

Agenda for an extraordinary meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngāruawāhia on **TUESDAY, 11 JULY 2023** commencing at **11.00am**.

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

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|-----|--|----|
| 4.1 | Adoption of the Cemeteries Bylaw 2023 | 4 |
| 4.2 | Adoption of the Trade Waste Bylaw 2023 | 26 |

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CHIEF EXECUTIVE

TERMS OF REFERENCE

COUNCIL

Chairperson:	Her Worship the Mayor
Deputy Chairperson:	Deputy Mayor
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly – or as required
Quorum:	Half of the members (including vacancies)

Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
 - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
 - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.

12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
 - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
 - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
 - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

To	Waikato District Council
Report title	Adoption of the Cemeteries Bylaw 2023
Date:	4 July 2023
Report Author:	Toby McIntyre, Policy Advisor
Authorised by:	Megan May, General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To provide Council with a copy of the proposed Cemeteries Bylaw 2023 for adoption, including changes requested by the Policy and Regulatory Committee at deliberations.

2. Executive summary

Whakaraapopototanga matua

The Policy and Regulatory Committee (Committee) agreed on 7 March 2023 to consult on proposed amendments to the Cemeteries Bylaw between 15 March and 16 April 2023. During consultation 232 submissions were received, and five submitters spoke at or were represented at Council hearings on 1 May 2023. The Committee also considered public feedback and deliberated on the Bylaw on 1 May 2023.

The requested changes are listed and have been made to the Bylaw (Attachment 1) for Council's consideration and adoption.

3. Staff recommendations

Tuutohu-aa-kaimahi

That the Waikato District Council:

- a. confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
 - b. confirms, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s);**
-

- c. confirms that, in accordance with Section 155 of the local government Act 2002, the proposed bylaw is the most appropriate form of bylaw;
- d. confirms that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
- e. notes the changes made to the proposed Cemeteries Bylaw (Attachment 1), as directed during deliberations by the Policy and Regulatory Committee on 1 May; and
- f. revokes the Cemeteries Bylaw 2016 and adopts the Cemeteries Bylaw 2023 (Attachment 2).

4. Background

Koorero whaimaarama

The Committee agreed on 7 March to consult on the proposed amendments to the Public Places Bylaw between 15 March and 16 April 2023.

The key proposed changes to the Bylaw were:

- Inclusion of natural burial clauses; and
- Allowing dogs on-lead to enter cemeteries; and
- Removing the clause that prevents family and loved ones from backfilling graves.

A Special Consultative Procedure took place between 15 March and 16 April 2023. A total of 232 submissions were received on the proposed Cemeteries Bylaw, and five submitters elected to present in person at hearings on 1 May.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

The following changes have been to the Bylaw following submitter feedback and direction from the Policy and Regulatory Committee.

Clause	Change
8.3	Removed the words “for any casket” and replaced them with “for any burial”
12 (d)	Removed “native” from vegetation

5.1 Options

Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Council to consider. This assessment reflects the level of significance and Council’s legislative requirements.

The options are set out below:

1. Council to adopt the Bylaw.
2. Further consultation and review of the Bylaw.

Staff recommend **Option 1** as feedback indicated majority support for the changes proposed in the Bylaw and would allow for WDC to continue to have legislation to manage the matters contained in the Bylaw. Option 2 would mean it would be unlikely Council could meet the legislative deadline, and the bylaw would lapse, leaving no legal management options.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report. However, financial support will be required to obtain the necessary land to accommodate natural burials and a future review of any additional fees and charges will need to occur. Staff will undertake assessments and provide more detail to Council once this is done.

If dogs on lead are to be permitted in WDC Cemeteries, staff anticipate funding for signage indicating 'dogs are permitted on-lead only' and providing rubbish bins to dispose of droppings will be covered by existing budgets.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Section 145 of the Act gives Council the power to make bylaws for one 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.

When making Bylaws, Section 155 of the LGA requires Council to determine whether the proposed bylaw:

- a) Is the most appropriate way of addressing the problems or perceived problems;
- b) Is the most appropriate form of the bylaw; and
- c) Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

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

- a) are the most appropriate way of addressing the problems or perceived problems;
and
 - b) are the most appropriate form of Bylaws.
-

Legal staff have confirmed that, in accordance with section 155(3) of the Act, the proposed Bylaws, do not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Staff confirm that the recommendation complies with the Council's legal and policy requirements. Consultation has been undertaken in accordance with section 83 of the Local Government Act 2002. In addition to meeting procedural requirements, the bylaw has been reviewed for legal compliance.

Upon adoption of the new Bylaw, Council will revoke the Cemeteries Bylaw 2016.

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**

Staff have considered Maaori tikanga (values) regarding the tapu (sacredness) surrounding burial of the tuupaapaku (deceased) and the processes involved. During the period of early engagement, a hui was held with representatives of Waikato Tainui and Taupiri Maunga urupaa trustees to discuss any queries, concerns, and feedback they had on the Bylaw.

Waikato Tainui is supportive of the inclusion of provisions for natural burials as it supports the preservation of the health of Papatuaanuku. They voiced their support of a minimum depth cover of 800mm as shallower burial allows for the tuupaapaku to decompose naturally further supporting the preservation of Papatuaanuku.

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](#). Policy 9.3 of the Climate Response and Resilience Policy states 'Ensure that low emission, climate-resilient development is adopted as a key tenet into development and land-use decisions.'

Natural burials allow for decomposition to occur at a more natural rate and having as minimal environmental impact as possible. Allowing natural burials in WDC cemeteries provides families and individuals the opportunity to consider a low-emission burial option.

5.7 Risks **Tuuraru**

A significant risk for Council is that the Cemeteries Bylaw 2016 will be automatically revoked on 7 October 2023 and, should the proposed bylaw not be adopted, this would leave WDC without any legislation managing the matters contained within the bylaw.

This would include any ability to regulate and set standards for the operation of Council cemeteries.

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](#).

This considers the following relevant criteria:

- There is a legal requirement to engage with the community;
- The proposal or decision will affect a large proportion of the community;
- The community interest is likely to be high.

6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	✓	✓	<input type="checkbox"/>	<input type="checkbox"/>
The community and stakeholders were consulted from 15 March to 16 April, in accordance with section 83 of the Local Government Act 2002.					

External stakeholders that 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"/>	✓	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	✓	Affected Communities

7. Next steps Ahu whakamua

The Bylaw will be signed by the Mayor and Chief Executive and sealed with Council's seal.

Following the decision, all submitters will be contacted by email to advise on Council's decisions on the Bylaw.

To ensure the general public is informed:

- public notices will be placed in local newspapers;
- information will be published on Council's website;
- a post will be published on Council's social media and information will be included in Council's e-newsletter;
- A media release will also be issued;
- Council's website will be updated with the reviewed bylaw.

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>).	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 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 – Final Cemeteries Bylaw 2023 for Adoption - tracked changed version

Attachment 2 – Final Cemeteries Bylaw 2023 for Adoption - clean version

Cemeteries Bylaw 2023

This Bylaw of the Waikato District Council is made pursuant to the Local Government Act 2002 and the Burial and Cremation Act 1964 and their respective amendments and all other relevant powers, hereby makes the following bylaw.

Introduction

1.0 Short title, commencement and application

- 1.1 The bylaw shall be known as the 'Waikato District Council Cemeteries Bylaw 2023'.
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The Bylaw shall come into force on the date of adoption.

2.0 Revocation

The following bylaws are hereby revoked from the day this new bylaw comes into force:
'Waikato District Council Cemeteries Bylaw 2016

3.0 Purpose

The purpose of this bylaw is to enable the Council to regulate activities and set standards for the operation of cemeteries under the control of the Council.

4.0 Definitions

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

Authorised Officer	means any person appointed by the Council to act on its behalf and with its authority
Berm	means a concrete strip that marks plot row and number and in which a headstone or plaque is placed.
Burial	means interment of a body, remains or ashes
Cemetery	means any cemetery vested in or under the control of Council and dedicated as a cemetery.
Council	means the governing body of the Waikato District Council or any person delegated to act on its behalf.
Disinterment	means the removal of a body (or remains of a body) buried in any cemetery.
Exclusive right of burial	means a right that may be purchased from the Council which grants the purchaser and his or her successor, the exclusive right of burial in a designated burial plot for a specified number of years; and 1. does not create an ownership interest in the designated plot; and

2. lapses in accordance with section 10 of the Burial and Cremation Act 1964.

Grave	means the area where the body of a deceased person is, or their ashes, are buried.
Headstone	means a memorial that projects above the ground.
Interment	means the burial of a body or ashes in a plot.
Lawn cemetery	means a grass lawn cemetery where no headstones project above the ground.
Non-operational cemetery	means a cemetery that has been closed by a closing order, but may accept future ash interments.
NZS 4242: 1995	means the New Zealand Standard for Headstones and Cemetery Monuments.
Operational cemetery	means a cemetery that is accepting of new interments.
Plot	means a specified area set aside for the burial of a casket or ashes.
Sexton	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction.
Natural Burial	means an area set aside for the burial of bodies or ashes where the body is not embalmed and is contained within a casket or shroud made of biodegradable materials and the grave is not marked with any permanent material.

5.0 Burials

5.1 Before a burial may take place, an application for interment must be lodged with the Council.

5.2 The application must be accompanied by:

- a) a medical certificate or coroner's authorisation, as applicable;
- b) written permission from the owner of the exclusive right of burial in respect of a plot, where applicable;
- c) payment of the burial fees set by the Council.

5.3 Burials must take place:

- a) in a specific plot in respect of which an exclusive right of burial has been purchased; or
- b) in a plot chosen by the Council if no exclusive right of burial has been purchased.

6.0 Exclusive right of burial

6.1 An exclusive right of burial may be sold by the Council and may be held for sixty years. The Council will not re-purchase any presold plots.

6.2 Any person is entitled to purchase an exclusive right of burial for no more than two plots.

- 6.3 Where doubt of ownership of an exclusive right of burial exists, the Council may satisfy itself, that the use of the respective plot is authorised.
- 6.4 The Council will not sell the exclusive right of burial in respect of any plots located in cemetery areas reserved exclusively for the burial of deceased persons who have served in Her Majesty's Forces.

7.0 Notification of burial

- 7.1 Interments may take place between the hours of 10.00am and 3.30pm on Mondays to Fridays inclusive, and between 10.30am and 2.30pm on Saturdays. On Sundays and public holidays, cemeteries are closed for all interments.
- 7.2 Burials may take place outside these times by prior arrangement with Council.
- 7.3 Notification of an intended burial must be given to the Council not less than eight working hours prior to the time of burial. If less notice is given, an extra charge may be imposed by the Council.

8.0 Plots and graves

- 8.1 Only the Sexton is authorised to dig a grave.
- 8.2 The Council requires prior notification if a person, or persons, wish to fill any grave.
- 8.3 The minimum depth of cover for any casket must be not less than 800mm.
- 8.4 A maximum of two deceased persons may be buried in any one plot, excluding natural burial plots.
- 8.5 A grave may be reopened for subsequent burial(s) where consent is given by the Council and:
- a) by the owner of the exclusive right of burial, or their representative; and
 - b) the relevant prescribed form is provided to the Council.

9.0 Ashes

- 9.1 A maximum of eight urns containing ashes that may be buried in any burial plot, or a maximum of two urns may be buried in an ashes plot.
- 9.2 Ashes may not be scattered in any cemetery.

10.0 Disinterments

- 10.1 The disinterment of a body, or remains of a body, must be conducted in accordance with sections 51 and 55 of the Burial and Cremation Act 1964.
- 10.2 If a grave has become empty due to disinterment, and there is no exclusive right of burial, that plot will revert back to the Council and the Council will not make any refund of the cost of that burial plot.

11.0 Memorials and adornments

- 11.1 Prior to the installation of any memorial, an application for a memorial must be submitted to the Council, together with:
- a) proof of an exclusive right of burial for the respective plot; and
 - b) payment of the relevant fee set by the Council.
- 11.2 Memorials must:
- a) cover no more than two plots, provided the respective exclusive burial rights are owned by the same owner;

- b) limit inscriptions to the front of the memorials for double berm areas;
 - c) be set in a way approved by Council.
- 11.3 Memorials and the associated plots must be kept in good order and repair by the holder of the exclusive right of burial, or their successor.
- 11.4 Only a Monumental Mason who complies with the Council's Health and Safety requirements, and preferably a member of the New Zealand Master Monumental Masons Association may undertake work associated with any monument.
- 11.5 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installation of any kind that falls into a state of decay or disrepair.
- 11.6 No above-ground memorials, including railing or fencing, must be placed in grounds designated as lawn cemeteries.
- 11.7 Removal of any memorial must be approved by the Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot.
- 11.8 The Council may remove any unauthorised memorials from the Cemetery.
- 11.9 Adornments, including wreaths and floral tributes, may be placed on a plot for up to twenty-eight days following an interment. After this time, all adornments will be relocated to the concrete berm. Any adornments added after this time must be duly placed in approved receptacles, or on the concrete berm.
- 11.10 Adornments must not inhibit the proper maintenance of the Cemetery or other graves.
- 11.11 Breakable jars, vases or receptacles must not be used as flower containers.
- 11.12 The Council may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 11.13 In areas set aside as a lawn cemetery, a plaque must be placed centrally on the berm opposite the associated plot.
- 11.14 All foundations for kerbs, tombstones, headstones, monuments, vaults and any other above-ground structure, must be constructed to the satisfaction of the Council and in compliance with the New Zealand Headstones and Cemetery Monuments NZS 4242:1995 or its subsequent amendments or replacement, subject to the following restrictions:
- a) No memorial stone, fence or enclosure must exceed 1200mm in height.
 - b) In any areas that are designated as Services Cemeteries – all monuments and headstones must be constructed in accordance with the requirements of Veterans' Affairs New Zealand.
- 11.15 Any headstone or other monument, which in the opinion of the Council is offensive, may be removed at the direction of the Council.
- 11.16 No Monumental Mason or other person must remove any kerb, headstone, monument or tablet from any Cemetery without permission from the Council.
- 11.17 Any authorised person erecting or repairing any headstone or monument must remove all excess materials, tools and equipment from the cemetery on completion of the works and leave the site in a tidy state.

12.0 Natural Burials

12.1 The Council may set aside an area of a cemetery specifically for the purpose of accepting natural burials. Natural burials will be carried out in accordance with Council's procedures and are subject to prior approval from an Authorised Officer.

12.2 Plot reservations are not permitted for natural burials.

12.3 In areas of cemeteries set aside for natural burial, the following provisions shall apply (and such other provisions as the Authorised Officer may require):

- (a) All plots are for single interment.
- (b) Embalming of the interred is not permitted.
- (c) A casket or shroud of biodegradable material consistent with natural burial guidelines is required.
- (d) Memorials including containers for flowers or other items are not permitted on a natural burial grave site and may be removed by an Authorised officer. Native vegetation chosen from Council's list of approved plant species and varieties shall mark the site of a natural burial and will be provided by the Council in accordance with the cemetery burial plan, planted by or under the direct supervision of the Authorised Officer.
- (e) The Authorised Officer will place a discreet marker to identify the location of natural burial graves and may also place a biodegradable marker.
- (f) The location of all natural burial graves will be recorded by the Council using Geographical Positioning System (GPS) co-ordinates

12.4 All monument markers on plots designated for natural burials must consist of untreated biodegradable wood or wood treated to at least the H3 standard. No non-biodegradable tributes are permitted.

13.0 Ground maintenance

13.1 The holder of an exclusive right of burial or must ensure that:

- a) memorial placed on the respective are maintained and secure;
- b) memorials do not inhibit regular maintenance of the Cemetery.
- c) kerbs and enclosures are kept in good order.

13.2 No person must plant any tree, shrub, plant or other vegetation in the Cemetery.

13.23 The Council may cut or remove any vegetation planted in the Cemetery at its discretion.

13.4 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of the Council.

13.5 Any person using a footpath or roadway in the Cemetery for the purpose of mixing cement or mortar must do so on a proper mixing board or in a manner approved by the Council.

14.0 Records

14.1 The Council will keep plans showing areas available for burial and burial plots available for purchase. These plans may be inspected at the Council's offices during office hours or on the Council's website.

15.0 Poor persons

15.1 Where application is made to the Council for the interment or of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

16.0 Vehicles in Cemeteries

16.1 Vehicles must use designated roadways and car parks within a Cemetery.

16.2 Vehicles may only access cemeteries from:

- a) 7.00 am to 8.30pm during the months of October to the end of March;
- b) 8.00am to 5.00pm during the months of April to the end of September;

16.3 The speed limit in all cemeteries is 20km/hr unless notified otherwise.

17.0 Dogs and Horses

17.1 No person must take horses into a Cemetery.

17.2 Dogs are permitted on-leash at all times within a Cemetery.

18.0 Nuisance

18.1 No person shall, in or near any part of a Cemetery, prevent, interrupt or delay a burial.

18.2 No person shall, in or near any part of a Cemetery, cause a nuisance or annoyance to persons

who are lawfully in Cemetery, or who are approaching a Cemetery for a lawful purpose.

19.0 Advertising

19.1 No person shall within any Cemetery advertise or solicit any order or custom from any person for any work in connection with a Cemetery or for the sale preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in a Cemetery.

19.2 No person shall without the consent of a funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

20.0 Safety

20.1 All persons, whether Council employees or staff of funeral directors, shall take all necessary steps to ensure that any Cemetery is a safe site at all times, and particularly during any funeral or burial.

20.2 All necessary warning signs, protective barriers and other protective means shall be put in place prior to the commencement of any funeral or burial.

21.0 Fees and Charges

21.1 The Council may prescribe fees and charges for burials and disinterments, the purchase of exclusive rights of burial, headstone erections and other services. These fees will be included in the Council's Fees and Charges Schedule. A copy of fees and charges will be available from the Council's website, office or any customer service centre.

21.2 No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.

22.0 Offences

22.1 Any person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw

23.0 Penalties

23.1 Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00

24.0 General

24.1 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 xxxx

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

Mayor

Chief Executive

Approved By: Waikato District Council	Date Adopted: xxxx
Date in Force: xxxx	
Date Amended:	Amendments recorded:

Waikato District Council Cemeteries Bylaw 2023

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Cemetery	means any cemetery vested in or under the control of Council and dedicated as a cemetery.
Council	means the governing body of the Waikato District Council or any person delegated to act on its behalf.
Disinterment	means the removal of a body (or remains of a body) buried in any cemetery.
Exclusive right of burial	means a right that may be purchased from the Council which grants the purchaser and his or her successor, the exclusive right of burial in a designated burial plot for a specified number of years; and 1. does not create an ownership interest in the designated plot; and

2. lapses in accordance with section 10 of the Burial and Cremation Act 1964.

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Plot	means a specified area set aside for the burial of a casket or ashes.
Sexton	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction.
Natural Burial	means an area set aside for the burial of bodies or ashes where the body is not embalmed and is contained within a casket or shroud made of biodegradable materials and the grave is not marked with any permanent material.

5.0 Burials

5.1 Before a burial may take place, an application for interment must be lodged with the Council.

5.2 The application must be accompanied by:

- a) a medical certificate or coroner's authorisation, as applicable;
- b) written permission from the owner of the exclusive right of burial in respect of a plot, where applicable;
- c) payment of the burial fees set by the Council.

5.3 Burials must take place:

- a) in a specific plot in respect of which an exclusive right of burial has been purchased; or
- b) in a plot chosen by the Council if no exclusive right of burial has been purchased.

6.0 Exclusive right of burial

6.1 An exclusive right of burial may be sold by the Council and may be held for sixty years. The Council will not re-purchase any presold plots.

6.2 Any person is entitled to purchase an exclusive right of burial for no more than two plots.

6.3 Where doubt of ownership of an exclusive right of burial exists, the Council may satisfy itself, that the use of the respective plot is authorised.

6.4 The Council will not sell the exclusive right of burial in respect of any plots located in cemetery areas reserved exclusively for the burial of deceased persons who have served in Her Majesty's Forces.

7.0 Notification of burial

- 7.1 Interments may take place between the hours of 10.00am and 3.30pm on Mondays to Fridays inclusive, and between 10.30am and 2.30pm on Saturdays. On Sundays and public holidays, cemeteries are closed for all interments.
- 7.2 Burials may take place outside these times by prior arrangement with Council.
- 7.3 Notification of an intended burial must be given to the Council not less than eight working hours prior to the time of burial. If less notice is given, an extra charge may be imposed by the Council.

8.0 Plots and graves

- 8.1 Only the Sexton is authorised to dig a grave.
- 8.2 The Council requires prior notification if a person, or persons, wish to fill any grave.
- 8.3 The minimum depth of cover for any burial must be not less than 800mm.
- 8.4 A maximum of two deceased persons may be buried in any one plot, excluding natural burial plots.
- 8.5 A grave may be reopened for subsequent burial(s) where consent is given by the Council and:
- a) by the owner of the exclusive right of burial, or their representative; and
 - b) the relevant prescribed form is provided to the Council.

9.0 Ashes

- 9.1 A maximum of eight urns containing ashes that may be buried in any burial plot, or a maximum of two urns may be buried in an ashes plot.
- 9.2 Ashes may not be scattered in any cemetery.

10.0 Disinterments

- 10.1 The disinterment of a body, or remains of a body, must be conducted in accordance with sections 51 and 55 of the Burial and Cremation Act 1964.
- 10.2 If a grave has become empty due to disinterment, and there is no exclusive right of burial, that plot will revert back to the Council and the Council will not make any refund of the cost of that burial plot.

11.0 Memorials and adornments

- 11.1 Prior to the installation of any memorial, an application for a memorial must be submitted to the Council, together with:
- a) proof of an exclusive right of burial for the respective plot; and
 - b) payment of the relevant fee set by the Council.
- 11.2 Memorials must:
- a) cover no more than two plots, provided the respective exclusive burial rights are owned by the same owner;

- b) limit inscriptions to the front of the memorials for double berm areas;
 - c) be set in a way approved by Council.
- 11.3 Memorials and the associated plots must be kept in good order and repair by the holder of the exclusive right of burial, or their successor.
- 11.4 Only a Monumental Mason who complies with the Council's Health and Safety requirements, and preferably a member of the New Zealand Master Monumental Masons Association may undertake work associated with any monument.
- 11.5 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installation of any kind that falls into a state of decay or disrepair.
- 11.6 No above-ground memorials, including railing or fencing, must be placed in grounds designated as lawn cemeteries.
- 11.7 Removal of any memorial must be approved by the Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot.
- 11.8 The Council may remove any unauthorised memorials from the Cemetery.
- 11.9 Adornments, including wreaths and floral tributes, may be placed on a plot for up to twenty-eight days following an interment. After this time, all adornments will be relocated to the concrete berm. Any adornments added after this time must be duly placed in approved receptacles, or on the concrete berm.
- 11.10 Adornments must not inhibit the proper maintenance of the Cemetery or other graves.
- 11.11 Breakable jars, vases or receptacles must not be used as flower containers.
- 11.12 The Council may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 11.13 In areas set aside as a lawn cemetery, a plaque must be placed centrally on the berm opposite the associated plot.
- 11.14 All foundations for kerbs, tombstones, headstones, monuments, vaults and any other above-ground structure, must be constructed to the satisfaction of the Council and in compliance with the New Zealand Headstones and Cemetery Monuments NZS 4242:1995 or its subsequent amendments or replacement, subject to the following restrictions:
- a) No memorial stone, fence or enclosure must exceed 1200mm in height.
 - b) In any areas that are designated as Services Cemeteries – all monuments and headstones must be constructed in accordance with the requirements of Veterans' Affairs New Zealand.
- 11.15 Any headstone or other monument, which in the opinion of the Council is offensive, may be removed at the direction of the Council.
- 11.16 No Monumental Mason or other person may remove any kerb, headstone, monument or tablet from any Cemetery without permission from the Council.
- 11.17 Any authorised person erecting or repairing any headstone or monument must remove all excess materials, tools and equipment from the cemetery on completion of the works and leave the site in a tidy state.

12.0 Natural Burials

- 12.1 The Council may set aside an area of a cemetery specifically for the purpose of accepting natural burials. Natural burials will be carried out in accordance with Council's procedures and are subject to prior approval from an Authorised Officer.
- 12.2 Plot reservations are not permitted for natural burials.
- 12.3 In areas of cemeteries set aside for natural burial, the following provisions shall apply (and such other provisions as the Authorised Officer may require):
- (a) All plots are for single interment.
 - (b) Embalming of the interred is not permitted.
 - (c) A casket or shroud of biodegradable material consistent with natural burial guidelines is required.
 - (d) Memorials including containers for flowers or other items are not permitted on a natural burial grave site and may be removed by an Authorised officer. Vegetation chosen from Council's list of approved plant species and varieties shall mark the site of a natural burial and will be provided by the Council in accordance with the cemetery burial plan, planted by or under the direct supervision of the Authorised Officer.
 - (e) The Authorised Officer will place a discreet marker to identify the location of natural burial graves and may also place a biodegradable marker.
 - (f) The location of all natural burial graves will be recorded by the Council using Geographical Positioning System (GPS) co-ordinates
- 12.4 All monument markers on plots designated for natural burials must consist of untreated biodegradable wood or wood treated to no more than H3 standard. No non-biodegradable tributes are permitted.

13.0 Ground maintenance

- 13.1 The holder of an exclusive right of burial must ensure that:
- a) memorial placed on the respective are maintained and secure;
 - b) memorials do not inhibit regular maintenance of the Cemetery.
 - c) kerbs and enclosures are kept in good order.
- 13.2 No person must plant any tree, shrub, plant or other vegetation in the Cemetery.
- 13.3 The Council may cut or remove any vegetation planted in the Cemetery at its discretion.
- 13.4 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of the Council.
- 13.5 Any person using a footpath or roadway in the Cemetery for the purpose of mixing cement or mortar must do so on a proper mixing board or in a manner approved by the Council.

14.0 Records

- 14.1 The Council will keep plans showing areas available for burial and burial plots available for purchase. These plans may be inspected at the Council's offices during office hours or on the Council's website.

15.0 Poor persons

- 15.1 Where application is made to the Council for the interment or of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

16.0 Vehicles in Cemeteries

- 16.1 Vehicles must use designated roadways and car parks within a Cemetery.
- 16.2 Vehicles may only access cemeteries from:
- a) 7.00 am to 8.30pm during the months of October to the end of March;
 - b) 8.00am to 5.00pm during the months of April to the end of September;
- 16.3 The speed limit in all cemeteries is 20km/hr unless notified otherwise.

17.0 Dogs and Horses

- 17.1.1 No person must take horses into a Cemetery.
- 17.2 Dogs are permitted on-leash at all times within a Cemetery.

18.0 Nuisance

- 18.1 No person shall, in or near any part of a Cemetery, prevent, interrupt or delay a burial.
- 18.2 No person shall, in or near any part of a Cemetery, cause a nuisance or annoyance to persons who are lawfully in a Cemetery, or who are approaching a Cemetery for a lawful purpose.

19.0 Advertising

- 19.1 No person shall within any Cemetery advertise or solicit any order or custom from any person for any work in connection with a Cemetery or for the sale preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in a Cemetery.
- 19.2 No person shall without the consent of a funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

20.0 Safety

- 20.1 All persons, whether Council employees or staff of funeral directors, shall take all necessary steps to ensure that any Cemetery is a safe site at all times, and particularly during any funeral or burial.
- 20.2 All necessary warning signs, protective barriers and other protective means shall be put in place prior to the commencement of any funeral or burial.

21.0 Fees and Charges

- 21.1 The Council may prescribe fees and charges for burials and disinterments, the purchase of exclusive rights of burial, headstone erections and other services. These fees will be included in the Council's Fees and Charges Schedule. A copy of fees and charges will be available from the Council's website, office or any customer service centre.

- 21.2 No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.

22.0 Offences

- 22.1 Any person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw.

23.0 Penalties

- 23.1 Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00.

24.0 General

- 24.1 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 11 July 2023.

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

Mayor

Chief Executive

This bylaw was adopted on 11 July 2023. A review will occur on or before 11 July 2028.

Activity	Key Date	Council Resolution
Bylaw made	11 July 2023	
Bylaw reviewed		
Next review due date		

To	Waikato District Council
Report title	Adoption of the Trade Waste and Wastewater Bylaw 2023
Date:	4 July 2023
Report Author:	Toby McIntyre, Policy Advisor
Authorised by:	Megan May, General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To provide Council with a copy of the proposed Trade Waste and Wastewater Bylaw 2023 for adoption, including changes requested by the Policy and Regulatory Committee at deliberations.

2. Executive summary

Whakaraapopototanga matua

The Policy and Regulatory Committee (Committee) agreed on 12 September 2022 to consult on proposed amendments to the Trade Waste and Wastewater Bylaw between 21 September and 21 November 2022. In total, 14 submissions were received, and two submitters spoke at or were represented at Council hearings on 22 February 2023.

The Committee considered public feedback and deliberated on the Bylaw following the hearings and, as a result, several changes were requested by the Committee to be made to the Bylaw.

The requested changes are listed and have been made to the Bylaw (Attachment 1) for Council's consideration and adoption.

If the proposed Bylaw is not adopted by Council at this meeting, it will create a significant risk for Council, in that the Trade Waste and Wastewater Bylaw 2016 will be automatically revoked on 11 July 2023 and would leave this Council without any legislation managing the matters contained within the bylaw.

3. Staff recommendations Tuutohu-aa-kaimahi

That the Waikato District Council:

- a. **confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- b. **confirms, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s);**
- c. **confirms that, in accordance with Section 155 of the local government Act 2002, the proposed bylaw is the most appropriate form of bylaw;**
- d. **confirms that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990;**
- e. **notes the changes made to the proposed Trade Waste and Wastewater Bylaw, as directed during deliberations by the Policy and Regulatory Committee on 11 and 12 April; and**
- f. **revokes the Trade Waste and Wastewater Bylaw 2016 and adopts the Trade Waste and Wastewater Bylaw 2023 (Attachment 1).**

4. Background Koorero whaimaarama

The Waikato District Council Trade Waste and Wastewater Bylaw 2016 (2016 Bylaw) was due for review on 11 July 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 11 July 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.

The Committee agreed on 12 September 2022 to consult on the proposed amendments to the Public Places Bylaw between 21 September and 21 November 2022.

A workshop with Council was held on 3 May 2022, followed by early engagement. Early engagement submissions helped shape the draft Bylaw for formal consultation, which included a question on making mortuary waste a prohibited waste to align with Te Ao Maaori, Te Ture Whaimana and the principles of Te Mana o te Wai.

Consultation was open for two months as per section 148(2) requirements from 21 September 2022 and closed on 21 November 2022.

A total of 14 submissions were received. The consultation questions were split into three subject areas: wastewater, trade waste and mortuary waste. Submitters could answer all sections or only the areas they were interested in providing feedback for. At the first deliberations the trade waste and wastewater clauses were decided on and the mortuary waste clauses were deferred.

During deliberations, the Committee gave direction to staff to gather more information and look further into the mortuary waste options to decide if the clauses are to be amended or removed from the Bylaw. Disposal methods were debated, and staff advised that at that time, investigation into how they could be managed had not been looked at in detail, as including mortuary waste as a prohibited waste needed to be decided first, noting that clause 2.3 says:

This Bylaw shall come into force on (TBC), except for the following clauses which relate to mortuary waste:

(a) clauses 8.3 and,

(b) the definitions relating to mortuary waste contained in clause 6.

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

5. Discussion and analysis

Taataritanga me ngaa tohutohu

Staff made changes to the Bylaw as recommended during deliberations, with the majority being grammatical.

A meeting was held with Waikato-Tainui to obtain comment on the proposed mortuary waste clauses as suggested by the Committee Chair. Waikato-Tainui staff supported prohibiting the disposal of mortuary waste to the reticulated system and ultimately the Waikato River as it aligned with tikanga and Te Ture Whaimana. The Waikato River is a tupuna (ancestor), a taonga (treasure), and the mauri (life force) of Tainui Waka.

During the meeting, the Waikato-Tainui staff present were not able to provide information on appropriate disposal methods or what materials are considered tapu through the embalming process. They would like to work with Council to determine the tikanga that should be applied to managing mortuary waste should it become a prohibited waste in the Bylaw.

Council staff also met with the president of the New Zealand embalming association. This meeting was to discuss any industry standards and new methods available and to gauge what the impacts could be on costs as raised by one of the submitters at the hearing. Comments made at the meeting included seeing a change with some establishments already preparing more environmentally friendly waste disposal methods. A comment was made about cultural preferences, and they spoke of some families requesting the toto of their loved ones to be buried with them – not just Maaori but other ethnicities too.

A discussion took place with legal staff to determine if amending the clauses to be more inclusive were within the scope of the consultation and therefore able to be considered as an option. Legal staff approved the options discussed and advised that the intent of the Bylaw clauses was not changing, and the preferred option considered the submissions received.

5.1 Options

Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Council to consider. This assessment reflects the level of significance and Council's legislative requirements. The options are set out below:

1. Council to adopt the Bylaw.
2. Further consultation and review of the Bylaw.

Staff recommend **Option 1** in order that Council meets the legislative review deadline of 11 July 2023. Option 2 would not meet the legislative deadline, and the bylaw would lapse.

5.2 Financial considerations

Whaiwhakaaro puutea

The options in this report do not have any immediate financial impact or considerations, noting that future costs may require assessment and analysis by Staff and be required to be presented to Council. Such costs may include acquiring land for mortuary waste disposal or working with existing wastewater disposal entities to assist affected businesses.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Section 145 of the Act gives Council the power to make bylaws for one 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.

When making Bylaws, Section 155 of the LGA requires Council to determine whether the proposed bylaw:

- a) Is the most appropriate way of addressing the problems or perceived problems;
- b) Is the most appropriate form of the bylaw; and
- c) Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

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

- a) are the most appropriate way of addressing the problems or perceived problems;
and
 - b) are the most appropriate form of Bylaws.
-

Legal staff have confirmed that, in accordance with section 155(3) of the Act, the proposed Bylaw, do not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Staff confirm that the recommendation complies with the Council's legal and policy requirements. Consultation has been undertaken in accordance with section 83 of the Local Government Act 2002. In addition to meeting procedural requirements, the bylaw has been reviewed for legal compliance.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The proposed Bylaw incorporates Te Ture Whaimana – The vision and strategy for the Waikato River. Te Ture Whaimana is the primary direction-setting document for the restoration and protection of the Waikato and Waipaa Rivers. There are no other policies and strategies that staff consider affected by the Proposed Bylaw.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Council have considered Maaori tikanga (values) regarding the tapu (sacredness) of tuupaapaku (deceased) and mortuary waste and how it should be kept separate from the Waikato River. If the mortuary waste disposal clauses are adopted into the Bylaw, collaboration with Waikato- Tainui and mana whenua will be undertaken by staff to determine appropriate disposal methods.

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

A significant risk for Council is that the Trade Waste and Wastewater Bylaw 2016 will be automatically revoked on 11 July 2023 and, should the proposed bylaw not be adopted, this would leave WDC without any legislation managing the matters contained within the bylaw.

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](#).

This considers the following relevant criteria:

- There is a legal requirement to engage with the community;
- The proposal or decision will affect a large proportion of the community;
- The community interest is likely to be high.

6.2 Engagement Te Whakatuutakitaki

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"/>
The community, mana whenua and stakeholders were consulted in accordance with section 83 of the Local Government Act 2002.					

External stakeholders that have been engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Communities

7. Next steps Ahu whakamua

The Bylaw will be signed by the Mayor and Chief Executive and sealed with Council's seal, once the Bylaw has been populated with Council resolutions.

Staff will continue to work closely with mana whenua and stakeholders on the mortuary waste clauses and implementation.

Following the decision, all submitters will be contacted by email to advise on Council's decisions on the Bylaw.

To ensure the general public is informed:

- public notices will be placed in local newspapers;
- information will be published on Council's website;
- a post will be published on Council's social media and information will be included in Council's e-newsletter;
- A media release will also be issued;
- Council's website will be updated with the reviewed bylaw.

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>).	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 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 – Final Trade Waste and Wastewater Bylaw 2023 for Adoption - clean version

Waikato District Council

Trade Waste and Wastewater Bylaw 2023

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, the Council needs to provide effective and efficient wastewater infrastructure. The regulation of trade waste allows the 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 2023’.
- 2.2 The Bylaw shall apply to the Waikato District.
- 2.3 This Bylaw shall come into force on 11 July 2023, except for the following clauses which relate to mortuary waste:
- (a) Clauses 8.3 and,
 - (b) The definitions relating to mortuary 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 Bylaw is 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 the 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 the 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 the Council, either by resolution of the Council or by any Authorised Officer of the Council.
Approval Notice	Means a notice of approval authorising a person to discharge permitted trade waste to the wastewater system.
Authorised Officer	Means any person authorised by the 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 the 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 15.1.
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 the 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	The definition of mortuary waste will be determined on the same Council resolution date as per section 2.3.
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 1A 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.
Pre -Treatment	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	<ul style="list-style-type: none"> a) 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 the 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.

- 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 the 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 the 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, the 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 systems, 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 the 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 the Council is satisfied that:

- b) Council is not obliged to accept any trade waste.

8.3 Mortuary Waste

Trade waste from a mortuary shall only be disposed of in a manner approved by the Council.

Advisory note: Acceptable disposal methods may be prescribed through a guideline document or by the addition of a schedule two to this Bylaw.

8.4 Trade Waste Agreement

- a) An application for a Trade Waste Agreement may be made to the 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 the 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 a Conditional Consent to discharge trade waste, or for the proposed variations.

- b) The 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 the 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 the 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 8.7 (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 8.14;
 - 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 8.5 (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 8.6 (a) from Premises where a Consent Holder has a Conditional Consent, Council may:
- i. Review the Consent under clause 8.8; 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.

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. 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 8.10 (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 8.11 (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 8.9 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 8.14 (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 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 2023. 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 8.4 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 the 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:

10. Access

10.1 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.

- 10.2 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.
- 10.3 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 with out any notice being provided.

11. Fees and Charges

- 11.1 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.

11.2 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.

12. Breaches

- 12.1 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.

- 12.2 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.

- 12.3 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.

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

- 12.5 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.

13. Liability

- 13.1 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.

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

- 14.1 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

- 14.2 The 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.

15. Remedial Works and Cost Recovery

- 15.1 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.
- 15.2 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. The Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.
- 15.3 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 the 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.

- 15.4 Costs recoverable under clause 13.3 are in addition to any other penalty for which the person who committed the offence is liable.

16. Offences and Penalties

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

17. General

- 17.1 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.
- 17.2 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 11 July 2023 THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was affixed in the presence of:

Mayor

Chief Executive

This bylaw was adopted on 11 July 2023. A further review will occur on or before 11 July 2028.

Activity	Key Date	Council Resolution
Bylaw made	11 July 2023	xxxx
Bylaw reviewed		
Next review due date		

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

1. 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.