~All costs incurred must be paid by the applicant.~~
- f) Any costs incurred in making the application or providing any required information are borne solely by the applicant.

7.38.6 Processing an Application for Approval

- a) On receipt of an application for an Approval Notice, Conditional Consent or Trade Waste Agreement, Council may:
- i. Require the applicant to submit additional information which Council considers necessary to reach an informed decision;
 - ii. Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - iii. Wherever appropriate, have the discharge investigated and analysed as provided for at clauses 8.8 and 8.10 of this Bylaw at the applicant's cost.
- ~~d) Council will then:~~
- ~~i. Issue an Approval Notice and inform the Consent Holder of the conditions imposed;~~
 - ~~ii. Grant a Conditional Consent and inform the Consent Holder of the conditions imposed;~~
 - ~~iii. Advise the applicant that Council is willing to enter into a Trade Waste Agreement on terms acceptable to Council; or~~
 - ~~iv. Decline the application and notify the applicant of the decision, giving a statement of the reasons for refusal.~~
- b) In considering any application for an Approval Notice, Conditional Consent, Trade Waste Agreement or variation, Council must consider the Characteristics, volume, and rate of discharge of the Trade Waste from such Premises or tanker and any other matter that it considers, on reasonable grounds, to be relevant, which may include:
- i. The health and safety of Council staff, Council's agents and the public;
 - ii. The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules IA and IB of this Bylaw;
 - iii. The extent to which the Trade Waste may react with other Trade Waste or

Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System, etc;

- iv. The flows and velocities in the Wastewater System and the material or construction of the Wastewater System;
- v. The capacity of the Wastewater System including the capacity of any Wastewater Treatment Plant, and other facilities;
- vi. The nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Wastewater Treatment Plant;
- vii. The timing and balancing of flows into the Wastewater System;
- viii. Any statutory requirements relating to the discharge of raw or treated Wastewater to receiving waters, the disposal of Wastewater sludges, beneficial use of Biosolids, and any discharge to air. This includes compliance with any resource consent, discharge permit or water classification;
- ix. The possibility of unscheduled, unexpected or accidental events and the degree of risk these could pose to humans, the Wastewater System or the environment;
- x. Consideration of other existing or future discharges;
- xi. Existing Pre-Treatment works on the Premises;
- xii. The use of Cleaner Production techniques and waste minimisation practices;
- xiii. Control of Stormwater;
- xiv. Any Management Plan;
- xv. Tankered Waste being discharged at an approved location/s; and
- xvi. Whether it would be more appropriate for the discharge to be controlled pursuant to a Trade Waste Agreement.

c) If Council considers an application is satisfactory, it will then:

- i. Issue an Approval Notice and inform the Consent Holder of the conditions imposed;
- ii. Grant a Conditional Consent and inform the Consent Holder of the conditions imposed;
- iii. Advise the applicant that Council is willing to enter into a Trade Waste Agreement on terms acceptable to Council; or
- iv. Decline the application and notify the applicant of the decision, giving a statement of the reasons for refusal.

7.48.7 Conditions of ~~Consent~~ Conditional Consent, Trade Waste Agreement and Approval Notice

- a) Any Consent may be granted subject to such conditions that Council may impose, including, but not limited to:
 - i. Where the discharge will be made;
 - ii. The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
 - iii. The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with clause 8.4 (b) of this Bylaw;
 - iv. The times during which the discharge, or a particular concentration, or volume of discharge may be made;
 - v. The provision by, or for the Consent Holder, at the Consent Holder's expense, of

- screens, Grease Traps, silt traps or other Pre-Treatment works to control Trade Waste discharge Characteristics to the consented levels;
- vi. The provision and maintenance, at the Consent Holder's expense, of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
 - vii. The provision and maintenance of a sampling, analysis and testing programme and flow measurement, at the Consent Holder's expense;
 - viii. The method or methods to be used for measuring flow rates and/or volume and/or Characteristics and taking samples of the discharge for use in determining compliance with the consent and for determining the amount of any Trade Waste charges applicable to that discharge;
 - ix. The provision and maintenance by, and at the expense of, the Consent Holder of any devices required to measure the volume or flow rate or Characteristics of any Trade Waste being discharged from the Premises, and for the calibration and/or validation of such devices;
 - x. The provision and maintenance, at the Consent Holder's expense, of such services, (electricity, water, compressed air or otherwise), which may be required to operate meters and similar devices;
 - xi. At times specified, the provision in an Approved format of all flow and/or volume records, on-line monitoring readings, results of analyses (including Pre-Treatment by-products, e.g. Wastewater sludge disposal) and calibration/validation records;
 - xii. The provision and implementation of a Management Plan;
 - xiii. Risk assessment of damage to the environment due to an accidental discharge of a chemical;
 - xiv. The investigation of waste minimisation and Cleaner Production techniques;
 - xv. Remote monitoring or control of discharges and associated control, telemetry or SCADA systems;
 - xvi. Third party treatment, carriage, discharge or disposal of by-products of Pre-Treatment of Trade Waste (including Wastewater sludge disposal);

- xvii. The provision of a bond or insurance in favour of Council where failure to comply with the consent could result in damage to the Wastewater System, the Wastewater Treatment Plants, or could result in Council being in breach of any statutory obligation or resource consent;
 - xviii. Specific discharge related capital costs Council would incur for altering the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge; and
 - xix. Specific discharge related operational costs Council would incur for operating the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge.
- b) A Conditional Consent may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic. Any Characteristic permitted by Mass Limit must also have its maximum concentration limited to the value scheduled unless Approved otherwise.
- c) When setting Mass Limit allocations for a particular Characteristic, Council may consider:
- i. The operational requirements of and risk to the Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - ii. Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Wastewater sludge;
 - iii. Conditions in the Wastewater System near the Trade Waste discharge point and elsewhere in the Wastewater System;
 - iv. The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
 - v. Whether or not the applicant uses waste minimisation and Cleaner Production techniques within a period satisfactory to Council;
 - vi. Whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
 - vii. Any requirements of Council to reduce the discharge of any Characteristic to the Wastewater System;
 - viii. How great a proportion the mass flow of a Characteristic of the discharge will be of the total mass flow of that Characteristic in the Wastewater System;
 - ix. The total mass of the Characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
 - x. Whether or not there is an interaction with other Characteristics that increases or decreases the effect of either Characteristic on the Wastewater System, treatment process, or receiving water (or land).

7.58.8 Duration and Review

- a) Conditional Consents, Trade Waste Agreement granted under this Bylaw expire at the end of a term not exceeding 5 years. Shorter terms may be applied where, in the reasonable opinion of Council:
- i. The applicant has a history of non-compliance with a previous Conditional Consent or Trade Waste Agreement;

- ii. The flow or Characteristics of the discharge are uncertain; or
 - iii. The flow or Characteristics of the discharge may change over time.
- b) Approval Notices remain valid until:
- i. Cancellation under clause 8.12;
 - ii. The discharge fails to comply with the physical and chemical characteristics defined in Schedule IA of this Bylaw (including any amendments to Schedule IA); or
 - iii. In the reasonable opinion of Council, the discharge changes or is likely to change to such an extent that it becomes a Conditional or Prohibited Trade Waste.
- c) Council may at any time during the term of a Consent, by written notice to the Consent Holder (following a reasonable period of consultation), vary any condition to such an extent as Council considers necessary.
- ~~(Note: This note does not form part of the bylaw.~~ *Advisory note: A condition could be varied if technical matters associated with the discharge have changed, to meet any new resource consent imposed on the discharges from Council's Wastewater Treatment Plant or to comply with any other legal requirements imposed on Council.)*
- d) A Consent Holder may at any time during the term of a Consent, by written application to Council, seek to vary any condition of Consent, as provided for in clause 8.2 (a) of this Bylaw.

7.68.9 Accidents and Spills

- a) A Person who discharges Trade Waste must inform the Council immediately upon becoming aware of: any matter which may result in a breach of this Bylaw, including (but not limited to):
- i. ~~An~~Any accident;
 - ii. Spillage;
 - iii. A defect in the process discharging Trade Waste; or
 - iv. A risk to the health and safety of the public or the environment;
- ~~that may cause a breach of this bylaw.~~
- b) A Person who reports an accident, spillage or defect as provided for in clause 8.69 (a) or the Consent Holder for a Premises must disclose any information that may contribute to:
- i. The restoration of the integrity of the Wastewater System,
 - ii. The cleaning of any spillage; or
 - iii. The determination of the risks associated with the Trade Waste.
- c) In the event of any accident, spillage or defect referred to in clause 8.69 (a) from Premises where a Consent Holder has a Conditional Consent, Council may:
- i. Review the Consent under clause 8.59; or
 - ii. Require the Consent Holder to review the contingency management procedures and resubmit the Management Plan to the Council for its Approval.

- d) In the event of any accident, spillage or defect referred to in clause 8.69 (a) from ~~Permisses~~Premises where a Consent Holder has an Approval Notice, Council may require the Consent Holder to apply for a Conditional Consent.
- e)

7.78.10 Pre-treatment Requirements

- a) Council may approve a Trade Waste discharge subject to the provision of appropriate Pre-Treatment systems to enable the Consent Holder to comply with this Bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Person discharging, at their expense. ~~Typical Pre-Treatment requirements are provided for common Trade Waste Premises in Schedule 2.~~
- b) Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Trade Waste Premises to the Wastewater System unless Approved by Council.
- c) Grease Traps must:
 - i. Have a functional capacity of no less than 500 litres;
 - ii. Be sized according to the greatest volume as specified in Table I contained in Schedule 2;
 - iii. Be cleaned out at least once every 6 months or more frequently as specified in Consent conditions. The frequency with which Grease Traps are required to be cleaned out may be determined through a visual inspection and/or sample testing from the device outlet by Council.
- d) Shared Grease Traps, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 500 litres for each connected Premises.
- e) A Consent Holder whose Premises has existing Grease Traps with a functional capacity of less than 500 litres must apply for a Conditional Consent unless they can demonstrate compliance with the physical and chemical characteristics set out in Schedule IA to Council's satisfaction.
- f) Alternative Grease Removal Systems must be:
 - i. Operated in accordance with the manufacturer's instructions;
 - ii. Serviced and/or cleaned out by a contractor Approved by Council as specified in Consent conditions;
 - iii. Sized according to manufacturer's recommendation; and
 - iv. May only be used with Council's Approval.
- g) The frequency with which Alternative Grease Removal Systems are required to be serviced and/or cleaned out in accordance with sub-clause 8.710 (f) may vary. This will be determined by Council after a visual inspection and/or sample testing from the device outlet.
- h) Alternative Grease Removal Systems which do not meet the requirements contained in this Bylaw must be replaced at the Consent Holder's expense.

7.88.11 Flow Metering

- a) Where flow and/or volume metering of any Trade Waste discharge is required as a condition of a Consent the Consent Holder is responsible, at their own expense, for the supply, installation, reading and maintenance of a meter. These devices are subject to the Approval of Council, but remain the property of the Consent Holder.
- b) Records of flow and/or volume must be available for viewing at any time by the Council, and must be submitted to Council at prescribed intervals by the Consent Holder in a format Approved by Council.
- c) Meters must be located in a position Approved by Council that provides the required degree of accuracy and should be readily accessible for reading and maintenance. The meters must be located in the correct position according to the manufacturer's installation instructions.
- d) The Consent Holder must arrange for in situ calibration and verification of the flow metering equipment and instrumentation by an Independent Qualified Person and method Approved by Council upon installation, and at least annually after that, to ensure its performance. The meter accuracy should be $\pm 10\%$, but with no greater a deviation from the previous meter calibration than $\pm 5\%$. A copy of the independent certification of each calibration and verification must be submitted to Council.
- e) Should any meter be found to have an error greater than that specified in clause 8.8 (d) of this Bylaw, Council may make an adjustment in accordance with the results shown by such tests. The adjustment may be back-dated for a period at the discretion of Council, but not exceeding 12 months. The Consent Holder must pay or be credited a greater or lesser amount according to such adjustment.
- f) Where in the reasonable opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided in clause 8.9(a) of this Bylaw.
- g) Measurement of flow and/or volume must be carried out by or on behalf of the Consent Holder in accordance with British Standard (BS)3680: Part I I A, BS 3680: Part I I B and BS 5728: Part 3, or another Council Approved methodology.

7.98.12 Estimating Discharge

- a) Where no flow meter or similar device is required or where no flow or sample results have been supplied by the Consent Holder, Council may estimate the discharge of Trade Waste for charging purposes based on:
 - i. The volume of water supplied to the Premises, taking into account the proportion of that volume which is estimated to be discharged to the Wastewater System;
 - ii. The flow or characteristics of the discharge measured by the Consent Holder at a previous time during similar operating conditions; and/or
 - iii. The flow or characteristics measured by Council during the most recent audit sample.

7.108.13 Sampling, Testing and Monitoring

- a) Council may undertake sampling, testing, monitoring and audit inspections to determine if:
 - i. A discharge complies with the provisions of this Bylaw;

- ii. A discharge is to be classified as Permitted, Conditional, or Prohibited (refer to clause 8.1 of this Bylaw);
 - iii. A discharge complies with any condition of a Consent or Trade Waste Agreement including a Management Plan; and
 - iv. Trade Waste Consent charges are applicable to that discharge.
- b) Where monitoring of any Trade Waste discharge is required as a condition of a Consent to ensure compliance with other conditions of the Consent:
- i. The Consent Holder must monitor the discharge of Trade Waste; and
 - ii. Council may independently monitor the discharge of Trade Waste.
- c) The Consent Holder is responsible for all costs of monitoring, sampling and testing.
- d) The taking, preservation, transportation and analysis of the samples must be undertaken by an Authorised Officer or agent of Council, or the Consent Holder in accordance with accepted industry standard methods or another methodology Approved by Council.
- e) Any sample analysis must use methods or procedures in accordance with, or validated against, the latest version of the AWWA Standard methods for the examination of Water and Wastewater” or by such alternative method or procedure Approved by Council. Analysis must be undertaken by a laboratory accredited by IANZ, or a laboratory Approved by Council.
- f) The Consent Holder must provide to Council or an Authorised Officer the results of any sampling, analysis, flow measurements or other monitoring requirements such as Pre-Treatment system maintenance, within one Working Day of any request by Council.
- g) Where clause 8.613 does not apply, but there is non-compliance with the conditions of a Consent or a Trade Waste Agreement or where an anomalous result is obtained, the Consent Holder must report the results of the analysis to Council as soon as practicable and in all cases within three Working Days.

Review of Decisions

- h) If any Person is dissatisfied with any decision by an Authorised Officer made under this Bylaw, that Person may request in writing that the ~~Waters Manager~~Council review any such decision. The request must be made no later than 20 Working Days after the decision by the Authorised Officer. The ~~Waters Manager's~~Councils decision is final.
- i) Nothing in this clause affects any right of appeal under the Local Government Act 2002.

~~7.11~~8.14 Transfer or Termination

- a) A Trade Waste Consent must be issued in the name of the given Consent Holder. The Consent Holder must not, without Council Approval:
 - i. Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the Consent;
 - ii. Allow a Point of Discharge to serve another Premises, or the Private Drain to that point to extend by pipe, or any other means, to serve another Premises; or
 - iii. In particular and not in limitation of the above, allow Wastewater from any other party to be discharged at their Point of Discharge.

- b) Council may suspend or cancel any Consent at any time following not less than 20 Working Days (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:
- i. For the failure to comply with any condition of the Consent or to maintain effective control over the discharge;
 - ii. For the failure to comply with the requirements of this Bylaw or a Consent in respect of the volume, nature or composition of Trade Waste being discharged;
 - iii. In the event of any breach of a Resource Consent held by Council issued under the Resource Management Act caused in whole or in part by the Trade Waste discharge;
 - iv. Failure to provide and when appropriate update a Management Plan as required for a Conditional Consent;
 - v. Failure to follow the Management Plan provisions;
 - vi. Failure to pay any Trade Waste charges;
 - vii. If new information becomes available on the nature or Characteristics of the Trade Waste discharge; or
 - viii. If any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge.
- c) Further to clause 8.12 (b) of this Bylaw, any Consent may at any time be immediately suspended or cancelled by Council, on giving to the Consent Holder, written notice, if:
- i. They discharge any Wastewater with prohibited Characteristics as set out in Schedule 1B;
 - ii. Council is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
 - iii. The discharge of Trade Waste is unlawful;
 - iv. If the discharge is, in the opinion of Council, a threat to the environment or public health;
 - v. In the event of any negligence which, in the opinion of Council, threatens the operation of the Wastewater System; or
 - vi. In the opinion of Council, the discharge puts at risk the ability of Council to comply with the conditions of a Resource Consent and/or requires identified additional treatment measures or costs to avoid a breach of any such Resource Consent.
- d) Council may require a Consent Holder, at their expense, to disconnect the Premises from the Wastewater System where:
- i. The Consent has expired;
 - ii. Council suspends or cancels a Consent; or
 - iii. The Consent Holder breaches clauses 7.2 (a) to (d).
- e) If the Consent Holder fails to comply with any such requirement to disconnect, Council may at the Consent Holder's expense, access the Premises in accordance with section 171 of the Local Government Act 2002 in order to disconnect it from the Wastewater System. Council may carry out such works as it considers necessary to prevent the further discharge of Trade Waste into the Wastewater System.

7.128.15 Transitional provisions

- a) Any application for a Consent made under Council's Trade Waste ~~and Wastewater~~ Bylaw ~~2006~~2016, for which a Consent has not been granted at the time of this new Bylaw coming into force, is deemed to be an application made under clause ~~8.25~~ of this Bylaw.
- b) Every existing Consent continues to be in force as if it were a Consent under this Bylaw until it reaches its expiry date, provided that no Consent runs beyond ~~31 August 2021~~. (7 years from adoption date) For the avoidance of doubt, Schedule 1A of this Bylaw applies to existing consents except to the extent that the consent conditions specifically provide for a different limit.
- c) Subject to clause ~~8.13~~15 (d) of this Bylaw, every existing duly executed Trade Waste Agreement between an Occupier and Council which is current at the date this bylaw comes into force continues on the same terms and conditions as if it was a Trade Waste Agreement issued under this Bylaw.
- d) Where an existing Trade Waste Agreement is silent as to its term, that agreement will be terminable on six months' written notice by Council and the Occupier shall be required to apply for a Consent or Trade Waste Agreement in accordance with this Bylaw.
- e) A Person who proposes to continue a discharge of Permitted Trade Waste who does not have an Approval Notice must apply for an Approval Notice within twelve weeks of this Bylaw coming into force.

9. Tankered Waste

9.1 Any Person wishing to discharge Tankered Waste into the ~~Wastewater System~~ designated wastewater site must hold ~~a~~ consent under this Bylaw.

~~1.3~~ 9.2 Applicants must apply to Council ~~may accept Tankered Waste for an approval notice to discharge at an Approved location.~~

~~1.4~~ Consent Holder ~~tanker waste. This must supply be made using the following prescribed application form and provide all information to Council before discharging Tankered Waste relating to the Wastewater System:~~

~~A description of application as specified by the type of waste; Council.~~

- ~~a) The source of waste and location;~~
- ~~b) The date and time of collection;~~
- ~~c) The volume of waste collected;~~
- ~~d) The tracking Identification number and vehicle registration number; and~~
- ~~e) A representative sample of the tanker load.~~

~~Tanker~~9.3 Processing an Application for Approval

- a) On receipt of an application for an Approval Notice, Council may:
 - i. Require the applicant to submit additional information that Council considers necessary to make an informed decision.
 - ii. Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - iii. Wherever appropriate, have the discharge investigated and analysed as provided in clauses 8.11 and 8.13 of this Bylaw at the applicant's cost.

9.4 Conditions of Approval Notice

Any Consent may be granted subject to such conditions that Council imposes in the approval notice and may include, but are not limited to:

- a) Tanker Waste will only be accepted during working hours on Working Days, or as advised by Council.
- ~~1.5 Tankered Waste is not to be collected and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been Approved by Council.~~
- b) To prevent cross-contamination, between tanker loads, ~~the tanker.~~ The tank must be washed ~~prior to~~before collecting a load for disposal ~~into~~in the Wastewater System.
- ~~1.6 A Consent Holder must give Council 24 hours' notice of a proposed discharge of Tankered Waste.~~
- c) The Council may require an analysis of Tankered Waste to confirm its Characteristics.
- d) The Council may require the Consent Holder to obtain specialist advice on Pre-Treatment or acceptance.
- e) The cost of all discharge, audit/monitoring, sampling, analysis, and advice must be met by the Consent Holder.
- f) The consent holder must ensure that Tankered Waste is treated and managed in accordance with the consent conditions before disposal.
- ~~f)g) The consent holder must ensure that all weekly tracking reporting is completed as specified per the conditions of the consent before disposal.~~
- ~~h) No discharge of tanker waste directly to wastewater ponds or wastewater network unless approved by Council or authorised agent.~~

Part 4: Other Provisions

8.9. Access

~~8.19.1~~ In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house) for routine inspection or monitoring or for post breach monitoring. The ~~Authorised Officer~~owner of the land or building must ~~give~~be given at least 24 ~~hour~~hours' notice of the intended entry.

~~8.29.2~~ In accordance with section 172 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land for the purpose of detecting a breach of this Bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. ~~The Authorised Officer must give reasonable notice~~ Unless the giving of notice would defeat the purpose of entry. ~~To use this power to enter a dwelling house, the Authorised Officer must, reasonable notice must be provided. Any entry into private land will~~ comply with ~~section 172(3)~~the statutory requirements of S171-176 of the Local Government Act 2002.

~~8.39.3~~ In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings. ~~Notice is not required, without any notice being provided.~~

9.10. Fees and Charges

~~9.10.1~~ In accordance with sections 150 and 151 of the Local Government Act 2002, Council may, by resolution using the procedures required by the Act, fix charges payable by Consent Holders and applicants for the purposes of:

- a) Administering this Bylaw;
- b) Administering Consent applications and Consents granted under this Bylaw;

- c) Recovering the cost of receiving, treating and disposing of Trade Waste by or on behalf of Council.

10.2 Payment

- a) Payment for the discharge of wastewater and related services shall be in accordance with the Council rates, development or capital works contributions as per the schedule of fees and charges prevailing at the time.
- b) The Council may recover unpaid wastewater rates in respect of the wastewater services as prescribed in the Local Government Act 2002 from the owner or occupier (or both) of the premises.

10.11. Breaches

10.11.1 It is a breach of this Bylaw to:

- a) Fail to comply with any requirement of this Bylaw;
- b) Fail to comply with any Defect Notice issued by an Authorised Officer pursuant to this Bylaw;
or
- c) Obstruct an Authorised Officer in the performance of their function under this Bylaw.

10.211.2 Any Consent Holder who incorrectly informs Council of the Characteristics or volume of Tankered Waste, or who discharges Tankered Waste other than in the prescribed location and in accordance with the Consent will be in breach of this Bylaw.

10.311.3 Council may physically prevent discharge to the Wastewater System in the case of a non-compliance with this Bylaw, a Consent or a Trade Waste Agreement.

10.411.4 An Authorised Officer may report breaches or imminent breaches to Waikato Regional Council and the Environment Protection Authority for further enforcement.

10.511.5 A Person is not in breach of this Bylaw if that Person proves that the act or omission complained of was necessary to:

- a) Save or protect life or health or prevent injury; or
- b) Comply with Council's obligations under the Health Act 1956 and any subsequent amendments; or
- c) Prevent serious damage to property; or
- d) Avoid actual or likely damage to the environment.

provided the conduct of the Person was reasonable in the circumstances and the effects of the act or omission were adequately remedied or mitigated by the Person after the breach occurred.

12. Liability

12.1 The Council shall not be liable for any loss, damage, or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies, reduced level of service or interruptions to the wastewater system.

13. Breakage and Damage of the Wastewater System on Private Property

13.1 Where the wastewater system is on private land and the wastewater system is damaged, even if unintendedly, by build overs or private assets or private infrastructure, the Council is not liable for the cost of remedy or repair of the wastewater system. The owner of the private property whose build over or private asset or infrastructure that has aided in the damage to the wastewater system is liable and responsible for the cost of remediation and repair back to the original standard.

Stop Works

13.2 Council or Authorised Officer may serve or issue a notice or order on the owner, occupier or other person where works have damaged or are likely to cause damage to any part of Council's wastewater infrastructure. Failure to comply with such notice or order constitutes an offence against this Bylaw. The stopped work is not to recommence until appropriate remedial work is carried out and an 'Approval to Recommence Work' authority is signed and issued by Council or Authorised Officer.

Advisory note: Negligent or willful damage to Council infrastructure is prohibited under section 232 of the Local Government Act 2002.

14. Remedial Works and Cost Recovery

14.1 In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or Occupier requiring any works in connection with the Premises to comply with the requirements of this Bylaw, a Consent, or Trade Waste Agreement, Council or an Authorised Officer may carry out the works where the owner or Occupier fails to comply with the notice, either:

- a) Within the time specified in the notice; or
- b) Within 24 hours if the notice certifies that the work is urgent; or
- c) If the owner or Occupier fails to proceed with the work with all reasonable speed.

14.2 In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any Person under this Bylaw, and the Person fails to take the steps within the time specified, then Council or any Authorised Officer is authorised to take the steps set out in the notice. Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.

14.3 In accordance with section 176 of the Local Government Act 2002, a Person who has been convicted of any offence against this Bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence. The costs must be

assessed by a District Court Judge and are recoverable summarily as if they were a fine. Costs recoverable under clause 13.3 are in addition to any other penalty for which the Person who committed the offence is liable.

~~12.15.~~ Offences and Penalties

~~12.15.1~~ A Person who breaches this Bylaw ~~and is convicted of an offence~~ is liable, upon conviction, to a penalty not exceeding \$200,000 pursuant penalties in accordance with to section 242 under the Local Government Act 2002.

~~13.16.~~ General

~~13.16.1~~ Any notice, order or other document which is required by this Bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.

~~13.216.2~~ Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on the ~~11th day of July 2016.~~

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was affixed in the presence of:

Mayor

Chief Executive

Schedule IA – Permitted Characteristics

The following tables set out general requirements and maximum concentrations for Permitted Trade Waste and Domestic Wastewater.

Conditional Consents and Trade Waste Agreements may contain lower or higher concentration limits and/or Mass Limits to control the total mass of a substance discharged.

Table I - General Characteristics

Parameter	Requirement or limit	Commentary
Bio-chemical Oxygen Demand (BOD5)	1,000 g/m ³ or 5 kg/ day.	It is sufficient to comply with either the concentration limit or the mass limit. High BOD can overload treatment plants.
Chemical Oxygen Demand (COD)	2,000 g/m ³ or 10 kg/day.	It is sufficient to comply with either the concentration limit or the mass limit. High COD can overload treatment plants.
Colour	No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs Wastewater treatment processes or Council is at risk of breaching resource consent conditions relating to discharge to the environment.	Some coloured substances can be difficult to remove in the treatment process.
Emulsions of paint, latex, adhesive, rubber, plastic or similar	Must not cause blockages or interfere with the operation of the Wastewater treatment system including treatment process.	Emulsions will coagulate when unstable and can sometimes cause blockages in the Wastewater System or interfere with the operation of the treatment process.
Flow	Maximum daily total flow 5m ³ . Instantaneous flowrate 2.0 L/s.	The total flow should be measured over any 24 hour period. Trade waste discharges with a daily flow greater than 5m ³ will require a Conditional Consent.
Gross solids (non-faecal)	15mm maximum dimension.	Gross solids can cause blockages in the Wastewater System.

Parameter	Requirement or limit	Commentary
Oil and Grease	200 g/m ³ . (100 g/m ³ for Pokeno and Tuakau). No free or floating layer.	Oils and greases can cause blockages in the Wastewater System, adversely affect the treatment process, and may impair the aesthetics of the receiving environment.
pH	6.0 to 10.0.	Low pH can cause corrosion of the Wastewater System, generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Radioactivity	Must not exceed the Office of Radiation Safety Code of Practice CSPI for the Use of Unsealed Radioactive Material.	
Settleable Solids	50 ml/L.	Can cause blockages and overload the treatment process.
Solvents or other organic liquids	No free or floating layer.	Some organic liquids are denser than water and will settle in pipes and traps.
Suspended Solids	2,000 g/m ³ .	Can cause blockages and overload the treatment process.
Transmissivity	When diluted at 10:1 with distilled water and tested at 254nm, the result must have a transmissivity of 50% or more, equivalent to an absorbance of 0.3010 or less.	Poor transmissivity reduces the effectiveness of the UV light disinfection at treatment plants.
Temperature	40 °C.	High temperatures cause increased damage to structures, increase the potential for anaerobic conditions to form in the Wastewater, promote the release of toxic gases and can endanger workers. Conditional Consents may have a lower temperature limit.

Parameter	Requirement or limit	Commentary
Inhibitory Substances	Should any Characteristic of a discharge be found to inhibit the performance of the Wastewater treatment process, such that Council is at risk of breaching resource consent conditions, Council may limit the concentration of any inhibitory substance.	

Table 2 - Chemical Characteristics

Parameter	Limit g/m³	Commentary
Ammonia (as N)	50	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Ammonium salts	200	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Anionic Surfactants as methylene blue active substance (MBAS)	300	High MBAS can adversely affect the efficiency of activated sludge plants, cause foaming and impair the aesthetics of the receiving waters.
Boron	25	Boron is not removed by conventional Wastewater treatment.
Bromine as Br ₂	5	High concentrations could affect the health and safety of workers.
Chlorine (Cl ₂ free chlorine)	3	Can endanger workers, cause corrosion of the Wastewater collection system.
Cyanide as CN ⁻	1	Can produce toxic atmospheres and endanger workers.
Dissolved aluminium	100	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate as a scale, which may cause a blockage.
Dissolved iron	100	Iron salts may precipitate and cause a blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Fluoride as F	30	Not removed by conventional Wastewater treatment.
Hypochlorite	30	Can endanger workers, cause corrosion of the Wastewater collection system.
Kjeldahl nitrogen	150	May significantly contribute to the nutrient load discharged to the receiving environment.
Sulphate (measured as SO ₄)	500. (200 for Pokeno and Tuakau).	May adversely affect Wastewater System, may increase the potential for the generation of sulphides.
Sulphite (measured as SO ₂)	15	Can endanger workers, cause corrosion of the Wastewater collection system.
Sulphide (as H ₂ S on acidification)	5	May cause corrosion of Wastewater System, particularly the non-wetted part of the Wastewater pipes; generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Total Phosphorus as P	50	May significantly contribute to the nutrient load discharged to the receiving environment.

Table 3 - Heavy Metals

Heavy metals can inhibit Wastewater treatment process and restrict the reuse of Biosolids. Mass Limits may be imposed – refer to clause 8.4 (b) of this Bylaw.

Parameter	Limit g/m³
Antimony	5
Arsenic	5
Barium	5
Beryllium	0.005
Cadmium	0.5
Chromium (Total)	5
Cobalt	5
Copper	5
Lead	5
Manganese	5
Mercury	0.005
Molybdenum	5
Nickel	5
Selenium	5
Silver	2
Thallium	5
Tin	5
Zinc	5

Table 4 - Organic Compounds

Organic compounds can endanger sewer workers and treatment processes.

Parameter	Limit g/m³
Acetone	100
Benzene	1
Butanone	100
Chlorinated phenols	0.02
Ethylbenzene	5
Ethylene Glycol	50
Formaldehyde	30
Halogenated aliphatic compounds	1
Halogenated aromatic hydrocarbons (HAH's)	0.002
Organophosphate pesticides	0.1
Pesticides (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any other pesticides not registered for use in New Zealand)	0.2 in total
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Polybrominated biphenyls (PBBs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Total Petroleum Hydrocarbons	
C7 - C14	30
C7 - C36	50
Tri-methyl Benzene	5
Toluene	5
Xylene	5

Table 5 - Liquid Waste from Pharmacies

Pharmacies must not discharge more liquid pharmaceutical waste per month than the volumes listed below. The volume limit is based on the concentration of active ingredients in the product.

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

Schedule IB: Prohibited Characteristics

This schedule provides the meaning of prohibited trade waste other than mortuary waste. Prohibited trade waste must not be discharged into the public wastewater system.

Prohibited Trade Waste has or is likely to have any of the prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the municipal water supply used on the Premises, or in any other water supply that is Approved by Council for the purpose of discharging waste.

Prohibited Characteristics

- I. Any discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - a) Interfere with the free flow of Wastewater in the Wastewater System; or damage any part of the Wastewater System;
 - b) In any way, directly or indirectly, cause the quality of the effluent or Biosolids and other solids from any Wastewater Treatment Plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
 - c) Prejudice the occupational health and safety of any Person or people;
 - d) After treatment be toxic to fish, animal or plant life in the receiving waters;
 - e) Cause malodorous gases or
 - f) Contains substances that cause the discharge of any Wastewater Treatment Plant to receiving waters to be coloured.

2. A discharge has a prohibited Characteristic if it has any amount of:
 - a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - b) Dry solids, solids longer than 30mm, fibrous material, sheet films, and anything which may react to form a solid mass;
 - c) Except as allowed for in Schedule IA, liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
 - d) Asbestos;
 - e) The following organo-metal compounds:
 - i. tin (as tributyl and other organotin compounds); or
 - ii. chromium (as organic compounds);
 - f) Genetic wastes, being all wastes that contain or are likely to contain genetically altered material from Premises where the genetic alteration of any material is conducted;
 - g) Any health care wastes covered by NZS 4304 or any pathological or histological wastes;
 - h) Radioactivity levels not compliant with the Office of Radiation Safety Code of Practice CSPI for the Use of Unsealed Radioactive Material; Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means
 - ~~a) Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means~~ waste that is contaminated by a cytotoxic drug.

Schedule 2: Pre-treatment and Discharge Requirements

Table 6 – Typical requirements for businesses

Business	Typical Requirement
Aquariums	Must meet quarantine requirements.
Bakeries	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Barber	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Beauticians	Nil.
Building construction	No discharge to sewer permitted.
Business offices with minimal hot food	Nil.
Cafés / takeaways with minimal hot food	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Carpet cleaners	20-micron filtration.
Chemists / pharmacists	Nil.
Churches with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Community hall with minimal hot food	Nil.
Cooling towers	Discharge not to exceed 500 litres an hour.
Day care	Nil.
Delicatessen with no hot food	Nil.
Dental surgery	Amalgam trap and segregation of waste amalgam.
Dental technician	Plaster trap.
Doctors surgery	Nil.
Dog groomer	Appropriate in-floor bucket trap; appropriate in-sink bucket trap; no organophosphorus pesticide to the Wastewater System.
Dry cleaners	Screens to remove solids; solvent recovery unit.
Engineering workshops car wash / valet / automotive	Screens to remove solids; No open areas allowing discharge of rainwater to Wastewater System; appropriate in-ground water/oil separator; appropriate in-ground bucket trap; equipment maintenance requirements and discharge limits apply.
Florist	No herbicide to sewer; appropriate in-floor bucket trap; appropriate in-sink bucket trap.
Food business with minimal hot food preparation	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Fruit and vegetable, retail	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Funeral parlour	Nil.
General Retail (excluding food Premises, cafes, or coffee lounges)	Nil.
Hairdresser	Appropriate in-floor bucket trap and

Business	Typical Requirement
	appropriate in-sink bucket trap.
Health industries, medical centres	Screens to remove solids; appropriate in-floor bucket trap and appropriate in-sink bucket trap; plaster traps; equipment maintenance requirements and discharge limits apply.
Hotels and motels with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Kitchens / dining halls	Appropriate in-floor bucket trap and appropriate in-sink bucket trap, Equipment maintenance requirements and discharge limits apply.
Laundries – small	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; screens to remove lint and solids; equipment maintenance requirements and discharge limits apply.
Marae with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Motels (without restaurant)	Nil
Optical processes	Appropriate solids settlement pit.
Paint and panel beaters	No open areas allowing discharge of rainwater to Wastewater System, appropriate in-ground water/oil/paint separator, appropriate in-ground bucket trap, equipment maintenance requirements and discharge limits apply.
Pet shop	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Residential care facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Restaurants or school canteens	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; equipment maintenance requirements and discharge limits apply.
Retail butchers and fishmongers	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Sandwich shop, salad bar, juice bar, coffee shop, fast food or take-away bar	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; equipment maintenance requirements and discharge limits apply.
Sanitary bin washing	Screening and temperature control.
Schools, polytechnics, universities (with laboratories / catering facilities)	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Service Stations and Automotive servicing workshops / garages	No open areas allowing discharge of rainwater to Wastewater System; appropriate in-ground water/oil/paint separator; appropriate in-ground bucket trap; equipment maintenance requirements and discharge limits apply.
Swimming pool / spa (residential, hotel, or club)	No open areas draining rainwater to the Wastewater System; discharge must be less

Business	Typical Requirement
Veterinary	than 2 L/s. Appropriate in-floor bucket trap and appropriate in-sink bucket trap; no organophosphorus pesticide to the Wastewater System; no open areas draining rainwater to the Wastewater System.
X-ray (<10 standard x-ray films a day, e.g. small professional customers, chiropractors, veterinary clinics, dentists, GPs)	Dilute silver rich solutions may be discharged to the Wastewater System in quantities of less than 1 litre per day.

Grease Trap Sizing Guide for Food Retail Businesses

A conventional tank type Grease Trap must have a functional capacity of no less than 500 litres. It is recommended Grease Traps be sized based on:

- a) ~~40 litres capacity per served meal per hour; or~~
- b) ~~litres capacity per seated person/served meals per day;~~

PLUS

- a) ~~an additional 25% capacity for peak flushes; and~~
- i) ~~an additional 250 litres capacity for each connected dishwasher. Retention time within the Grease Trap must be a minimum of one hour in all cases.~~

To	Policy and Regulatory Committee
Report title	Amendment to the Public Places Bylaw
Date:	12 September 2022
Report Author:	Melissa Russo, Corporate Planning Team Leader
Authorised by:	Megan May, Deputy General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To seek approval to amend Schedule 3 of the Public Places Bylaw to prohibit vehicles on beaches.

2. Executive summary

Whakaraapopototanga matua

In recent weeks, staff have received a number of complaints from members of the public about vehicles accessing the beach at both Raglan and Port Waikato. Vehicles on beaches is of particular concern for locals given that Sunset Beach, and to a lesser extent Raglan beaches, are in a period of rapid erosion and vehicular access on the beach may contribute to further damage. In addition to this, with the warmer months approaching, locals are also concerned about conflicts of use between beach goers, smaller animals (ie. dogs), horses and vehicles.

To address this issue in the short term, staff are recommending that Council prohibit passenger vehicles on Sunset Beach, Port Waikato; Ngarunui Beach, Raglan; and Wainamu Beach, Raglan.

This amendment does not require public consultation.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee approve the amendments to Schedule 3 of the Public Places Bylaw 2016 restricting all passenger vehicles on Sunset Beach, Port Waikato and Ngarunui and Wainamu beaches, Raglan.

4. Background

Koorero whaimaarama

Historically, the restriction of access of vehicles on reserves and beaches was enabled through the Reserves and Beaches Bylaw (RB Bylaw). However, early in 2022, judicial review proceedings relating to the RB Bylaw resulted in the High Court quashing the RB Bylaw.

As a result, any signage relating to the RB Bylaw has been removed and vehicles have been used on the beaches within the Waikato district.

Since then, staff have received a number of complaints from members of the public about vehicles and horses on beaches.

Horse access will be considered under the development of a new bylaw, however through this report, staff are recommending amendments to Schedule 3 of the Public Places Bylaw 2016 for the purpose of prohibiting vehicular access to beaches in Raglan and Port Waikato.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

With beaches in Raglan and Port Waikato in an erosion phase, there is significant concern of the negative environmental impacts vehicles on beaches have, contributing to further erosion.

There is also concern of the impact vehicles on beaches have on shellfish beds as well as the conflict between beach users, particularly swimmers and pedestrians, coming into the warmer months.

5.1 Options

Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Policy and Regulatory Committee to consider. This assessment reflects the level of significance (see paragraph 6.1).

Pros	Cons
Option 1 - Amend Schedule 3 to prohibit passenger vehicles on beaches	
Erosion caused by vehicle access is mitigated	Responsible drivers are not able to access the beach
Beach goes not at risk of being struck by a vehicle	
Damage to shellfish beds caused by vehicles is mitigated	

Option 2 - Do nothing until full review of Public Places Bylaw	
No reputational risk associated with prohibiting vehicles on beaches.	Negative effects caused by vehicles on beaches are not mitigated.

Staff recommend option 1 – Amend Schedule 3 of the Public Places Bylaw to prohibit passenger vehicles on beaches to mitigate the negative effects of vehicles on beaches.

5.2 Financial considerations

Whaiwhakaaro puutea

There are minor material financial considerations associated with the recommendations of this report. Establishment of new signage at the affected locations will be addressed under the existing Open Spaces operational budget.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Council is able to use the Public Places Bylaw to restrict the use of vehicles on the beach because the Public Places Bylaw provides a definition of public place to include ‘...every...beach...’ In addition, the Public Places Bylaw includes beach in its definition of road.

The Land Transport Act 1998 (LTA) also provides that the definition of ‘road’ includes beach.

In addition, Clause 25 of the Public Places Bylaw provides that:

Council may designate any road as a road on which any specified class of traffic (including heavy vehicles) shall be prohibited or restricted because of its size or the nature of the goods carried. Any such restrictions shall be detailed in Schedule 3 to this bylaw.

On the basis that both the LTA and the Public Places Bylaw includes beach in the definition of road, it is open to Council to use clause 25 to restrict the use of vehicles on the beach.

When making decisions, Council must have regard to its obligations under the Local Government Act 2002. In this instance, Council is responding to complaints received from the community, including iwi.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council’s policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

For Maaori, the moana is taonga and therefore must be protected. Anecdotal evidence suggests vehicles on beaches have caused damage to local shellfish beds.

Staff have had a discussion with tangata whenua, and they are supportive of restricting vehicle access to the beach for all the reasons noted in this report.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The decisions sought by, and matters covered in, this report are consistent with Council's [Climate Response and Resilience Policy](#) noting that particular consideration should be given to geographically vulnerable communities and risk mitigation.

The impact of vehicles destabilises the dune structure which will be further compromised at high tide and during storm events which are projected to become more frequent. NIWA projects sea level rise in NZ to be twice as fast as anticipated. The threat of this could potentially compromise coastal properties and increase inundation.

5.7 Risks

Tuuraru

There is a low risk of reputational risk from those who wish to continue to have vehicular access to beaches at Raglan and Port Waikato will criticise Council for not formally consulting with the public. The rationale for not consulting is provided for in the following section of this report.

There are significant environmental risks being addressed by this Bylaw schedule amendment. Although this amendment will not address all activities that are no longer prohibited, due to the quashed Reserves and Beaches Bylaw 2016, vehicle access has negative impacts to sensitive coastal ecosystems.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of moderate significance, in accordance with the Council's [Significance and Engagement Policy](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.
 - The community views are already known, including the community's preferences about the form of engagement.
-

6.2 Engagement

Te Whakatuutakitaki

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<p><i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i></p>	<p><i>Signs will be the predominant form of education however this will initially be supported by other media.</i></p> <p><i>Clause 41 of the Public Places Bylaw 2016 allows for Council to make amendments to bylaw schedules therefore there is no legal requirement to consult. In addition to this, this recommendation is in response to a number of complaints received by members of the public and tangata whenua.</i></p>				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	✓	<input type="checkbox"/>	Internal
✓	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	✓	Waikato-Tainui/Local iwi and hapuu
✓	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps Ahu whakamua

Should Council approve the recommendation in this report, signs will be erected at the relevant locations.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations. Confirmed

The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (*Section 5.1*). Confirmed

Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). Low

The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (*Section 6.2*). Confirmed

The report considers impact on Maaori (*Section 5.5*) Confirmed

The report and recommendations are consistent with Council's plans and policies (*Section 5.4*). Confirmed
Climate Response and Resilience Policy

The report and recommendations comply with Council's legal duties and responsibilities (*Section 5.3*). Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Public Places Bylaw 2016 tracked changes to Schedule 3

WAIKATO DISTRICT COUNCIL PUBLIC PLACES BYLAW 2016

WAIKATO DISTRICT COUNCIL in exercise of its powers under the Local Government Act 2002 and the Land Transport Act 1998 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

PART I – INTRODUCTION

I SHORT TITLE, COMMENCEMENT AND APPLICATION

- I.1 This bylaw shall be known as the “Waikato District Council Public Places Bylaw 2016”
- I.2 This bylaw shall come into force on 26 April 2016.
- I.3 This bylaw applies to all property owned by, or under the control and management of the Waikato District Council.

This Bylaw contains the following parts:

- Part 1 – Introduction
- Part 2 – Parking
- Part 3 – Activities in Public Places
- Part 4 – Traffic Control
- Part 5 – Trading in a Public Place
- Part 6 - Control of Electoral Signage
- Part 7 – Exemptions, Offences and Penalties

2 REVOCATIONS

- 2.1 The following bylaws are revoked the day this new bylaw come into force:
 - a) The Franklin District Council Public Places Bylaw 2007
 - b) The Franklin District Council Traffic Control Bylaw 2006
 - c) The Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007
 - d) The Franklin District Council Trading in Public Places Bylaw 2008
 - e) The Waikato District Council Trading in Public Places Bylaw 2008
- 2.2 All resolutions of the Council which were in force in respect of the now revoked bylaws shall continue in force.
- 2.3 The revocation of the bylaws specified in 2.1 above shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

3 INTERPRETATION

- 3.1 In this bylaw, unless inconsistent with the context,

Authorised Officer means an employee or a contractor of the Waikato District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw, and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.

Beach means the area of sand between high and low water level.

Bus means a passenger service vehicle with more than nine seating positions (including the driver's seating position), that is being used solely for hire and reward.

Camping vehicle means any wheeled vehicle or device whether self-propelled or not which is used for the purpose of sleeping in or remaining overnight and includes any vehicle commonly described as a campervan, caravan, motor home, house-bus or house-truck.

Chief Executive means the Chief Executive of the Waikato District Council.

Council means the Waikato District Council and includes any person authorised by the Council to act on its behalf.

Courtesy Vehicle means any vehicle provided at no charge for the transportation of patrons of licensed premises.

Cycle/Bicycle means a vehicle that has at least two wheels and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle.

Emergency Vehicle means a vehicle used for attendance at emergencies and operated:

- a) by an enforcement officer
- b) by an ambulance service
- c) as a fire service vehicle
- d) as a coastguard rescue service vehicle
- e) as a civil defence emergency vehicle
- f) as a defence force emergency vehicle.

Election Advertisement has the same meaning as Section 3A of the Electoral Act 1993.

Footpath means a path or way principally designed for and used by pedestrians and includes any footbridge or grass berm.

Goods means any product or service

Goods Vehicle means a motor vehicle that is designed exclusively or principally for the carriage of goods, and used for the collection or delivery of goods in the course of trade.

Grass berm means any area of footpath or road which is laid out in grass.

Heavy Motor Vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward), having a gross laden weight exceeding 3,500 kilograms.

Item includes but is not limited to any vehicle, sign, merchandise, merchandise stand, household furnishings, appliances, fixtures or fittings, building materials, scaffolding, skip bins, and produce.

Lane (in relation to any road) means a longitudinal strip of the roadway intended for the passage of vehicles that is separated from other parts of the roadway by a longitudinal line or lines of paint or raised studs; and includes a lane for the use of vehicular traffic that is at least 2.5m wide and a lane of a two-way road divided by a centre line.

Livestock means all animals that are likely to be kept for commercial purposes.

Loading Zone means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.

Mobility Card or Operation Mobility Concession Card means a card issued by the New Zealand Crippled Children's Society Inc. that is to be displayed in vehicles operated by disabled persons for which certain parking concessions are available.

Mobility Device means a vehicle that is designed and constructed, and not just adapted, for the use of persons suffering from a disability. It must also be powered solely by a motor with a maximum power output not exceeding 1500 watts, or have been declared by the Director of Land Transport to have a maximum power output not exceeding 1500 watts.

Motor Cycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes any vehicle with motor cycle controls declared by the Director of Land Transport to be a motorcycle, but does not include a moped.

Motor Vehicle has the same meaning as that defined in the Land Transport Act 1998.

Ornamental Verge or Plot includes every flowerbed, grass berm or plot, shrubbery or planted area which has been constructed as such and which is separated from the roadway by kerbing or other well-defined edging.

Owner (in relation to a motor vehicle) means the person lawfully entitled to possession thereof, except where:

- a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence – in which case “owner” means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and “owned” and “ownership” have corresponding meanings.

Parking and Park means:

- a) In relation to any portion of a road where parking is for the time being governed by parking restriction signs, placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- b) In relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.

- c) In relation to a parking space within a time limited area, a vehicle including a motor vehicle first parked then manoeuvred within and parked within the same parking space shall be deemed to have continuously parked in that location until it has been entirely moved therefrom.

Parking Area or Parking Place means an area of road, land or building which the Council has declared to be a place which may be used by the public for the parking of vehicles including motor vehicles.

Parking Permit means a written authority issued by the Waikato District Council allowing a specified vehicle(s) to park in a designated Permit Only Parking Area.

Parking Space means a space or section indicated by and lying within markings made by the Council for the accommodation of a vehicle.

Parking Warden means a parking warden appointed under Section 128D of the Land Transport Act 1998.

Passenger Service Vehicle has the same meaning as in the Land Transport Act 1998.

Permit Holder means a person who has applied for and been issued with a permit to park a vehicle in a designated parking space or area.

Permit Only Parking Area means any parking space or parking area which has been designated by the Council for use by permit holders only, and which is clearly marked as such.

Person includes a corporation sole, and also a body of persons, whether incorporated or unincorporated.

Power Assisted Cycle means a cycle attached to one or more auxiliary propulsion motors with a maximum power output of 200W.

Prescribed Sign means regulatory traffic control signs and markings as prescribed in the Land Transport (Road User) Rule 2004.

Public Place means every road, footpath, court, land, access way, mall, thoroughfare and walkway of a public nature, that is open to or used by the public as of right or not and with or without payment of any fee. Every park, reserve, beach, place of public resort or place the public have access with or without the payment of fee.

Reserve includes every reserve under the Reserves Act 1977 and any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment which is now or hereafter may be under the management of the Council.

Road includes

- a) a street, motorway, or service lane
- b) a beach
- c) Council parking areas
- d) any place to which the public have access whether as of right or not
- e) bridges and culverts
- f) ferries and fords forming part of any road or street or motorway, or a place referred

to in d) above.

Roadway means that portion of the road devoted particularly to the use of travelling vehicles, including shoulders.

Road Reserve means any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

Scooter means a platform fitted with wheels, steering mechanisms and brakes used to support a person and propelled by a person.

Service delivery vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

Service Lane means any lane lay out or constructed either by the authority of the Council or the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Skateboard means a short narrow board fitted with wheels used for riding on while standing. In terms of the Land Transport Act 1998 a skateboard falls within the definition of a vehicle.

Special Parking Area means any parking space or parking area which has been designated by the Council for use as a bus stop, taxi stand, loading area, disabled park, or as a “permit only” park or parking area, and which is clearly marked for such use.

Taxi has the same meaning as in the Land Transport Act 1989.

Time Limited Parking Area means any parking space or parking area which has been designated by the Council for use as a parking area with time limit restrictions.

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, but does not include a sidecar attached to a motorcycle, or a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

Urban Community means any part of the Waikato District with a speed limit of 70km/h or less.

Vehicle has the same meaning as in the Land Transport Act 1998.

PART 2 – PARKING**4. PROVISION OF PARKING PLACES**

4.1 The Council may by resolution and subject to the erection of the prescribed signs:

- a) Declare any piece of land, or any length of road, or any other place owned, controlled, or occupied by Council to be a parking place.
- b) Define the times, manner and conditions for parking of vehicles in any such parking place.
- c) Define the vehicles or classes of vehicles that may be entitled to use any such parking place and the conditions to which such parking place may be used.
- d) Impose conditions and charges payable for the parking of vehicles, whether by permit fee or rental, and including penalty fees.
- e) Fix the charge to be paid by the owner of a vehicle in return for the sole right to park such vehicle in the space allotted, and define the hours during which the owner of a vehicle or their agent shall be entitled to the sole use of the allotted space.
- f) Make provision for the efficient management and control of any such parking place.

4.2 Any such resolution may be amended or rescinded by a further resolution of the Council.

5. TIME LIMITED PARKING AREAS

5.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be a Time Limited Parking Area.
- b) Specify that the designation shall only apply during certain hours of the day and/or certain days of the week.

5.2 Any such resolution shall:

- a) Specify the maximum duration of time a motor vehicle may be parked within the Time Limited Parking Area.
- b) Specify the Time Limited Parking Area by reference to the name of the road or land, the length of the Time Limited Parking Area, and other such details as may be necessary to enable a reasonable person to identify the approximate location of the Time Limited Parking Area.

5.3 No driver of any vehicle shall exceed a parking time limit when parking a vehicle in a Time Limited Parking Area.

5.4 No driver of any vehicle shall park a vehicle in a Time Limited Parking Area for a period exceeding that specified on any traffic sign alongside or near or at each end of the Time Limited Parking Area.

- 5.5 If a motor vehicle is moved or driven from their original parking place in a Time Limited Parking Area, but it remains within the boundaries of the same Time Limited Parking Area, the total time the vehicle has been parked will include the time in the previous parking place.

6. NO STOPPING OR PARKING AREAS

6.1 Provision of No Stopping or No Parking Areas

- 6.1.1 The Council may prohibit vehicles from stopping at kerbsides indefinitely or for a specified time, on any Council controlled land or road.
- 6.1.2 Council shall clearly mark areas where kerbside stopping of vehicles is prohibited with a broken yellow line and/or the prescribed signs or markings.

6.2 Offences in Respect of No Stopping Areas

- 6.2.1 A driver of a vehicle shall not stop on any road or land where Council has prohibited kerbside stopping of vehicles at all times.
- 6.2.2 A driver of a vehicle shall not stop on any road or land during the designated time that Council has prohibited the kerbside stopping of vehicles.
- 6.2.3 A driver of a vehicle shall not stop on any road or land or part thereof that has a broken yellow line marked. If no kerb exists parallel to such broken yellow line then it shall not be an offence if the vehicle is stopped or parked so that no part of the vehicle is closer to the centre of the roadway than the broken yellow line, and the vehicle is not parked on a footpath or berm, lawn or garden.

7. SPECIAL AND PERMIT ONLY PARKING AREAS

7.1 Special Parking Areas - including Bus Stops, Taxi Stands, Emergency Vehicles, Loading Zones, Cars and Trailers, and Disabled Parking Areas

- 7.1.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be for the sole use as a bus stop, taxi stand or loading zone, or reserved for disabled persons displaying a mobility card, or other specified persons, type of use, or type of vehicle.

- 7.1.2 Any resolution shall specify each special parking area or space, by reference to the name of the road or land, and any other details that may be necessary to enable a reasonable person to identify the approximate location of the special parking area.

- 7.1.3 Any person stopped or parked in a designated disabled persons parking space, must clearly display a relevant Mobility Card or Operation Mobility Concession Card inside the vehicle.

8. Permit Only Parking Areas

- 8.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be for the sole use of a permit holder or permit holders;
 - b) Define the person(s) or vehicles that may be entitled to use any such parking place or area and the conditions upon and subject to which such parking place may be used;
 - c) Set the terms and conditions, including whether a permit fee or rental is applicable, for the sole right to park in the designated space or area.
- 8.2 The Council may grant a parking permit on the terms and conditions set for the use of the parking space, parking area or any specified lot or lots, and in return may require the payment of a permit fee or rental. Such permit fee or rental will be specified on the Council's Schedule of Fees and Charges.
- 8.3 Where the Council has granted a permit to use a parking place or area:
- a) The parking permit must be displayed inside the vehicle in the permit holder's exclusive parking area. The parking permit must be displayed so it is readable by an Authorised Officer standing outside the vehicle;
 - b) The Parking permit shall identify the person or vehicle for who it has been issued to. The permit shall apply only to the person or vehicle described in the permit;
 - d) The parking permit shall be valid and effective only during the times specified on the permit and in the park, street or area specified on the permit.
 - e) The Council may revoke or cancel the permit at any time.

9 PARKING RESTRICTIONS PRESCRIBED IN SCHEDULE I AND/OR IDENTIFIED ON TRAFFIC MAPS

No person shall stop, stand, or park, or cause to be stopped, stood, or parked, any vehicle, or specified class or description of vehicle, in contravention of the restrictions, limitations and prohibitions identified on the Traffic Maps and/or described in Schedule I appended to this bylaw.

10. UNLAWFUL PARKING IN PARKING SPACES

10.1 No person shall:

- a) cause, allow, permit any vehicle to be stopped or parked in any parking space or parking area except in accordance with the provisions of this Bylaw and of any resolutions, schedules, or traffic maps made pursuant to this bylaw;
- b) place, stand, stop, park, leave or keep any cycle on any parking space that prevents or interfere with the use of that space for the parking of a motor vehicle;
- c) park any trailer not attached to its towing vehicle in any parking space on any road or land under the control of the Council except in accordance with the provisions of this bylaw and after payment of the prescribed fee if any.

11 Signs and Markings

- 11.1 Council shall identify the stopping, standing or parking of any vehicle, or specified class or description of vehicle, whether attended or unattended, is prohibited, limited or restricted by prescribed signs, markings, notices or devices erected or placed in a conspicuous location in or on any road or other area controlled by it.
- 11.2 Council may erect portable parking restriction signs to temporarily prohibit parking in any particular location.

12.0 PARKING RESTRICTIONS AND PROHIBITIONS ON ROADS AND PUBLIC PLACES

12.1 Displaying Vehicles and Advertising

- 12.1.1 No person shall keep, place or park any vehicle on any road or public place where it is used or may reasonably be assumed to be used for the principal purpose of selling that vehicle or storing that vehicle pending its sale.
- 12.1.2 No person shall park or leave any vehicle on a road or public place where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to the same, without the written permission of the Council.
- 12.1.3 Provided that clauses 12.1.1 and 12.1.2 above shall not apply to the parking of any trade vehicle on any road in the normal course of business.
- 12.1.4 No person operating any business shall use any road or part of any road for the purpose of storing any vehicle or any goods without the consent of the Council and only in compliance with any conditions specified in that consent.

12.2 Immobilised / Immobile Vehicles

- 12.2.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any motor vehicle, with or without wheels, which is mechanically immobilised, without the written consent from the Council.
- 12.2.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place that is nominated by an Authorised Officer.
- 12.2.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

12.3 Working on Vehicles

- 12.3.1 No person shall park any vehicle on any road or public place to carry out any repairs unless:
- a) Those repairs are of an urgent or minor nature; or

- b) It is impracticable to carry out those repairs elsewhere; and in either case the owner or person in charge of the vehicle shall take all reasonable care to prevent the occurrence of any accident, mishap, collision or damage or any injury to or interference with any person, animal or property arising from the placement of the vehicle.

12.4 Cranes, Concrete Trucks, Excavators or Drill Rigs

No person shall operate any crane, mobile crane, concrete truck, excavator or drill rig, parked on a road, without the prior consent of an Authorised Officer. Conditions may be imposed in granting such consent.

12.5 Waste Bins or Skips

- 12.5.1 Waste bins, skips and similar receptacles may be placed on the road provided that the bin or receptacle is:
 - a) contained within a parking space, or within an unmarked parking area that has been temporarily fenced off;
 - b) positioned as far as practicable to the left of the road to ensure the safe passage of vehicles and pedestrians;
 - c) flagged at its ends with a clearly visibly clean white, or fluorescent red, orange or yellow marker;
 - d) not left on the road overnight unless it has been hurdled off and prominently reflectorized so that it is easily visible to oncoming traffic.
- 12.5.2 Upon the removal of any waste bin or skip from the road, the road should be left clean and free of debris. Any damage to the road may be charged to the bin or skip owner or the property owner for whom the skip has been provided.
- 12.5.3 Where any waste bin or similar receptacle is placed on the road and the above conditions have not been complied with, such bin or receptacle may be removed by the Council and the cost of removal and damage shall be charged to the owner of the bin or receptacle.

12.6 Shipping Containers

- 12.6.1 No person shall place, or allow to be placed, a shipping container on any road or public place without the prior written consent of Council. Conditions may be imposed in respect of such written consent.

13. EFFECT OF THIS BYLAW ON OTHER LAWS

Nothing in this Bylaw shall relieve any person from any obligation to observe or comply with any law, bylaw or regulation prohibiting or regulating the stopping, standing or parking of vehicles.

14. REMOVAL OF ILLEGALLY PARKED VEHICLES

- 14.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by the Council, if that vehicle or thing is parked or present in breach of this Bylaw, or any resolution made under this Bylaw.
- 14.2 The Council may recover from any person responsible for committing the breach or offence all expenses incurred by the Council in connection with the removal of the vehicle or thing.
- 14.3 The Council shall use reasonable care in the removal and storage of any vehicle or other thing removed under this clause but shall not be liable for any loss or damage arising directly or indirectly from the removal or storage of any vehicle.
- 14.4 If the vehicle or other thing is not claimed within 14 days of its removal, the Council may deal with that vehicle in accordance with Section 356 of the Local Government Act 1974 as if it were an abandoned vehicle.
- 14.5 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

PART 3 – ACTIVITIES IN PUBLIC PLACES

15. Nuisance

- 15.1 Except with the prior permission of the Chief Executive or an authorised officer, no person shall on any public place:
- a) Deposit in or around a public litter receptacle any household or trade refuse;
 - b) Interfere with any refuse which is awaiting collection by an authorised collector;
 - c) Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
 - d) Cause or allow any material or thing to be deposited onto a public place or road (excluding domestic refuse and recycling bins as collected on a regular basis);
 - e) Create and/or leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
 - f) Fly from or land any glider or powered aircraft (including model aeroplanes), hot air balloon, hang glider, parachute or similar except in the case of emergency, or attendance at an emergency;
 - g) Play any game or use any object including recreational devices, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
 - h) Erect or place any structure on, over or under the public place except in compliance with any other Bylaw.
- 15.2 A person must not use a public place to consume, inject or inhale or distribute or offer for sale any mind-altering substance (excluding alcohol).
- 15.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a conditioner state of disrepair which, in the opinion of an authorised officer, could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land adjacent to the public place safe.
- 15.4 No person shall permit vegetation to encroach onto or over any public place that may obstruct or interfere with the free movement of persons using that public place.
- 15.5 Notwithstanding any other clause of this Bylaw, no person shall in any public place:
- a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires.

16. Obstructing Public Places

No person shall:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, without the written permission of an authorised officer and then only in accordance with such conditions as may be imposed;
- (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;

17. Damage to Public Places

- 17.1 Except with the permission of the Chief Executive or an authorised officer, no person shall in any public place:
- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or otherwise interfere with any ornament, statue, building, structure, facilities, or display boards;
 - c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
 - d) Damage or interfere with any natural feature, animal or plant;
 - e) Use any vehicle so that it damages any part of a public place;
 - f) Allow any animal under their control to damage any part of a public place
 - g) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - h) Remove any sand, soil or other naturally occurring material found in a public place;
 - i) Open any drain or sewer on, or disturb or remove the surface of, any public place;
 - j) Cause or permit the dripping or flowing of water from the roof, eaves or guttering system of any building or structure onto any public place.
- 17.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.

18. VEHICLES

- 18.1 No person shall stop, stand, or park a motor vehicle on any footpath, grass berm, flowerbed, shrubbery, median strip, traffic island or any ornamental verge or plot laid out on any street, road or public place, except :
- a) On a specified parking berm or public place as may be identified in Schedule I; or
 - b) on a verge that is not separated from the roadway by kerb and channel, if the vehicle is parked to ensure that the driver's side wheels remain on the roadway and a clear pedestrian passage no less than 1.2m wide is retained between the vehicle and any fence, shrub or other obstruction and the vehicle is not parked on any footpath or contrary to the provision of Clause 10 of this bylaw.
 - c) with the prior written consent of the Council; or
 - d) in compliance with a public notification by the Council.

19. HORSES

19.1 No person shall ride, drive, lead, or take any horse across or along any footpath or berm within the Huntly, Ngaruawahia, Pokeno, Raglan or Tuakau urban areas, except:

- a) at an authorised vehicle crossing; or
- b) with the prior written consent of Council

20. Placing of Articles on Public Places

20.1 No person shall place, leave or permit to be placed or left any material or thing, scaffolding, hoardings, signage, amusement devices, items for sale or hire, on any footpath, grass berm or public place unless:

- (a) Such action has first been approved by the Chief Executive or an authorised officer, and then only in accordance with any conditions attached to that approval.
- (b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Bylaw.

21. Approved use of footpaths, berms

21.1 Merchandise, Merchandise Stands or Advertising Signs

Notwithstanding the provisions of Clause 20.1, items in the form of merchandise, or advertising signs may be displayed on footpaths or public places fronting the merchandise or sign owner's retail or service establishment, provided that:

- a) At least 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians and mobility devices at all times; and
- b) Merchandise stands and/or advertising signs are not permanently fixed to the footpath space; and
- c) The merchandise, stands and/or footpath signs are removed from the footpath whenever the retail or service establishment is closed for business; and
- d) The advertising signs are presented and maintained to a professional standard at all times; and
- e) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

21.2 Advertising Signs - Provisions for Huntly

In addition to the provisions of Clauses 20 and 21.1 above, the following special provisions shall apply to Main Street, Huntly:

- a) Only two advertising signs per operating business entranceway are permitted; and
- b) The maximum size of any advertising sign shall be 600mm wide x 750mm high; and
- c) The signs are to be placed against the building and not placed on the kerb side of the footpath.

21.3 Dining Tables on Footpaths

Notwithstanding the provisions of Clause 20.1, small dining tables and chairs may be set up on footpaths fronting the food outlet's establishment provided that:

- a) No less than 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians at all times; and
- b) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- c) The tables and chairs are not permanently fixed to the footpath space; and
- d) The tables and chairs are removed from the footpath whenever the retail or service establishment is closed for business; and
- e) The tables and the footpath area frontage are presented and maintained to a clean and tidy standard at all times; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

22. SKATEBOARDS, ROLLER SKATES, INLINE SKATES AND WHEELED RECREATIONAL DEVICES

22.1 No person shall ride or use any skateboard, roller skates, inline skates or wheeled recreational device on any road or footpath, on any footbridge, or in any public place within the prohibited areas specified in Schedule 4 attached.

22.2 The Council may by resolution add to or amend to Schedule 4.

22.3 Nothing in this clause shall restrict or prevent the use of any wheelchair, pushchair, pram, trolley, cart or invalid carriage or other similar device constructed for and used for the purpose of the transportation of disabled persons, young persons or personal effects, on any such footpath.

22.4 A Police Officer, or an Authorised Officer may impound at the offices of the Council or at any Police Station, any skateboard used in breach of this bylaw by a person who has been personally requested to refrain from using the skateboard in breach of the bylaw, and has been advised of this power to impound the skateboard.

22.5 A skateboard impounded in accordance with Clause 22.4 may be recovered after the expiry of five days after the day of impounding upon payment of any costs associated with the impounding, but not exceeding \$100.00.

23. LIVESTOCK IN PUBLIC PLACES

23.1 Any person being the owner or having the care, custody or control of any livestock, shall keep and prevent the livestock from wandering, or being at large in any public place without proper guidance and control.

23.2 No person shall tether livestock in any public place other than on the grass area directly adjacent to their property except with prior written permission from the Council and subject to such conditions as are considered necessary by the Council.

PART 4 – TRAFFIC CONTROL**24. ONE-WAY STREETS**

- 24.1 Council may by resolution designate any road or part of any road for travel in one specified direction only. Such roads shall be recorded on Schedule 2 to this bylaw.
- 24.2 Council shall on making such a resolution erect the appropriate signs to indicate such specified direction.
- 24.3 No person shall drive a vehicle on any road or part thereof designated by the Council for one way travel, in a direction other than the specified direction.

25. ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

Council may designate any road as a road on which any specified class of traffic (including heavy vehicles) shall be prohibited or restricted because of its size or the nature of the goods carried. Any such restrictions shall be detailed in Schedule 3 to this bylaw.

26. ENGINE BRAKING RESTRICTIONS

- 26.1 No person shall, within any urban community of the Waikato District, use engine braking.

PART 5 – TRADING IN PUBLIC PLACES**27. Licence Required**

27.1 Unless exempted by clause 34 of this Bylaw, no person, in any public place, shall engage in the sale of goods of any description whatsoever without first having obtained a licence from Council.

28. Restricted Trading Activities

28.1 No person shall wash or clean the windows of any vehicle for payment or donation within 100 metres of any road intersection.

29. Application for Licence

29.1 Every person who wishes to sell goods in a public place shall make written application to Council to obtain a licence. The information to be supplied by the applicant shall include but not be limited to any of the following:

- (a) name and address of the applicant;
- (b) name and address of the person(s) selling the goods;
- (c) the location of where the goods will be sold;
- (d) the telephone number of the applicant;
- (e) the type of goods for sale;
- (f) the time sought for selling;
- (g) the type of vehicle(s) and registration numbers if applicable;
- (h) evidence of good character.

30. Licence Details

30.1 Council, in granting any licence, may impose conditions on that licence. The conditions imposed may include, but not be limited to, any of the following:

- (a) time and place of where goods will be sold;
- (b) duration of the licence;
- (c) location;
- (d) types of goods for sale;
- (e) area available for sale;
- (f) persons entitled to sell;
- (g) safety and hygiene requirements;
- (h) use of signage:
 - (i) use of music or other audible devices for attracting customers;
 - (j) litter, cleanliness, management;
- (k) name and address of licence holder to be conspicuously displayed;
- (l) site rental.

31. Licence Fees

- 31.1 Licence fees are contained in the Fees and Charges section of the Waikato District Council Long Term Plan. Changes to these fees may be made by resolution of Council. Fees may differ for any class of licence as prescribed.
- 31.2 The Chief Executive has the discretion to waive payment of the licence fee for any applicant applying for a licence solely for fundraising purposes.

32. Production of Licence

- 32.1 Every licence holder when engaged in the sale of goods shall at all times carry a licence and show the licence to any authorised officer when requested.
- 32.2 Every licence holder shall, notwithstanding the conditions of the licence, comply with any request or requirement of an authorised officer.

33. Licence Not Transferable

- 33.1 No licence issued under this Bylaw shall be transferable to any other person.

34. Exemptions

- 34.1 The exemptions allowed under Part 5 of the Bylaw are as follows:
- (a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
 - (b) Service delivery vehicles including milk vendors;
 - (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
 - (d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
 - (d) Any motor vehicle advertising any business or service;
 - (e) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

PART 6 CONTROL OF ELECTORAL SIGNAGE**35. Restrictions applying to Electoral advertising**

- 35.1 No signs advertising candidates for an election or referendum shall exceed 3m² in area.
- 35.2 No sign for an election or referendum shall be placed on any reserve or public place except those specially approved by the Council.
- 35.3 No temporary sign for an election or a referendum shall be erected earlier than 2 months before polling day and shall be removed the day before polling day.
- 35.4 No sign shall be placed or be allowed to remain where in the opinion of an authorised officer (or New Zealand Land Transport Authority) that sign would:
- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - b) Distract unduly or be likely to distract unduly the attention of road users;
 - c) Resemble or likely to be confused with any traffic sign or signal;
 - d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective material that may interfere with a road user's vision;
 - e) Constitute or be likely to constitute in any way a danger to road users.
- 35.5 Nothing in this bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing an election or referendum.

PART 7 – EXEMPTIONS, OFFENCES AND PENALTIES

36. EXEMPTIONS TO THIS BYLAW

- 36.1 The driver or person in charge of an “emergency vehicle” attending an emergency or other call-out, or of a vehicle being used for the emergency repair of any public or network utility, shall be exempt from the provisions of this bylaw.
- 36.2 The Chief Executive may on application from any person or organisation grant that person or organisation an exemption from such of the provisions of the bylaw as the Chief Executive deems fit. Any such exemption shall be in writing, signed by the Chief Executive and shall specify:
- a) the provisions of the Bylaw in respect of which an exemption has been granted; and
 - b) name of the person or organisation in whose favour the exemption has been granted; and
 - c) road or land or portion thereof to which the exemption applies; and
 - d) the dates on which the exemption will apply.

37. NOTICES

- 37.1 Any notice, order or document issued under this bylaw by the Council may be delivered to the recipient either personally or by sending the same, by messenger, post, fax or email, to the recipient at their last-known place of residence or business.
- 37.2 If such person is absent from New Zealand the order or notice may be sent to their agent in any manner mentioned in clause 37.1 of this bylaw.
- 37.3 If the recipient is not known or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land may be served on the person in occupation thereof, or left with some inmate of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

38. OFFENCES

- 38.1 Every person commits an offence against this bylaw who:
- a) does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or allows any circumstances to exist contrary to any provision contained in this Bylaw ;
 - b) does anything or causes any circumstances to exist for which a licence or approval from the Council is required under this bylaw, without first obtaining that licence or approval; or
 - c) fails to comply with any conditions imposed in respect of a licence or approval under this bylaw; or

d) fails to comply with any notice or direction given under this bylaw.

39. OBSTRUCTION OF AUTHORISED OFFICER

39.1 No person shall obstruct any Authorised Officer in the course of his or her duties.

40. PENALTIES

40.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000).

40.2 Where damage occurs to any road, footpath, berm, reserve or public place as a result of a breach of the provisions of this Bylaw, the cost of repairing the road, footpath, berm, reserve or public place may be recovered from the owner or person in charge of the vehicle, horse or item causing the damage.

41. POWER TO AMEND SCHEDULES BY RESOLUTION

41.1 Council may from time to time by resolution substitute, or make additions or alterations to any Schedule or Traffic Map of this bylaw.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 11 April 2016.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL
was hereto affixed in the presence of:



Mayor





Chief Executive

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Schedule I
Waikato District Parking Restrictions

Pursuant to the Land Transport Act 1998 **Council Hereby Declares** the following parking, standing, and stopping restrictions, limitations, and prohibitions apply to any vehicle or specified class or description of vehicle on any road, or portion of a road, or other area, controlled by the Council, and specified as follows:

Unless otherwise stated, time limits specified in this schedule shall apply between the hours of 8:00am and 6:00pm – daily except public holidays.

TIME LIMITED PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
MAXIMUM PARKING TIME LIMIT 120 MINUTES		
No person shall allow any vehicle to stop, stand or park for a longer period than one hundred and twenty minutes, on any of the following roads or portions of road	All vehicles.	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Shand Lane ii) Any part of Station Place ii) Apart of Venna Fry Lane <hr/> <p>Ngaruawahia Community (as identified on Map 2)</p> <ul style="list-style-type: none"> i) Any part of Galileo Street ii) Any part of Martin Street iii) Any part of Newcastle Street iv) Any part of Jesmond Street <hr/> <p>Raglan Community</p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> i) Any part of Bow Street (as identified on Map 3) ii) Any part of Wallis Street (as identified on Map 3) iii) Any part of Raglan Wharf (as identified on Map 4) iv) Any part of Bankart Street (as identified on Map 3 and Map 4) v) Any part of Wainui Road carpark (as identified on Map 3)

<p>MAXIMUM PARKING TIME LIMIT 60 MINUTES</p>	<p>All vehicles</p>	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Shand Lane ii) Any part of Mine Square (BNZ Carpark) iii) Any part of Main Street
<p>No person shall allow any vehicle to stop, stand or park for a longer period than sixty minutes, on any of the following roads or portions of road</p>		<p>Raglan Community (as identified on Map 3)</p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> i) Any part of Bow Street ii) Any part of Wainui Road iii) Any part of Wi Neera Street iv) Any part of Wallis Street
<p>MAXIMUM PARKING TIME LIMIT 30 MINUTES</p>	<p>All vehicles</p>	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Main Street
<p>No person shall allow any vehicle to stop, stand or park for a longer period than thirty minutes, on any of the following roads or portions of road</p>		<p>Raglan Community (as identified on Map 3)</p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> i) Any part of Wainui Road
<p>MAXIMUM PARKING TIME LIMIT 15 MINUTES</p>	<p>All Vehicles</p>	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Main Street
<p>No person shall allow any vehicle to stop, stand or park for a longer period than fifteen minutes, on any of the following roads or portions of roads.</p>		<p>Ngaruawahia Community</p> <ul style="list-style-type: none"> i) Any part of Great South Road

		<p>Raglan Community (as identified on Map 3)</p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <p>i) Any part of Bow Street</p>
<p>MAXIMUM PARKING TIME LIMIT 5 MINUTES</p>	<p>All vehicles</p>	<p>Ngaruawahia Community (as identified on Map 2)</p> <p>i) Any part of Great South Road</p>
<p>No person shall allow any vehicle to stop, stand or park for a longer period than five minutes, on any of the following roads or portions of road</p>		

SPECIAL PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PERMIT ONLY PARKING AREAS		
The following portions of roads are hereby constituted as reserved or permit-only parking areas and no person except those who have been issued with a relevant permit shall allow any vehicle to stop, stand or park in these parking spaces or areas.	All Vehicles except those displaying relevant parking permits.	Huntly Community (as identified on Map 1) <ul style="list-style-type: none"> i) Any part of Venna Fry Lane and the carpark between the railway overbridge and No. 178 Main Street ii) Any part of Shand Lane iii) Any part of Mine Square (BNZ Carpark) iv) Any part of Station Place
		Raglan Community (as identified on Map 3) <ul style="list-style-type: none"> i) Bow Street - any part of the carpark located on the eastern side of the Town Hall
DISABLED PARKING AREAS		
The following portion of roads are hereby constituted as disabled parking areas for the exclusive use of any disabled person. No person, except those holding and displaying an Operation Mobility Concession Card on the inside of their vehicle, shall stop, stand or park any vehicle in these parking spaces or areas.	All Vehicles except those clearly displaying Operation Mobility Concession Card.	Huntly Community (as identified on Map 1) <ul style="list-style-type: none"> i) Any part of Main Street ii) Any part of Venna Fry Lane or the carparks accessed from Venna Fry Lane iii) Any part of Shand Lane iv) Any part of Mine Square (BNZ Carpark)
		Ngaruawahia Community (as identified on Map 2) <ul style="list-style-type: none"> i) Any part of Jesmond Street ii) Any part of Galileo Street iii) Any part of Newcastle Street

		<p>Raglan Community (as identified on Map 3)</p> <ul style="list-style-type: none">i) Any part of Bow Streetii) Any part of Wainui Roadiii) Any part of Wallis Streetiv) Any part of Wi Neera Streetv) Any part of Raglan Wharf (as identified on Map 4)
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Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
EMERGENCY VEHICLE PARKING AREAS		
The following portions of roads are hereby constituted as reserved for emergency service vehicles only and no person shall allow any vehicle other than an emergency service vehicle to stop, stand or park on any of the following roads or portions of roads 24 hours a day.	All Vehicles except emergency vehicles.	Raglan Community i) Any part of Raglan Wharf as indicated on Map 4
TAXI STANDS		
The following portions of roads are hereby constituted as a taxi stand and no person shall allow any vehicle other than a clearly identified taxi to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except taxis	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
BUS STOPS		
The following portions of roads are hereby constituted bus stops and restricted to use for stopping, standing or parking by Large Passenger Vehicles and no person shall allow any other vehicle to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except Buses	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Great South Rd (SH1)
		Raglan Community (as identified on Map 3) i) Any part of Bow Street

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
LOADING ZONES		
The following portion of road is hereby constituted as a loading zone and no person shall allow any vehicle, except a Goods Vehicle, to stop, stand or park on any of the following roads or portions of roads.	All Vehicles – Except Goods Vehicles	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Main Street ii) Any part of Venna Fry Lane
		<p>Ngaruawahia Community (as identified on Map 2)</p> <ul style="list-style-type: none"> i) Any part of Jesmond Street
		<p>Raglan Community (as identified on Map 3)</p> <ul style="list-style-type: none"> i) Any part of Bow Street ii) Any part of Wallis Street
CAR AND TRAILER PARKING AREAS 48 HOURS		
The following portions of roads are hereby constituted as reserved for the parking of cars with boat trailers only and no person shall allow any vehicle other than a car and boat trailer to stand or park, on any of the following roads or portions of roads. A car and trailer is only permitted to park in these areas for a maximum of forty eight hours (2 days).		<p>Raglan Community (as identified on Map 4)</p> <ul style="list-style-type: none"> i) Raglan Wharf

PARKING PLACES

Type of Restriction	Applicable to: (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PARKING PLACES OR PARKING AREAS		
The following portions of road or land are hereby constituted as parking places or parking areas.	All Vehicles	Huntly Community (as identified on Map 1) i) Main Street ii) Shand Lane iii) Station Place iv) Mine Square (BNZ Carpark) v) Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Jesmond Street ii) Galileo Street iii) Market Street iv) Newcastle Street v) Newcastle Street Carpark vi) Martin Street vii) Great South Road
		Raglan Community (as identified on Maps 3 and 4) i) Bow Street ii) Wainui Road iii) Wi Neera Street iv) Bankart Street v) Wallis Street (western end) vi) Wallis Street (eastern end) vii) Raglan Wharf

NO STOPPING RESTRICTIONS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
NO STOPPING OR PARKING AT ALL TIMES		
<p>The following portions of roads are hereby constituted as no stopping areas and no person shall allow any vehicle to stop, stand or be parked whether attended or unattended in any of the following 'No Parking' areas where a traffic sign is erected or marked on the road (in accordance with the provisions of the Land Transport Rule "Traffic Control Devices 2004"), except in conformity with the terms of any prohibition, limitation or restriction applying to that zone. This restriction shall apply 24 hours a day unless otherwise stated.</p>	All Vehicles	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Venna Fry Lane ii) Any part of Civic Place iii) Any part of Main Street iv) Any part of Station Place v) Any part of Shand Lane vi) Any part of Mine Square (BNZ Plaza) <p>Ngaruawahia Community (as identified on Map 2)</p> <ul style="list-style-type: none"> i) Any part of Jesmond Street ii) Any part of Market Street iii) Any part of Lower Waikato Esplanade iv) Any part of Galileo Street v) Any part of Great South Road vi) Any part of Martin Street <p>Raglan Community (as identified on Map 3)</p> <ul style="list-style-type: none"> i) Any part of Bow Street ii) Any part of Wi Neera Street iii) Any part of Cliff Street iv) Any part of Wallis Street v) Any part of Wainui Road (including Helipad Area) vi) Any part of Bankart Street vii) Any part of Wallis Street/Raglan Wharf (as identified on Map 4)



**Parking Restrictions:
Map 1 Huntly Town Centre**

GIS Department
Created By: EMK
Created For: CBIRK001
Date Created: 04/03/2019
Projection: NZTM
GD2000
Ref: ME11682

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**Parking Restrictions:
Map 2 Ngaruawhia Town Centre**

GIS Department
Created By: EMK
Created For: CBIRK001
Date Created: 04/03/2019
Projection: NZTM
ID: 2000
Ref: ME11682

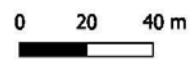
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- Parking Restrictions**
- Bus Stop
 - Car and Boat Trailer
 - Disabled
 - Electric Vehicle
 - Emergency
 - Loading Zone
 - Motorcycle
 - No Limit
 - - - No Parking
 - P15
 - P30
 - P60
 - P120
 - Reserved
 - - - Taxi



**Parking Restrictions:
Map 3 Raglan Town Centre**



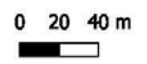
CIS Department
 Created By: EMK
 Created For: MLC
 Date Created: 4/10/2019
 Projection: NZTM CD2000
 Ref: ME11682

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**Parking Restrictions:
Map 5 Taupiri Town Centre**



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Schedule 2

One-Way Street Restrictions

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following streets to be one-way streets, in that any vehicle may only travel in the specified direction for that street.

Type of Restriction

The following portions of roads are hereby constituted one-way streets and no person may travel upon them in a direction other than that indicated by traffic signs and Maps.

Applicable to

All vehicles

Specified Area/Road

Huntly	Shand Lane, in a northerly direction from Station Place to the northern end of the Permit Only parking area shown on Map I.
	Shand Lane in a northerly direction from the northern side of Mine Square (BNZ Plaza) its intersection with Main Street.
	Venna Fry Lane in a northerly direction from Garden Place to Main Street.

Schedule 3 Roads Restricted to Specific Classes of Vehicles

Pursuant to the Land Transport Act 1998, Local Government Act 2002 and Heavy Motor Vehicles Regulation 1974 **Council Hereby Declares** the following roads, or portion of a road, or other area controlled by the Council, to be restricted to specified types of vehicles:

Type of Restriction

The following portions of roads are hereby constituted restricted and no person may drive a prohibited type of vehicle on them except with the written consent of the Council.

Applicable to (specified type of prohibited vehicle)

Passenger vehicle – a motor vehicle that:

- Is constructed primarily for the carriage on passengers: and
- Either:
 - has at least four wheels; or
 - has three wheels and a gross vehicle mass exceeding one tonne.

Specified Area/Road

- Ngarunui Beach, Raglan
- Wainamu Beach, Raglan
- Sunset Beach, Port Waikato

Schedule 4
Areas where skateboards are prohibited

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following areas to be no riding areas at all times.

The following portions of roads are hereby constituted restricted and no person may ride or use any Skateboard, Scooter or Roller Blades in the following areas except with the written consent of the Council:

Te Kauwhata	Main Road on both sides from its intersection with Baird Avenue to its intersection with Sale yards Road.
Huntly	<p>Main Street on both sides including Garden Place and carparks or open spaces connected to Main Street from its intersection with State Highway One in the North to the Railway Overbridge in the South.</p> <p>The access to Venna Fry Lane from Main Street between the Civic Centre and the Waikato District Library.</p> <p>The Riverside carpark.</p> <p>On the Railway footbridge across the Waikato River connecting Main Street with Bridge Street, Huntly West.</p> <p>Bridge Street, Huntly West on both sides from its intersection with Harris Street to the Railway footbridge.</p>
Ngaruawahia	<p>State Highway One on the eastern side from its intersection with Martin Street to its intersection with Market Street.</p> <p>Jesmond Street on its northern side from its intersection with Market Street to its intersection with State Highway One.</p> <p>Jesmond Street on its southern side from its intersection with Waikato Esplanade to its intersection with State Highway One.</p> <p>Galileo Street on both sides from its intersection with Martin Street to its intersection with Jesmond Street.</p>
Raglan	<p>Bow Street on its northern side from its intersection with James Street to its intersection with Wallis Street.</p> <p>Bow Street on its southern side from its intersection with Bankart Street to its intersection with Wi Neera Street.</p> <p>Wainui Road on both sides from its intersection with Bow Street to its intersection with Stewart Street.</p> <p>The Footpath connecting Bow Street with the footbridge over the Opororu Inlet and on the footbridge over the Opororu Inlet.</p>
Tuakau	That part of George Street between Liverpool Street and Henderson Avenue.

To	Policy and Regulatory Committee
Report title	Retrospective approval of the Gleeson Cox managed fill Waikato Regional Council resource consent submission
Date:	6 September 2022
Report Author:	Rebecca Law, Reserve Planning Team Leader Ben Wolf, Ecological Planner
Authorised by:	Megan May, Deputy General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To inform the Policy and Regulatory Committee that a submission was lodged by Waikato District Council to Waikato Regional Council in opposition of the Gleeson Cox managed fill consent application (APP144475) and to seek recommendation from the Policy and Regulatory Committee to Council for retrospective approval for the submission.

Approval of the submission was received from the Mayor, Deputy Mayor and available Councillors prior to submitting by the Chief Executive's Office on 16 August 2022.

2. Executive summary

Whakaraapopotanga matua

Gleeson Cox is seeking consent to be allowed to deposit managed fill at the quarry on Riverview Road, Huntly. As this managed fill will likely contain materials that may cause environmental degradation, with risks of leachate to the receiving waters of Lake Puketirini and the Waikato River. Waikato District Council (WDC) via the public consultation process, has the right to submit on the Waikato Regional Council (WRC) resource consent application.

The WRC submissions process was notified on 19 July 2022, requesting submissions to be received by 16 August 2022 (20 working days).

On the basis of environmental risk to freshwater ecosystems and the receiving environment (the Waikato River and Lake Puketirini) and Kauri Dieback risk to the terrestrial ecosystem (Hakarimata Range) the WDC submission elected to oppose the Gleeson Cox application.

If the application is granted, WDC have requested additional consent requirements for a higher level of environmental monitoring, involvement with a community liaison group and a shortened consent period.

Due to the short timeframe for submissions, prior to submitting by the CEO, approval was sought and received from the Mayor, Deputy Mayor and available Councillors.

3. Staff recommendations Tuutohu-aa-kaimahi

That the Policy and Regulatory Committee recommends to Council to retrospectively approve the submission to Waikato Regional Council on the 16 August 2022, to oppose the Gleeson Cox managed fill application (APP144475).

4. Background Koorero whaimaarama

Gleeson Cox is seeking a WRC resource consent to be allowed to deposit managed fill at the quarry on Riverview Road, Huntly. The managed fill will likely contain contaminated materials that may cause environmental degradation, with risks of leachate to the receiving waters of Lake Puketirini and the Waikato River. As an affected party, WDC has submitted on the application via the public consultation process.

5. Discussion and analysis Taataritanga me ngaa tohutohu

The Gleeson Cox managed fill application was publicly notified for submission on the 20 July 2022. The public were provided 20 working days to provide a submission, due 16 August 2022.

Waikato District Council, as an affected party, elected to provide a submission opposing the application. Drafting the submission was a collaborative effort with internal staff including members from the Open Spaces, Strategic Planning, Iwi and Community Partnerships, Policy Planning, Legal and Executive Leadership.

The submission is attached to this report. In summary the application highlights the following risks:

- Risk of leachate and water contamination to the receiving environment being Lake Puketirini and the Waikato River.
 - As noted in the Blueprints, the proposed activity contradicts the community's desire to clean up lakes from current and previous mining operations.
 - Increase risks to the recreational and ecological value of Lake Puketirini contradicts the associated reserve management plan.
 - Discharges to the Waikato River contradict the Vision and Strategy of the Waikato River.
 - Transfer of soils increases the risk of Kauri Dieback disease entering the Hakarimata Ranges is not addressed.
-

Additional considerations and conditions proposed:

- Ecological offsetting should be addressed prior to activity beginning to mitigate and reduce erosion and sediment discharge.
- Water quality measures heightened.
- Environmental monitoring increased to monthly and weekly for high Lake usage periods (summer).
- Inclusion of testing results to the District Health Board testing regime.
- Establishment of a community liaison group with a minimum of quarterly meetings.
- Provisions to halt activity based on regular environmental testing.
- Reduced consent period from 35 years to 13-14 years.

Further discussion supporting the submission is addressed in the below sections.

Due to the short timeframe for submissions (20 working days) and the volume of reference documents associated with the application, staff were unable to provide a detailed submission to Council (or delegates) prior to submission due date. The submission was presented for discussion to the Mayor, Deputy Mayor, available Councillors and Executive Leadership representatives prior to the submission being lodged by the Chief Executive's Office.

It is acknowledged that WDC are prepared to speak to the submission. If retrospectively approved by the Policy and Regulatory Committee, staff will begin preparation to support the submission verbally.

5.1 Options

Staff have assessed that there are two viable options for the Policy and Regulatory Committee to consider. This assessment reflects the level of significance (see paragraph 6.1). The two options are set out below.

Option 1: (Recommended Option) The Policy and Regulatory Committee acknowledges and recommends to Council to retrospectively approve the submission to WRC on the 16 August 2022, to oppose the Gleeson Cox managed fill application (APP144475).

This option is recommended as the submission reflects our community's and partnership's aspirations for Lake Puketirini and the Waikato River.

OR

Option 2: The Policy and Regulatory Committee acknowledges and declines the submission to WRC on the 16 August 2022, to oppose the Gleeson Cox managed fill application (APP144475) and requests to be withdrawn.

This option would result in a formal requested to WRC for the WDC submission to be withdrawn. An alternative late submission may not be accepted by WRC on the Gleeson Cox application. This option also carries additional reputational risks.

Staff recommend **Option 1**.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

The submission drafting has required staff time. Although this submission was unscheduled works, it is considered a part of each members role function.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the actions taken comply with the Council's legal and policy requirements. As an affected party to the Gleeson Cox managed fill application, WDC reserve the right to submit through the public submissions process on the application.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

Through the Community Blueprint process we heard from the Huntly community that they wish to restore the lakes from current and previous mining activity. The Gleeson Cox application proposed to utilise a site subjected to previous mining activity for managed fill, which contradicts the community's aspirations.

The Lake Puketirini Reserve Management Plan highlights the ecological benefit and high water quality enabling a range of recreational activity. The Gleeson Cox proposed activity presents risks to the environmental and recreational benefits of the WDC managed Lake.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

The Vision and Strategy for the Waikato River is to restore and protect the health and wellbeing of the Waikato River.

The Gleeson Cox managed fill application presents risks via leachate and/or discharge to the Waikato River. The WDC submission opposing the application highlights the risks and contraction of the activity to the Vision and Strategy.

A copy of the submission was provided to the WDC Iwi and Community Partnerships Manager and internal discussions have been had prior to lodging the submission.

5.6 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The decisions sought by, and matters covered in, this report are consistent with the Council's [Climate Response and Resilience Policy](#) and [Climate Action Plan](#).

The submission to oppose the Gleeson Cox managed fill application was on the basis on freshwater and terrestrial ecosystem risks. As highlighted throughout, the risk of leachate and/ or contamination to surface water is not a risk Council's Climate Response and Resilience Policy supports.

The potential for Kauri Dieback disease is also an elevated risk associated with the movement of soils, an activity proposed by the Gleeson Cox application. The application is silent on the management or mitigation of Kauri Dieback disease which does not address the Biosecurity (National PA Pest Management Plan) Order 2022. This has been highlighted in the WDC submission as the proposed site is located within the Hakarimata Ranges. The Hakarimata Ranges contain an established population of Kauri trees.

5.7 Risks

Tuuraru

The WDC submission focuses on the environmental risks of the Gleeson Cox application. particularly the risks of this activity include water degradation to the receiving environment (Lake Puketirini and the Waikato River), potential Kauri Dieback disease contamination to the Hakarimata Ranges and delayed restoration of mining activity sites.

The application's activity and associated risks do not align with our Huntly Community's blueprint aspirations, the Lake Puketirini reserve management plan, Council's Climate Response and Resilience Policy or the Vision and Strategy of the Waikato River.

There is potential reputational risk to Council either way in submitting or not submitting to a WRC resource consent application. As the application is already submitted (16 August 2022) on approval from Executive Leadership, Mayor, Deputy Mayor and available Councillors, there is a heightened reputational risk in withdrawing the application.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of high significance, in accordance with the Council's [Significance and Engagement Policy](#), as a strategic asset (Lake Puketirini reserve) may be negatively impacted if the Gleeson Cox application is granted WRC resource consent.

The following criteria are particularly relevant in determining the level of significance for this matter:

- There is a legal requirement for WRC to engage with the community – this is a publicly notified resource consent.
- The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.
- The community interest is likely to be high.
- The community's views on the management of Lake Puketirini and rehabilitation of previous mining sites are already known.

6.2 Engagement Te Whakatuutakitaki

The submission was drafted internally through a collaborative review process. Decision-making and recommendations were supported by publicly consulted documents (i.e. Blueprints and reserve management plans). Although the application was not consulted on itself, it does represent the community's vision.

Highest level of engagement	Inform ✓	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	The Iwi and Community Partnerships Manager has been informed. The WDC submission will be made publicly available by WRC.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	✓	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	✓	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

7. Next steps

Ahu whakamua

Option 1 requires no immediate actions from staff. The submission includes a request to speak to the submission so preparation will occur in due course.

Option 2 will require immediate communications with WRC to withdraw the submission.

8. Confirmation of statutory compliance

Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Not applicable
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	High
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments

Ngaa taapirihanga

Attachment 1 – WDC submission to WRC on Gleeson Cox managed fill proposal APP144475

192 Submission form

Notice of submission under the Resource Management Act 1991 (pursuant to section 96) form 13

Notes

- A signature is not required if you are lodging your submission by electronic means.
- If you are making a submission to the Environmental Protection Agency (EPA) please use form 16B. Refer to the EPA website www.epa.govt.nz or call 0800 CALL EPA (22 55 372).
- The closing date for providing your submission to Waikato Regional Council is 20 working days after public notification or notice is served. You must also provide a copy of your submission to the applicant. This should be done as soon as possible.
- If you need any further help, please phone our Resource Use staff on **0800 800 402**.
- You can send your submission by:
 - Post: Waikato Regional Council, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
 - Fax: 07 859 0998
 - Email: RCsubmissions@waikatoregion.govt.nz

Office use only

File no:
Consent no:

Section 1: Application details

Applicant name: WAIKATO DISTRICT COUNCIL

Description of proposal:

(Briefly describe the type of consent, and the nature and location of the activity. If the proposal is for a change or cancellation of an existing consent condition, please detail the type and location of consent, the relevant condition and the proposed change. If the application is for a transfer of a water or discharge permit, provide details of the existing activity site and, if relevant, the part of the permit proposed to be transferred.)

Gleeson Managed Fill Limited, Riverview Road, Huntly
APP144475, IRIS Document No: 71335, File No: 61 76 85A

The specific parts of the application that this submission relates to are:

Request by Gleeson to be allowed to deposit managed fill in Huntly

Section 2: Submitter details

We will use your email address as preferred address for service, unless you advise otherwise.

Name	Full name of submitter:
	Waikato District Council
	Contact person (include designation if applicable): Gavin Ion - Chief Executive
Postal address	Street/RD/PO Box/Private Bag:
	Private Bag 544
	Suburb: Ngaruawahia
	Town/city: Ngaruawahia
	Postcode: 3742
Residential address If different from postal address	Street:
	Suburb:
	Town/city:
	Postcode:
Email address	gavin.ion@waidc.govt.nz
Phone number/s	Home: Business: 07 824 8633; 0800 492 452
	Mobile: Fax:

Section 3: Submission on proposal

Please detail your submission below. Attach additional pages if necessary.

I/we (tick one option only):

- Support the application/s
- Oppose the application/s
- Neither support nor oppose the application/s (neutral submission)

My submission:

It appears the new application is essentially a re-submission of the previous application and proposes to utilize the same areas for managed fill and overburden. Previous concerns around the risk to the receiving environments are still in place, and a number of new issues appear to merit further concern and elicit additional consideration.

Waikato District Council considers itself an interested party in the Gleeson's Quarry application for managed fill because of the proposed discharges to a number of waterways that feed both the Waikato River and Lake Puketirini. The changes to the gullies and loss of wetland and other habitat are also of concern given the positive impacts that these areas have on biodiversity and the environment.

There is also concern about bringing in materials that may contain the causative agent for Kauri Dieback Disease, and the risk posed by the proposed importation and handling of contaminated soils, including acid sulphite soils.

The reasons for my views are:

After a review of some of the extensive application material, we would like to highlight the following issues:

General Comments

Waikato District Council has undertaken a community consultation "Blueprint" process throughout the district. This highlighted Huntly communities wish to clean up lakes from current and previous mining operations. After reviewing some of the reports relating to the ecological and water quality impacts of the proposed managed landfill over old quarry sites; we feel these reports seem to indicate that there is not enough information to make an informed, objective decision, especially with relation to effects on waterways, existing native biodiversity and Lake Puketirini.

According to the proposal, it appears that:

- There are three fill areas (Areas 3, 4 and 5) that will discharge to the Waikato River, and at least one site (Area 2) that will discharge to Puketirini.

This application essentially requests permission to increase the risk of environmental and/or water quality degradation to the local receiving environments, including Lake Puketirini and the Waikato River. Increasing such risk is not consistent with the Puketirini Management Plan or the objectives in the Vision and Strategy for the Waikato River.

An additional risk is kauri dieback disease. The movement of soil potentially contaminated with the kauri dieback disease causative agent is now controlled under legislation - Biosecurity (National PA Pest Management Plan) Order 2022.

As the Gleeson Cox site is close to known areas of natural and planted kauri growth (including and notably the Hakarimatas as well as at Puketirini), the proposal to bring in soils from outside the area to the Gleeson Cox site carry with it the risk of spreading kauri dieback disease. This risk needs to be included in any decision making regarding this proposal and does not appear to have been identified or addressed in the proposal.

It appears the latest proposal wishes to include the disposal of acid sulphite soils. The Draft Managed Fill Acid Sulphite Soil Management Plan prepared by EHS Support, June 2022 describes how acid sulphite soils may generate acidic leachate water, mobilizing inorganic elements. These soils present an added risk to the receiving environments, and there is concern that the chemicals used to alter the pH of these soils (AGLime and NaOH) and the infrastructure proposed, being only designed to accommodate run off from a 50 year ARI rainfall event may create additional risk, especially in the current climate change environment, that has already seen extreme precipitation events occur more frequently and more intensely.

I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.)

To not allow managed fill to be disposed of in Huntly.

If the consent is granted, please note the following requests:

The applicant has proposed the reinstatement of new wetland areas to compensate for the loss of streams, habitats and wetland areas and to minimise erosion and sediment discharge. These areas should be established before the importation of fill, and any flora and fauna that can be reinstated from existing should be transplanted.

The key issue concerning Consent applications APP144475 with Waikato Regional Council for WDC is water quality and the wider receiving environment over the long term. WDC consider that should the application be successful and allow the importation of sizeable amounts of offsite fill to natural watercourses and wetland (that are lost). The effects of what is proposed under the Land Use Consent Land – stormwater; Water permits (WP) – Diversions for stormwater and groundwater and stream reclamations, bed disturbance in association with offsite fill need to be carefully monitored and managed over the long term. The draft conditions should consider testing the water quality more frequently than proposed in Appendix 19.

The inclusion of quarterly testing is not frequent enough. Annual rainfall volumes and events are increasing and occurring more frequently than has traditionally been the case. We would like monthly testing at some end discharge locations, including Lake Puketirini, during the winter. Additional testing should also occur during high usage (recreation) periods over the summer months because water levels can drop, and some rainfall events occur during these periods. Testing at Lake Puketirini over summer for sediment, chemicals, and heavy metals could be added to the current DHB testing regime. Should results indicate contamination within downstream watercourses or water bodies, then importation of fill should cease, and further investigations be undertaken.

We request that Gleeson Cox establishes a community liaison group and holds regular meetings (no less than quarterly per annum) with them.

We request that acid sulphite soils are not permitted to be brought into the managed fill site.

We request that Gleeson undertakes and provides public reporting on regular (not less than monthly) independent air quality sampling, as well as water quality sampling.

Testing should continue for five years after the cessation of work annually as contaminants can remain mobile for a time after the end of the filling period. A bond could be included for further rehabilitation works if contamination levels (e.g. heavy metals rise over time). The duration of the discharge consent at 35 years or 2057 is too long; given climate change impacts and the location of the fill, this should be the same duration as the WP – diversion at 13-14 years.

Please tick either yes or no to the following options:

I/we wish to be heard in support of this submission Yes No

I/we will consider presenting a joint case at a hearing if others make a similar submission Yes No

Signature of submitter: Electronically signed Date: 16 August 2022
(or person authorised to sign on behalf of submitter)

The information you have provided on this form will be stored on a public register and held by the council. The details (including your name and submission contents) may also be made available to the public on the council's website or on request, with your contact details removed. These details are collected to inform the general public and community groups about all consent applications which have been received by the council. If you would like to request access to, or correction of your details, please contact the council.

To	Policy and Regulatory Committee
Report title	Review of Elected Member Policies
Date:	2 September 2022
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Tony Whittaker, Chief Operating Officer

1. Purpose of the report

Te Take moo te puurongo

To seek the Committee's recommendation to Council to adopt the following elected member policies:

- Elected Members Reimbursement Policy (Attachment 1); and
- Conference & Seminars Policy (Attachment 2).

2. Executive summary

Whakaraapopototanga matua

Elected Members Reimbursement Policy

The Elected Members Reimbursement Policy covers travel and reimbursement of costs in line with the Remuneration Authority Determinations. It is noted that Council provides IT and Communication allowances for Councillors but does not for community board members. No requests for change have been received following the opportunity afforded to community boards in the recent consultation process. Hence no recommendations for change have been made.

Conferences & Seminars Policy

Councillors have previously considered attendance to the LGNZ conference, specifically a request from two community board members to attend. The Conference & Seminars Policy provides for the Mayor and Deputy Mayor to attend the conference and be delegates for the AGM. In addition, the Mayor can appoint two further Councillors to attend.

Community board members can apply to attend the community board conference, where the programme is more geared towards community boards. However, to date this has not been written into the policy. It is suggested more clarity could be provided to community boards regarding attendance and funding of this conference.

The Chief Executive has a responsibility for training elected members and for the modest amount required it is suggested funding for the community board conference could come from the governance budget held by the Chief Executive.

3. Staff recommendations **Tuutohu-aa-kaimahi**

THAT the Policy and Regulatory Committee recommends:

THAT the Waikato District Council:

- a. notes the Elected Members Reimbursement Policy has been reviewed and given no feedback was received from community boards, no changes are proposed;
- b. notes the Conferences & Seminars Policy has been reviewed and while no feedback from community boards was received from, some minor changes are proposed to provide clarity for elected members;
- c. adopts the Elected Members Reimbursement Policy (Attachment 1); and
- d. adopts the amended Conferences & Seminars Policy (Attachment 2).

4. Discussion and analysis **Taataritanga me ngaa tohutohu**

4.1 Options **Ngaa koowhiringa**

The Policy and Regulatory Committee could choose to recommend changes to the policies or to leave them as is.

4.2 Financial considerations **Whaiwhakaaro puutea**

Should the Committee recommend any changes to the policies which provide further allowances or benefits, it should be noted the impact on budgets is not provided for.

4.3 Legal considerations **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

4.4 Strategy and policy considerations **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

4.5 Maaori and cultural considerations Whaiwhakaaro Maaori me oona tikanga

Appropriate consultation undertaken with potential affected parties. No feedback was received which suggested no issues.

4.6 Climate response and resilience considerations Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

4.7 Risks Tuuraru

The proposed policies does not have any material impact on councils budgets or other risk areas.

5. Significance and engagement assessment Aromatawai paahekoheko

5.1 Significance Te Hiranga

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's [Significance and Engagement Policy](#).

5.2 Engagement Te Whakatuutakitaki

The stakeholders noted below have been engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	✓	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other

6. Next steps Ahu whakamua

If the Policy and Regulatory Committee agrees to recommend the revised policies to Council, the matter will be placed on the agenda for the next Council meeting.

7. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 4.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 5.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 5.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 4.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 4.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 4.3</i>).	Confirmed

8. Attachments Ngaa taapirihanga

Attachment 1 – Elected Members Reimbursement Policy (no changes)

Attachment 2 –Conference & Seminars Policy (with track changes)

Reimbursements for Elected Members Policy

Policy Owner:	Democracy Manager
Date approved:	XX
Next review date:	July 2025
Document number:	XX
Engagement required:	XX

1 Purpose

- 1.1 The purpose of this policy is to ensure reimbursements to elected members occurs in a fair and accountable manner.

2 Application

- 2.1 This policy applies to:
- all elected members of the Waikato District Council (Council); and
 - where specified in the Policy, members of the Community Boards.

3 Significance

- 3.1 This Policy is not considered significant in terms of the Significance and Engagement Policy.

4 Policy statements

Salaries

- 4.1 Salaries will be paid to elected members of Council in accordance with the remuneration pool and rules determined by the Remuneration Authority.
- 4.2 The remuneration pool determined by the Remuneration Authority will be split in accordance with a Council resolution.
- 4.3 Those Councillors sitting on statutory hearings (as defined by the Remuneration Authority) are to be paid the maximum allowable hourly rate but no additional rate is payable to the Chairperson.
- 4.4 The Council will not pay separate meeting allowances to elected members.

Vehicle Mileage Allowance

- 4.5 A vehicle mileage allowance for travel can be claimed by Councillors and Community Board members where:
- The Councillor or Community Board member is not otherwise provided with the use of a vehicle by Council.

- b. The travel is in a private vehicle on Council business and by the most direct route that is reasonable in the circumstances.
 - c. In the case of Community Boards, the mileage is only for Community Board meetings or where members have been invited to attend a Council meeting or workshop up to an annual limit of 3000km.
- 4.6 The payment will be at the rate prescribed by the Remuneration Authority or the Inland Revenue Department, whichever is lower.
- 4.7 The payment would only be made to Councillors in line with meetings as outlined below:
- a. Council meetings.
 - b. Council workshops.
 - c. Council committee meetings to which they have been appointed by resolution of Council.
 - d. Any committee meeting where that Committee resolved to give the elected member(s) voting and speaking rights.
 - e. Any committee that an elected member who is not an appointed member of that committee but needs to attend because of an issue that is specific to that elected member's ward is being discussed and where in the opinion of the Chair of the committee, the Councillor's attendance would add value to the item being discussed.
 - f. Outside committees or organisations that the elected member has been appointed to by resolution of Council.
 - g. Attendance at a conference or seminar or on Council business where the elected member(s) has been authorised to attend by resolution of Council.
 - h. Any meeting that an elected member is requested to attend by the Mayor or the Chief Executive such as roadside meetings or meetings with individual ratepayers.
 - i. Any inspection or visit that an elected member is required to undertake at the request of the Mayor or by resolution of committee. This clause is intended to cover inspections arising from emergency work or planned familiarisation trips in conjunction with Council projects.
- 4.8 Councillors or Community Board members must be in attendance at meetings for at least 60% of the time taken to conduct the business of the meeting to be eligible for the payment of vehicle mileage unless determined otherwise by the Mayor.
- 4.9 All claims for vehicle mileage on Council business be submitted in writing and signed by the claimant.
- 4.10 Any disputed claims for vehicle mileage shall be referred to the Mayor whose decision shall be final.

Communication Allowance

- 4.11 Council authorises the payment of a communication allowance where the equipment of service is privately owned or funded by Councillors to cover the cost of one or more of the following:

- a) Mobile telephone
 - b) Computer, tablet or ancillary equipment
 - c) Internet connection
- 4.12 The payment will be at the maximum level prescribed by the Remuneration Authority for that year with payment to be made on an instalment basis through each scheduled pay run. The sum of the instalments is not to exceed the maximum prescribed.
- 4.13 An allowance will not be paid where Council provides the equipment or service including but not limited to:
- a) A mobile telephone
 - b) A computer, tablet and ancillary equipment, or
 - c) An internet connection

Miscellaneous

- 4.14 The Mayor and Councillors may incur some incidental meal costs. These expenses are to be in line with expenditure limits specified in Council's policy on Conferences and Seminars – Attendance and Payment of Expenses (including Local Government New Zealand Conferences).
- 4.15 Any expenses other than travelling expenses will be approved by the Chief Executive with a copy of the receipt and evidence that it is a genuine out-of-pocket expense for the conducting of Council business.

Applications for reimbursement

- 4.16 All applications for reimbursements in line with this Policy will be signed off by the Council Support Team. Any exceptions to this policy will be referred to the Chief Executive for approval in consultation with the Mayor. Expense claims for the Mayor are to be signed off by the Chief Executive and Deputy Mayor.
- 4.17 The reimbursement of miscellaneous expenses must be approved by the Chief Executive.

5 Policy review

- 5.1 This policy shall be reviewed at three yearly intervals following local government elections or as otherwise required by the Chief Executive.



Conferences and Seminars Policy – Attendance and Payment of Expenses (including Local Government NZ Conferences)

Policy Owner:	Democracy Manager
Date approved:	XX
Next review date:	July 2025
Document number:	XX
Engagement required:	XX

Policy statements

In respect of the Annual Conference of Local Government New Zealand:

- i) Council be represented by His Worship the Mayor and other Councillors as appointed by Council;
- ii) the Chief Executive attends in support of the Council delegates;
- iii) the Council meets the cost of partners' attendance.

In respect of applications to attend conferences and seminars, other than the Annual Conference of Local Government New Zealand, each application be considered taking into account the following issues:

- i) the relevance of the content of the conference/seminar to the current issues before Council or the business of Council;
- ii) the cost of the conference/seminar and the value to the organisation
(Council confirmed its policy on attendance at seminars by resolution WDC99/62/1/4.)

Councillors attending conferences/seminars provide a written presentation to the appropriate Committee or to Council and that all conference/seminar material be made available in the Tom Parsonage Room for the information of other members.

The cost of Councillors attending conferences/seminars pursuant to a resolution of Council be met by the Council.

Partners attending conferences/seminars other than the Annual Conference of Local Government New Zealand attend such conferences/seminars at their own cost, apart from where there is a partners' programme provided, when the matter of meeting the cost of partners' attendance would be given consideration by Council.

Council will meet the cost of meals and drinks whilst on Council business up to a cost of \$65 per head, per meal. [Refer WDC1105/05/115, WDC1012/05/116]

This expenditure limit will be reviewed and updated on an annual basis. [Refer WDC0903/08/1111]
Accommodation will be arranged taking into consideration proximity to the venue, cost, health, security and safety issues.

Council will not reimburse expenditure from mini-bars.



In respect of Community Board training and networking opportunities the Council will support attendance at the annual Community Board Conference or Young Elected Members Hui on the following basis:

- i) the relevance of the content of the conference/seminar to the current issues before Community Boards or the business of Council;
- ii) the cost of the conference/seminar and the value to the organisation; and
- iii) the Community Board Member must provide a written report/presentation back to the Community Board, along with the conference materials.

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Note: See also Reimbursement of Mileage and Expenses – Elected Members. [Note: WDC0708/05/1/4 refers]

Policy review

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive.

To	Policy and Regulatory Committee
Report title	Exclusion of the Public
Date:	12 September 2022
Report Author:	Grace Shaw, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. **Staff recommendations** **Tuutohu-aa-kaimahi**

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX 1 Item number PEX 1 Confirmation of Minutes	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 1 Confirmation of Minutes	Refer previous minutes for reasons.	

2. Attachments Ngaa taapirihanga

There are no attachments for this report.
