



HAVE YOUR  
SAY ON OUR  
PROPOSED  
BYLAW

# STATEMENT OF PROPOSAL

TRADE WASTE AND  
WASTEWATER BYLAW

[waikatodistrict.govt.nz](http://waikatodistrict.govt.nz)

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

It includes:

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

## BACKGROUND

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

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

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

Reasons for the proposal:

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

## KEY CHANGES WE'RE PROPOSING TO MAKE

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

## PROPOSED CHANGES TO THE INTRODUCTION

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

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

# PROPOSED CHANGES TO WASTEWATER

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

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

Clause	Proposed Wording	Why we're proposing it
7.7	<p>Private Wastewater Systems:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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: <ol style="list-style-type: none"> <li>No direct connection of any stormwater pipe or drain to the wastewater system;</li> <li>Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;</li> <li>Inspection covers are in place and are appropriately sealed.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>This revision allows Council to issue a notice to fix when private systems aren't operating effectively. Particularly when private systems affect the public wastewater network. It also acknowledges that the public network can affect private systems and advises Council can reimburse owners or occupiers if that occurs.</li> <li>This revision is to prevent inflow and infiltration of stormwater into the wastewater system. It gives Council enforcement ability to correct private stormwater drains connecting to the wastewater system.</li> </ol>
7.8	<p>Prohibited discharge:</p> <p>No person may discharge or introduce prohibited waste into the wastewater network. For the purposes of the above clause, prohibited waste means:</p> <p>Waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1; and includes, but is not limited to non-dispersible items or waste such as:</p> <ul style="list-style-type: none"> <li>• Disposable wipes</li> <li>• Nappies and diapers</li> <li>• Sanitary products</li> <li>• Paper other than toilet or tissue paper</li> <li>• Fat and grease</li> <li>• Plants, wood and vegetation</li> <li>• Soil, rocks and stones</li> <li>• Fabric and material such as rags</li> <li>• Solid objects such as toys</li> <li>• Paint and solvents</li> <li>• Pharmaceutical products</li> <li>• Plastic bags.</li> </ul>	<p>This clause prevents the discharge of prohibited waste into the wastewater network.</p>
10.2	<p>Payment:</p> <ol style="list-style-type: none"> <li>Payment for the discharge of wastewater and related services shall be in accordance with the Council rates, development or capital works contributions prevailing at the time.</li> <li>The Council may recover unpaid wastewater rates in respect of the wastewater services as prescribed in the Local Government Act 2022 from the owner or occupier (or both) of the premises.</li> </ol>	<p>This clause is to clarify that current charges apply to wastewater services and the recovery process of unpaid wastewater rates.</p>

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## PROPOSED CHANGES TO PART 4 - OTHER PROVISIONS

Clause	Proposed Wording	Why we're proposing it
12.1	The Council shall not be liable for any loss, damage, or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies, reduced level of service or interruptions to the wastewater system	This clause proposes to protect against consequential loss from system failures or outages.
13.1	<b>Breakage and Damage of the Wastewater System on Private Property:</b> 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.	This clause proposes to protect Councils liability for repair costs to the wastewater system when damage occurs on private property
13.2	<b>Stop Works:</b> 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.	This clause allows Council to issue a 'stop works' notice where works or intended works have or are likely to damage Councils infrastructure.

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## PROPOSED CHANGES TO TRADE WASTE

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

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



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# PROPOSED MORTUARY WASTE DISPOSAL REQUIREMENTS

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

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

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

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

## Short title, commencement and application

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

## Definitions

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

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## CONSULTATION AND SUBMISSIONS

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

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## PRIVACY ACT INFORMATION

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

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

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

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



## SUBMISSIONS CAN BE:

### ONLINE:

[www.waikatodistrict.govt.nz/  
sayit](http://www.waikatodistrict.govt.nz/sayit)



### POSTED:

Waikato District Council  
Private Bag 544  
Ngaruawahia 3742

### DELIVERED:

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



### EMAILED:

[consult@waidc.govt.nz](mailto:consult@waidc.govt.nz)  
Subject heading should read:  
"Trade Waste and Wastewater  
Bylaw"

Huntly Office  
142 Main Street, Huntly 3700

Raglan Office  
7 Bow Street, Raglan 3225

Tuakau Office  
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office  
1 Main Road, Te Kauwhata 3710

## WHAT HAPPENS NEXT?

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

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

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

#### IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 21 September 2022

SUBMISSIONS CLOSE – 21 November 2022

HEARING OF SUBMISSIONS – February 2023 (TBC)

DELIBERATIONS - February 2023 (TBC)

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



