



**STRATFORD  
DISTRICT COUNCIL**

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Our reference:

7 April 2020

### MEETINGS OF COUNCIL

Notice is hereby given that a **Policy & Services Committee** meeting will be held on Tuesday 14 April 2020 at **3pm** to be followed by the **Ordinary** meeting of Council at **4pm**. Both meetings will be held remotely under COVID-19 Level 4 requirements.

#### Timetable for 14 April 2020 as follows:

3pm	Policy & Services Committee meeting considering submissions to the Waste Water & Solid Waste Bylaws
4pm	Ordinary Meeting of Council

Yours faithfully



Sven Hanne  
**CHIEF EXECUTIVE**

2020 - Agenda - Policy & Services - Hearing (April)  
(14/04/2020)

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**POLICY & SERVICES COMMITTEE MEETING**  
**TUESDAY 14 APRIL 2020 AT 3PM**

**TO CONSIDER SUBMISSIONS TO THE WASTE WATER &**  
**SOLID WASTE BYLAWS**

**A G E N D A**

1. **WELCOME**
2. **APOLOGIES**
3. **ANNOUNCEMENTS**

Speakers to Submissions

The Chairman welcomes everyone to the Policy and Services Committee meeting. It is reinforced to Councillors that the purpose of this meeting is to hear a submission on the Waste Water Bylaw. Councillors are asked to hear the submission with an open mind, to restrict their question time to the submitter to points of clarification or issues pertaining to subject matter. Councillors are requested not to get into direct dialogue with the submitter as there is tight timeframe scheduled for the day. Councillors may take notes whilst the submitter speaking.

4. **DECLARATION OF MEMBERS INTEREST**  
(No report)

Elected members to declare any real or perceived conflicts of interest relating to items on this agenda.

5. **ACKNOWLEDGEMENT OF SUBMISSIONS**  
Submissions pages 5-15

Attached are the 5 submissions received.

**RECOMMENDATIONS**

1. THAT each of the 5 submissions to the Waste Water or Solid Waste Bylaws be received.
2. THAT each submitter be individually thanked for their submission, and a copy of the minutes of the Policy & Services Committee Meeting and subsequent meetings be provided to each submitter.

**Recommended Reason**

Each submission is formally received and the submitter provided with information on decisions made.

\_\_\_\_\_  
Moved/Seconded

**6. SUBMITTERS TO BE HEARD**

(No report)

Submitters are given 5 minutes to speak to the Committee. Five minutes is also allocated for questions from the Committee.

Name	Organisation	Submission No.	Page No.	Time
Adam Du Fall	Powerco Ltd	3	11	3.05pm

**7. WASTEWATER BYLAW– DELIBERATION AND ADOPTION**

D20/2192 (Pages 16-67)

Discussion

Council needs to consider submissions to the Waste Water Bylaw as part of the consultation process.

**RECOMMENDATIONS**

1. THAT the report be received.
2. THAT subject to any new information from submissions highlighted at the Hearing, the *draft* Wastewater Bylaw 2020 be adopted.
3. THAT the commencement date of the Wastewater Bylaw be 1 June 2020.

**Recommended Reason**

Section 146 (b)(ii) of the Local Government Act (LGA) 2002 allows the Stratford District Council ('Council') to make and revise its Wastewater Bylaw for the regulation of wastewater activity in the Stratford district in an efficient, safe, reliable and sustainable manner. The adoption of this Bylaw will allow the fulfilment of these purposes.

\_\_\_\_\_  
Moved/Seconded

**8. SOLID WASTE BYLAW – DELIBERATION AND ADOPTION**

D20/2212 (Pages 68-128)

Discussion

Council needs to consider submissions to the Solid Waste Bylaw as part of the consultation process.

**RECOMMENDATIONS**

1. THAT the report be received
2. THAT subject to any new information from submissions highlighted at the Hearing, the *draft* Solid Waste Management and Minimisation Bylaw 2020 be adopted.
3. THAT the commencement date of the Solid Waste Management and Minimisation Bylaw be 1 June 2020.

**Recommended Reason**

Section 146 (a)(iv) and b(iii) of the Local Government Act (2002) allows the Stratford District Council ('Council') to make and revise its Solid Waste Management and Minimisation Bylaw for the regulation of waste management activity in the Stratford district in an efficient, safe, reliable and sustainable manner. The adoption of this Bylaw will allow the fulfilment of these purposes.

\_\_\_\_\_  
/\_\_\_\_\_  
Moved/Seconded

\* \* \* \* \*

**Louise Campbell**

**From:** Graham Young <Graham.Young@ruanui.co.nz>  
**Sent:** Wednesday, 6 November 2019 3:51 p.m.  
**To:** Victoria Araba  
**Subject:** Trade Waste and Waste water Bylaws

Kia ora Victoria,

Following our meeting today with our cultural advisors; I can confirm that Ngati Ruanui endorses the Council's proposed Trade Waste and Waste Water Bylaws as discussed and in particular the proposed bylaw that restricts phosphorus material being deposited into the Stratford Waste Water Plant. The Bylaws are further endorsed to be released for public consultation.

Nga mihi

Graham

**Graham Young**

**Strategy and Policy Team**

**Te Runanga o Ngaati Ruanui Trust**

**Ph 06 278 0148 / Fax 06 278 1358**

**74 Princes Street / PO Box 594 / Hawera 4640**



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**From:** Victoria Araba

**Sent:** Wednesday, 6 November 2019 1:18 PM

**To:** Graham Young

**Cc:** Mike Oien ; Paul Jacobs ; 'Tara Okan'

**Subject:** Ngati Ruanui Oxidation Pond Meeting - 6 November 2019

Good afternoon Graham,

Many thanks for your attendance at this meeting today and for the positive outcome on this matter.

1. I am in the process of compiling and sending through the minutes of today's meeting - would you please confirm the names of all in attendance from Ngati Ruanui?
2. Also, would you please confirm in writing to TRC Ngati Ruanui's position on the matter;
3. Also, please confirm in writing that you are happy with the Trade Waste and Waste water Bylaws, so we take them to the Council to adopt and release for public consultation?

Many thanks

**Victoria Araba | Director - Assets**

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**Stratford District** in the heart of Taranaki

**From:** Louise Campbell [mailto:LCampbell@stratford.govt.nz]  
**Sent:** Wednesday, 15 January 2020 2:06 PM  
**To:** Kimberley Hope <Kimberley.Hope@npdc.govt.nz>; Jessica Dearden <Jessica.Dearden@npdc.govt.nz>  
**Subject:** Consultation - draft Solid Waste Management and Minimisation Bylaw 2020

Dear Kimberley and Jess

Please find below links to our *draft Solid Waste Management and Minimisation Bylaw* documents under review. I am sending a copy of the proposed bylaw to you for review and comment. Your input is valued as the Envirowaste Contract Manager and the Regional Waste Minimisation Officer.

I welcome all comments before 4.30 pm on Friday 21 February 2020.

Many thanks.

Statement of Proposal

[https://www.stratford.govt.nz/images/Bylaws/D19\\_20246\\_Statement\\_of\\_Proposal\\_-\\_Solid\\_Waste\\_Management\\_and\\_Minimisation\\_Bylaw\\_-\\_draft\\_2019.pdf](https://www.stratford.govt.nz/images/Bylaws/D19_20246_Statement_of_Proposal_-_Solid_Waste_Management_and_Minimisation_Bylaw_-_draft_2019.pdf)

Draft Solid Waste Management and Minimisation Bylaw

[https://www.stratford.govt.nz/images/Bylaws/D19\\_28119\\_Solid\\_Waste\\_Management\\_and\\_Minimisation\\_Bylaw\\_2020.pdf](https://www.stratford.govt.nz/images/Bylaws/D19_28119_Solid_Waste_Management_and_Minimisation_Bylaw_2020.pdf)

Current Refuse Bylaw

<https://www.stratford.govt.nz/images/pdf/bylaws%20refuse.pdf>

**Louise Campbell | Asset Management Coordinator**

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**Stratford District** in the heart of Taranaki



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Victoria Araba  
Director - Assets  
Stratford District Council

Via email: [submissions@stratford.govt.nz](mailto:submissions@stratford.govt.nz)

Rāapa, 20 Whiringa ā nuku, 2019

### Trade Waste & Wastewater Bylaws Review

Tēnā koe Victoria,

1. On behalf of Te Korowai o Ngāruahine Trust (Te Korowai) thank you for the opportunity to provide comment on the review of the trade waste and wastewater bylaws. Te Korowai would first like to acknowledge the Council for a thorough and comprehensive review. We have reviewed the document have set out a number of comments for your consideration.
2. Te Korowai's interest in these bylaws stems from Ngāruahine iwi having a special cultural, spiritual, historical and traditional association with the awa upon which the wastewater system discharges to. Te Korowai, as the post-settlement governance entity for Ngāruahine has a responsibility to ensure that the interests of Ngāruahine are safeguarded. This includes considering the extent to which the proposed activities, may impact (potential or actual) on the environmental, cultural and spiritual interests of Ngāruahine within its rohe (tribal area); and those areas under statutory acknowledgement and/or Deed of Recognition (Ngāruahine Claims Settlement Act 2016); and the potential or actual risks to the physical, psychological, cultural and spiritual wellness of Ngāruahine (Te Korowai o Ngāruahine Trust Deed). Therefore, Te Korowai makes submissions to any relevant policy matters within its rohe. This does not



prevent the Ngāruahine hapū submitting on their behalf, nor should it be in any way viewed as compromising the mana motuhake of the hapū.

#### Wastewater Bylaw

3. We note that the wastewater bylaw appears to consider discharges from marae as a wastewater discharge, as opposed to a tradewaste discharge. However, it may be useful for the sake of clarity to state which premises are included within the wastewater bylaw.
4. We note that customers are required to prevent the ingress of stormwater into the system. It is important that Council are held to the same standard, to reduce the risk of system overflows during severe weather events.
5. Te Korowai would also advocate that any properties that have the wastewater system running past their property are required to connect to it. This is to minimise the risk of poorly maintained septic tank systems contaminating ground and surface water.
6. We would also advocate that the bylaw be supportive of sustainable uses for greywater, such as garden watering or toilet flushing. It is likely this will apply mainly to new builds but would aid with management of the wastewater system by reducing the volume of wastewater that needs to be treated.
7. Finally, Council should consider including section 7.1 from the tradewaste bylaw in the wastewater bylaw.

#### Trade Waste Bylaw

8. There is a minor typo in heading 7.2.
9. We note that there are some inconsistencies in the definitions included in both bylaws, for example the definition for stormwater. Both bylaws should have identical definitions.



10. When a premise is required to gain a consent for a tradewaste discharge, Te Korowai would like to see iwi consultation incorporated into the process. This is especially important for any discharges from premises that deal with the deceased, such as cremation or embalming. There are also new technologies being developed which may one day be available in the Stratford region e.g. Alkaline hydrolysis.
11. We trust that these comments are helpful. Should you require any further information or clarification about these comments, please contact me at [policy@ngaruahine-iwi.nz](mailto:policy@ngaruahine-iwi.nz).

Nāku iti noa, nā

Bart Jansma

**Poutātari Kaupapa Taiao**

**SUBMISSION BY POWERCO LIMITED TO STRATFORD DISTRICT COUNCIL DRAFT  
WASTEWATER BYLAW**

**To:** Stratford District Council  
PO Box 320  
Stratford 4352

**E-Mail:** [submissions@stratford.govt.nz](mailto:submissions@stratford.govt.nz)

**Submitter:** Powerco Ltd  
Private Bag 2061  
New Plymouth 4342

**Address for Service:** Powerco Limited  
35 Junction Street  
Private Bag 2065  
**NEW PLYMOUTH 4340**

Attention: Adam Du Fall

Phone: (06) 759 6268

Email: [adam.dufall@powerco.co.nz](mailto:adam.dufall@powerco.co.nz)



### **Background**

Powerco Ltd (*Powerco*) is New Zealand's second largest gas and electricity Distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. Powerco has both electricity and natural gas infrastructure within the Stratford district.

The draft Wastewater Bylaw is of particular relevance to Powerco as our assets are primarily located within the road corridor and require a degree of excavation at times; to ensure a reliable source of electricity or gas is provided to our customers. Powerco's electricity and natural gas networks are recognised as regionally significant infrastructure in the Regional Policy Statement for Taranaki (RPS). It is therefore appropriate, given the significance of Powerco's networks within the district, that any excavation associated with the electricity or natural gas network infrastructure be appropriately provided for.

### **Draft Wastewater Bylaw**

The purpose of the draft bylaw, as included in the Statement of Proposal, is:

*"To protect, promote and maintain public health and safety;*

*To control the discharges from wastewater in to the public system; and*

*To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public wastewater."*

The proposed bylaw under Section 13 Building, loading and Excavation around a Public Wastewater System requires excavations to comply with the bylaw as follows:

*"13.10 No person shall excavate, or carry out piling or similar work closer than:*

- a. 5 metres from the centreline of any rising main or trunk wastewater; or*
- b. 2 metres from the centreline of any public wastewater without specific Council approval.*

*The approval, if granted, may impose conditions on the carrying out of any work near the wastewater system."*

### **Amendment sought to the Draft Wastewater Bylaw**

Powerco seeks that the Draft Wastewater Bylaw permit without further sanction a permitted disturbance depth to a maximum of 600mm to ensure other services located within the road corridor can continue to function. For example, replacement of transformers or other such electrical equipment within the road corridor; will be captured unnecessarily where minimal excavation is required for the establishment or replacement of shallow foundations.

The Bylaw also fails to address utility response to emergencies where notification to council is generally unable to be provided until after the fact. The amendment sought could be as follows and shown as underlined text below.

13.10 *No person shall excavate, or carry out piling or similar work closer than:*

- a. *5 metres from the centreline of any rising main or trunk wastewater; or*
- b. *2 metres from the centreline of any public wastewater*

without specific Council approval, except where excavation is to a depth of no greater than 600mm; and is carried out by a Network Utility Operator within road corridor on an existing asset.

Dispensation for approval is granted in the event that a Network Utility Operator is responding to what it deems to be an emergency; notification to Council is to be provided as soon as is practicable.

The approval, if granted, may impose conditions on the carrying out of any work near the wastewater system

Powerco welcomes any opportunity to discuss the contents of this submission further with Council in order to ensure a mutually agreeable outcome is achieved.

**Signature of person authorized to sign on behalf of Powerco Limited**



.....  
Adam Du Fall  
Property & Consents Manager - West  
Dated this 10th day of January 2020

**Louise Campbell**

**From:** Kimberley Hope <Kimberley.Hope@npdc.govt.nz>  
**Sent:** Thursday, 20 February 2020 2:18 p.m.  
**To:** Louise Campbell; Victoria Araba  
**Cc:** Jessica Dearden  
**Subject:** RE: Consultation - draft Solid Waste Management and Minimisation Bylaw 2020

Hi Victoria and Louise. Thanks for the opportunity to provide feedback on the proposed Waste Management and Minimisation Bylaw. As a whole this bylaw is consistent or similar with New Plymouth District Council Waste Management and Minimisation Bylaw and this allows consistency across Taranaki in our approach to waste management. This should benefit our respective communities and industry which operates across districts.

Recycling contamination in collection bins is an issue that needs to be managed on an ongoing basis, so we support proposed clause 12 which allows for auditing and contamination management.

We support the proposed clause 17 in relation to Event waste minimisation which would also facilitate a regional approach to public event waste.

We note that in Appendix 1, the maximum weight of a refuse container is proposed to be 70kg. In the New Plymouth District Council bylaw, for a landfill bin of similar size (140L), with a fortnightly collection (as opposed to Stratford's weekly collection), the maximum weight is 35kg. We would recommend reducing the proposed maximum weight of this bin for the following reasons:

1. The average weight of waste in a landfill bin is significantly less than 70kg for a weekly collection (Kerbside SWAP 2016 noted 27kg as the average weight of a small sample of private wheelie bins audited).
2. Higher weights can cause damage and increased maintenance to collection vehicles.
3. Consistency across the region for bin weights would improve operational efficiency for the regional contractor.

Regards,

**Kimberley Hope**  
 Manager Resource Recovery

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**Louise Campbell**

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**From:** Rhonda Vanstone  
**Sent:** Monday, 17 February 2020 12:34 p.m.  
**To:** Louise Campbell  
**Cc:** Victoria Araba  
**Subject:** FW: Draft Solid Waste Management and Minimisation Bylaw

**From:** C Tempero <cbsh@xtra.co.nz>  
**Sent:** Friday, 14 February 2020 11:31 p.m.  
**To:** Stratford Submissions <submissions@stratford.govt.nz>  
**Subject:** Draft Solid Waste Management and Minimisation Bylaw

Please can the councillors at Stratford District Council consider adding under the heading "purpose" an extra goal

"h) a goal of zero waste for Stratford by 2040"

I would like councillors to look at the article regarding the goal that Great barrier island has at <https://ouraukland.aucklandcouncil.govt.nz/articles/news/2019/06/new-waste-services-support-zero-waste-target-on-great-barrier-island/>

Also, I would like councillors to look at the website below

<https://your.caerphilly.gov.uk/sustainablecaerphilly/schools-and-esdgc/eco-schools/eco-schools-topics/waste-minimisation-and-litter>

As part of my submission I would also like to suggest that another goal "i)" is added under the heading "purpose"

"i) To liaise with schools and local community groups to educate regarding waste minimisation by *living better and using less*"

This could be implemented by following the model of Caerphilly County Borough Council and following some of their initiatives.

Thank you Catherine Tempero



# DECISION REPORT



**TO:** Policy and Services Committee

F19/13/04- D20/2192

**FROM:** Director – Assets

**DATE:** 14 April 2020

**SUBJECT: WASTEWATER BYLAW – DELIBERATION AND ADOPTION**

## RECOMMENDATIONS

1. THAT the report be received.
2. THAT subject to any new information from submissions highlighted at the Hearing, the *draft* Wastewater Bylaw 2020 be adopted.
3. THAT the commencement date of the Wastewater Bylaw be 1 June 2020.

## Recommended Reason

Section 146 (b)(ii) of the Local Government Act (LGA) 2002 allows the Stratford District Council ('Council') to make and revise its Wastewater Bylaw for the regulation of wastewater activity in the Stratford district in an efficient, safe, reliable and sustainable manner. The adoption of this Bylaw will allow the fulfilment of these purposes.

\_\_\_\_\_  
Moved/Seconded

## 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek the Committee's approval for the adoption of the *draft* Wastewater Bylaw 2020, which is developed for the regulation of Wastewater activity in the Stratford district.
- 1.2 The Stratford District Council ("Council") approved the release of the *draft* Wastewater Bylaw 2020 for consultation on 10 December 2019.
- 1.3 Public consultation commenced on 16 December 2019 and closed on 21 February 2020.
- 1.4 Three (3) submissions were received, with one (1) requesting to be heard.
- 1.5 Council Officers have made minor changes to the *draft* Wastewater Bylaw 2020, these are noted in Section 2.

2. **EXECUTIVE SUMMARY**

- 2.1 The recommendation is to adopt the *draft* Wastewater Bylaw 2020.
- 2.2 The purpose of the *draft* Wastewater Bylaw 2020 is to regulate Wastewater in the Stratford district by:
- To protect, promote and maintain public health and safety;
  - To control the discharges from wastewater into the public system; and
  - To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public wastewater.
- 2.3 As a result of the review, the *draft* Wastewater Bylaw 2020 now:
- Becomes a stand-alone document, as opposed to its consolidation with other Council Bylaws and includes proposed provisions that;
  - Defines the purpose of the Wastewater Bylaw; and
  - Provides clarification on a number of matters in Sections 11 and 13.
- 2.4 During the public consultation period, Council received 3 submissions from Ngāti Ruanui, Te Korowai O Ngāruahine Trust and PowerCo Limited.
- 2.5 Council Officers have provided a summary of the submissions and management response in **Appendix A** and proposed changes to the Bylaw as appropriate.
- 2.6 Therefore, Council Officers recommend that the *updated* Wastewater Bylaw be adopted with the suggested changes.
- 2.7 The current Bylaw is provided in **Appendix B**; the *draft* Bylaw consulted on in **Appendix C**; and the *updated* Bylaw in **Appendix D**.

3. **LOCAL GOVERNMENT ACT 2002 - SECTION 10**

How is this proposal applicable to the purpose of the Act?

- Is it for the provision of good quality local infrastructure? If so, why?; **OR**
  - Is it for the performance of a good quality regulatory function? If so, why?
- OR**
- Is it for the performance of a good quality local public service?

**AND**

- Is it in a way that is most cost-effective to businesses and households? If so, why?

**Good quality** means, infrastructure, services, and performance that are efficient and effective, and appropriate to present and anticipated future circumstances.

**Local public service** means, a service provided for the community which is for the benefit of the District.

This Bylaw is for the *performance of a good quality local public service*.

#### 4. **BACKGROUND**

- 4.1 Pursuant to Section 146 (b)(ii) of the Local Government Act 2002, the Council has made its *draft* Wastewater Bylaw 2020 for the purposes of managing, regulating wastewater and for managing, regulating against, or protecting from damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with the wastewater function in the Stratford district.
- 4.2 The Council's Wastewater Bylaw 2008 ("the current Bylaw") lapsed on 1 July 2018. The Local Government Act in Section 159 requires that the Council review its bylaw no later than 10 years after it was last reviewed. Notwithstanding Section 159, Section 160A allows a Bylaw to continue in its effect, no more than 2 years since the after the date on which the bylaw should have been reviewed, in this case 2020. Therefore, the review of this current Bylaw to be replaced with the *draft* Wastewater Bylaw 2020, is within the legislative timeframe.
- 4.3 During the public consultation period, Council received three submissions (see **Appendix A**) from Ngāti Ruanui, Te Korowai O Ngāruahine Trust and PowerCo Limited:
- Ngāti Ruanui endorsed the Council's proposed Wastewater Bylaw;
  - Ngāruahine suggested that Council implement a few initiatives as summarised in Appendix A; and
  - PowerCo sought that the Council amend Clause 13.10 of the Bylaw for a number of reasons.
- 4.4 Council Officers have assessed the implications of the relief sought by the submitters and consider that:
- Many of Ngāruahine's suggestions were already in place;
  - Ngāruahine's suggestion to implement sustainable uses for greywater cannot be addressed by the Bylaw but in a 'higher' document such as the District Plan, through zoning and activity controls. Also given that this constitutes a change in the existing level of service, its implementation will require public consultation and Elected Members' buy-in;
  - PowerCo's relief sought for emergency situations is already provided for in the Civil Defence Emergency and Management Act (CDEMA);
  - PowerCo's other relief sought may lead to a loss of management oversight of wastewater assets in the district.
- 4.5 Where appropriate, Council Officers have noted and incorporated into the Bylaw, some items in the submissions.
- 4.6 Council Officers have made a few changes to the Bylaw, subject to approval of this committee, as per the *updated* Bylaw in **Appendix D** which features the following changes:
- Updating *Section 7 – Interpretation* for completeness, relevance and consistency with the draft Trade Waste Bylaw; and
  - Inserting the word 'pipe' in many instances omitted.
- 4.7 Therefore, Council Officers' recommendation is to adopt the *updated* Wastewater Bylaw in **Appendix D** with the changes described above.

- 4.8 Council staff have considered the requirements of Section 155 of the Local Government Act which lists what the Council must consider when making a Bylaw. Council staff consider that this *draft* Wastewater Bylaw 2020 is:
- The most appropriate way of dealing with the matters identified therein;
  - In the most appropriate form of bylaw; and
  - Not inconsistent nor raises any implications with the New Zealand Bill of Rights Act 1990.
- 4.9 The purposes of this Bylaw are as described in Section 2.2 above.

5. **CONSULTATIVE PROCESS**

5.1 **Public Consultation - Section 82**

The public consultation process which commenced on 16 December 2019, closed on 21 February 2020. Three submissions were received, with none requesting to be heard.

5.2 **Māori Consultation - Section 81**

Pre-consultation has been undertaken with Māori – Ngāruahine, Ngāti Ruanui and Ngāti Maru iwi - given their *kaitiakitanga* over the water and given that they may be affected by or have an interest in the receiving water for the ultimate discharge of treated Wastewater.

Comments received from Ngāti Ruanui and Ngāruahine are summarised in Section 4 and **Appendix A** of this report. Where applicable, these comments have been taken into account in the *updated* Wastewater Bylaw 2020 in **Appendix D**.

6. **RISK ANALYSIS**

Please refer to the Consequence and Impact Guidelines at the front of the reports in this agenda.

- Is there a:
  - financial risk;
  - human resources risk;
  - political risks; or
  - other potential risk?
- If there is a risk, consider the probability/likelihood of it occurring.
- Is there a legal opinion needed?

- 6.1 There is no perceived risk associated with the Wastewater Bylaw 2020.
- 6.2 The adoption of the Wastewater Bylaw 2020 is expected to mitigate potential public health and safety, financial and political risks.

7. **DECISION MAKING PROCESS - SECTION 79**7.1 **Direction**

	<b>Explain</b>
Is there a strong link to Council's strategic direction, Long Term Plan/District Plan?	Yes, there is a strong link to many of Council's Strategies, Policies and Plans including the Council's Long Term Plan (LTP); Annual Plan (AP); Infrastructure Strategy (IS); Wastewater Asset Management Plans (WAMP); Resource Consents (RC) other operational documents which are driven by the Local Government Act (LGA), Health Act (HA), the Resource Management Act (RMA) and other key legislations.
What relationship does it have to the communities' current and future needs for infrastructure, regulatory functions, or local public services?	It specifically helps to ensure that the Council can continue to provide the wastewater service in a safe, fair and consistent manner.

7.2 **Data**

This *draft* Wastewater Bylaw 2020 is based on data which shows the need to better regulate the receiving of wastewater in the district, and enable the Council to fulfil the requirements of our Wastewater Discharge Consents, as signalled the Taranaki Regional Council and other affected parties, including iwi.

7.3 **Significance**

	<b>Yes/No</b>	<b>Explain</b>
Is the proposal significant according to the Significance Policy in the Long Term Plan?		
Is it:	No	
• considered a strategic asset; or	No	
• above the financial thresholds in the Significance Policy; or	No	
• impacting on a CCO stakeholding; or	No	
• a change in level of service; or	No	
• creating a high level of controversy; or	No	
• possible that it could have a high impact on the community?	No	
In terms of the Council's Significance Policy, is this proposal of high, medium, or low significance?		
<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
		✓

#### 7.4 **Options**

An assessment of costs and benefits for each option must be completed. Use the criteria below in your assessment.

1. What options are available?
2. For **each** option:
  - explain what the costs and benefits of each option are in terms of the present and future needs of the district;
  - outline if there are any sustainability issues; and
  - explain if the outcomes meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions?
3. After completing these, consider which option you wish to recommend to Council, and explain:
  - how this option is the most cost effective option for households and businesses;
  - if there are any trade-offs; and
  - what interdependencies exist.

##### **Option 1**

The Council *adopts* the Wastewater Bylaw 2020, in which case, the Council will enable the achievement of its purposes as described in Section 2.2 of this report.

##### **Option 2**

The Council *declines to adopt* the Wastewater Bylaw 2020.

This will be inconsistent with the requirements of the Local Government Act pursuant to Sections 145 and 146. In addition, there will remain the question of how the Council will achieve the purposes of the *draft* Wastewater Bylaw 2020, as per Section 2.2 of this report.

Officer's preferred option is Option 1.

#### 7.5 **Financial**

- Is there an impact on funding and debt levels?
- Will work be undertaken within the current budget?
- What budget has expenditure come from?
- How will the proposal be funded? e.g. rates, reserves, grants etc.

The adoption and subsequent implementation of the Wastewater Bylaw 2020 will have no impact on funding and debt levels and can be implemented within the current budget.

On the contrary, there may be financial implications if the *draft* Wastewater Bylaw 2020 is not adopted.

7.6 **Prioritisation & Trade-off**

Have you taken into consideration the:

- Council’s capacity to deliver;
- contractor’s capacity to deliver; and
- consequence of deferral?

- The Council and its contractors are able to deliver on the requirements of this Bylaw.
- The Bylaw must be adopted before July 2020 pursuant to Section 160A of the Local Government Act, as described in Section 4.2 of this report.
- There is no value in deferring the adoption and release for consultation of this *draft* Bylaw.
- Adopting this *draft* Wastewater Bylaw 2020 will provide the regulatory tool for the management of all wastewater and their infrastructure in the district.

7.7 **Legal Issues**

- Is there a legal opinion needed?
- Are there legal issues?

No legal opinion was obtained in the preparation of the bylaw instruments given that the Bylaw has been written to align with the relevant legislations.

7.8 **Policy Issues - Section 80**

- Are there any policy issues?
- Does your recommendation conflict with Council Policies?

There are no policy issues.

On the contrary, the Bylaw is consistent with the requirements of the relevant legislations.

**Attachments:**

**Appendix A** – Summary of Submissions and Management Responses (D20/578)

**Appendix B** – The *current* Wastewater Bylaw 2008

**Appendix C** – The *draft* Wastewater Bylaw 2020 consulted on (D19/21365)

**Appendix D** – The *updated* Wastewater Bylaw 2020 (D20/3217)



Victoria Araba  
**DIRECTOR - ASSETS**



[Approved by]  
Sven Hanne  
**CHIEF EXECUTIVE**

**DATE** 17 March 2020



**APPENDIX A****DRAFT WASTEWATER BYLAW 2020 SUBMISSIONS SUMMARY AND MANAGEMENT RESPONSES**

Sub No#	Submitter	Date Received	Submission Summary	SDC Response
1.	Ngaati Ruanui Trust Graham Young	6 November 2019	Endorses the Council's proposed Wastewater Bylaw.	Thank you!
2.	Te Korowai O Ngaruahine Trust Bart Jansma	20 November 2019	1 The wastewater bylaw appears to consider discharges from Marae as a wastewater discharge, as opposed to a tradewaste discharge. However, it may be useful for the sake of clarity to state which premises are included within the wastewater bylaw	The Marae is treated similar to how schools and restaurants are treated, and so partly as wastewater and partly trade waste discharges: <ul style="list-style-type: none"> <li>Number of pans is used to determine the wastewater rate, similar to how schools are assessed. This is the wastewater discharge;</li> <li>The kitchen is required to have a grease trap, given the volume of food prepared therein. This is a trade waste discharge.</li> </ul>
			2 As customers are required to prevent the ingress of stormwater into the system, it is important that Council is held to the same standard, to reduce the risk of system overflows during sever weather events.	This is already in place, thank you.  The Council has a robust Inflow and Infiltration (I&I) Programme, which is a condition of our Wastewater Discharge Resource Consent. The progress of this programme is monitored by the Regional Council as it requires the Council to provide updates at regular intervals for compliance with our consent conditions.
			3 Properties that have the wastewater system running past their property should be required to connect to it to minimise the risk of poorly maintained septic tanks contaminating ground and surface water.	The Council has a Policy on this already, which can be accessed on our website at the following <a href="#">link</a> .  Thank you
			4 The bylaw should be supportive of sustainable uses for greywater, such as garden watering or toilet flushing. It is likely this will apply mainly to new builds but would aid with management of the wastewater system by reducing the volume of wastewater that needs to be treated.	The Bylaw is not unresponsive of this initiative.  The District Plan will play a key role in propagating this initiative across the district through zone rules and activity controls. The Council may in future, prepare a Water Conservation Strategy, which will address this initiative in detail.

**APPENDIX A**

Sub No#	Submitter	Date Received	Submission Summary	SDC Response
			5 Council should consider including section 7.1 - Based on Model General Bylaws, from the Trade Waste Bylaw in the Wastewater Bylaw.	This is already referenced in Section 5.3 (a) of the Bylaw under <i>Relevant Codes and Standards</i> . Thank you.
3.	Powerco  Adam Du Fall Property & Consents Manager – West	10 January 2020	PowerCo seeks an amendment to Section 13.10 of the Draft Wastewater Bylaw.  1 The amendment sought is to permit, without further sanction, a permitted disturbance depth to a maximum of 600mm to ensure other services located within the road corridor can continue to function.  2 Further amendment is sought to allow works to be undertaken in emergencies without the need for approval. PowerCo is seeking an addition to Clause 13.10 for this purpose.	The purpose of this requirement is to ensure that no work undertaken in close proximity of our wastewater network compromises the structural and functional integrity of the wastewater assets. Council Officers have assessed the implication of the relief sought by Powerco and consider that it may inadvertently allow other works to be carried out without the knowledge of Council Officers. Council Officers are confident that any required approval as a result of the proposed clause will not be unreasonably withheld, provided it is satisfied that the controls in place will ensure no compromise to the wastewater assets.  Also, any work carried out in an Emergency can be undertaken under the Emergency provisions of the Civil Defence Emergency Act.  Therefore, Council Officers recommend that the clause remain unchanged.

## APPENDIX B

### CHAPTER 18

## WASTEWATER DRAINAGE

### 1801 ACCEPTANCE OF DISCHARGE

1801.1 Every domestic premise shall be entitles to have its wastewater accepted by Council subject to:

- (a) The premises lying within an area which is served by public sewers, and
- (b) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular, and
- (c) Fulfilment of the requirements of this bylaw, and
- (d) All trade waste is discharged in accordance with any special condition applied by Council.

### 1802 APPROVAL TO CONNECT

1802.1 No person other than a contractor approved by Council shall make any connection to or otherwise interfere with any part of Council's wastewater drainage system.

### 1803 CONTINUITY OF DISCHARGE

1803.1 Council does not guarantee to receive wastewater without disruption, however Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

### 1804 PREMISES

1804.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec.

1804.2 All effluent discharges shall be consistent with normal domestic sewage unless special Council approval has been given.

1804.3 In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991 (RMA), Council recommends a customer fits the following devices on all new installations:

- Dual flush toilet cistern
- Low flow shower heads
- Urinal flushing control

1804.4 The customer shall allow Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing and maintenance work between 7.30 am and 6.00 pm on any day. Council shall give 24 hours previous notice to the customer of the intended entry.

Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow Council free access to and about the point of discharge at any hour.

## **APPENDIX B**

1804.5 The customer shall allow Council with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

1804.6 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow and sub-surface drainage.

### **1805 DISCONNECTION**

1801.1 A customer shall give seven working days notice in writing of his/her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer in an approved manner.

1801.2 A customer shall give two working days notice in writing to Council of his/her requirement for disconnection of the discharge connections if re-laying of the private drain is required.

### **1806 PUBLIC DRAINAGE SYSTEM**

1806.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in 1806.2 and 1806.4 shall apply. Other restrictions may be applied by Council for the protection of the public drainage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors.

1806.2 Where building is allowed over, or adjacent to, a public sewer, the property owner shall enter into a Memorandum of Encumbrance. No liability will be accepted for damage which may be sustained by the building in the event of a partial or total collapse of that sewer.

1806.3 No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- (a) 1.5 metres from the centre of any main or sewer, or
- (b) the depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

1806.4 Buildings may be built over public sewers subject to the building developer:

- (a) Carrying out sufficient investigations to accurately determine the sewer's location and depth, and to prove that the sewer is in a condition where it has a remaining life or at least 50 years;
- (b) Or if (a) cannot be satisfied, carrying out remedial work or relaying the sewer to meet the requirements of (c) and (d);
- (c) Bore piling the building 1.0 metre clear distance either side of the sewer to below the sewer invert to ensure that no building loads are transferred to the sewer and that it is possible to excavate down to the sewer without threat to the building;

## APPENDIX B

- (d) Providing two additional manholes into the sewer between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres), provided that the sewer lies in a straight line and that there are no other connections between these two manholes;
- (e) Carrying out all work on and around the sewer in accordance with Council engineering standards;
- (f) Registering the public sewer by a Memorandum or Encumbrance and Deed of Covenant against the Certificate of Title.

1806.5 No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual).

No person shall place any additional material over or near a public sewer without approval.

Service openings shall not be covered in any way unless approved. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

1806.6 No person shall excavate, or carry out piling or similar work closer than:

- (a) 5 metres from the centre line of any rising main or trunk sewer, or
- (b) 2 metres from the centre line of any public sewer.

without approval. Such approval may impose conditions on the carrying out of any work near the sewer.

### 1807 **STORAGE OF HAZARDOUS MATERIALS**

1807.1 The occupier shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's wastewater system or the health and safety of Council's staff and the public, without taking all reasonable steps to prevent entry into Council's sewer from leakage, spillage or other mishap.

1807.2 The occupier shall comply with the requirements of the Dangerous Goods Act and Regulations.

### 1808 **BREACHES AND REMEDIES**

1808.1 In the event of a breach of statutory or other legal requirements, the Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council may charge a reinspection fee.

If however the breach is such that public health, or safety considerations, or risk of consequential damage to Council's assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs as set out in 1808.2.

## **APPENDIX B**

1808.2 At any time after the specified period of 1808.1 has elapsed, Council may carry out remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

### **1809 DOMESTIC WASTEWATER**

1809.1 “Domestic” wastewater is the discharged from premises used solely for domestic residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to a maximum discharge restriction and 1804.1 of the Wastewater Drainage Bylaw.

No domestic wastewaters shall:

- (a) Exceed the substance limits in Schedule A.

1809.2 Where part of domestic premises is used as a office or other trade related activity from which no trade wastes could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

### **1810 ACCEPTANCE AND DURATION**

1810.1 The Council shall continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made. Disconnection of the sewer, or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaws by the customer.

1810.2 In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

### **1811 APPLICATION TO CONNECT**

1811.1 Every application for a wastewater service connection shall be made in writing on the form provided together with the prescribed charges. The applicant shall provide all the details required by Council. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

1811.2 Where an application has been accepted by Council which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such charges as fixed by Council for this work. Council shall supply and install the public sewer to the point of discharge except as provided for in 1811.3.

1811.3 Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the approval of the design and construction of the works.

### **1812 POINT OF DISCHARGE**

1812.1 The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

## APPENDIX B

Unless otherwise approved there shall be one point of discharge only for each premise, and any private drain shall not extend by pipe or any other means to serve another premise unless it is a common private drain.

1812.2 For single dwelling units the point of discharge shall be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be made by Council and recorded on the drainage plan.

Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

1812.3 The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For company share/block scheme (body corporate) – as for single ownership;
- (b) For Leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where possible each owner shall have an individual drain with the point of discharge determined by agreement with Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.
- (c) Each owner's point of discharge must be approved by Council and recorded on the drainage plan. Other arrangements shall be considered where there are advantages to Council.
- (d) Common private drains shall serve a maximum of six single dwelling units, and may also have one point of discharge only (in common).
- (e) Common drains shall be covered by a certificate from Council recording the rights of each party, which is registered against the Certificate of Title.

## APPENDIX B

### SCHEDULE A

1. Temperature – must not exceed 50°C.
2. pH – must be between 6.0 and 10.0 at all times.
3. Solids which may block sewers or pumps are prohibited. These include dry solids, non-faecal solids in excess of 15 mm, heavy solids which settle faster than 50 mm/minute, fibrous material, sheet films and anything which may react to form a solid mass or interfere with the free flow of wastewater in the drainage system.
4. Solvents, fuels and organic fluids (including oil, fat and grease) must not be present as a free layer (whether floating or settled).
5. Dissolved or emulsified solvents, fuels and organic liquids are prohibited.
6. Emulsified oils must not exceed 500g/m<sup>3</sup> and the emulsion must be stable.
7. Sulphides must not exceed 5g/m<sup>3</sup> (as H<sub>2</sub>S on acidification).
8. Oxidised sulphur compounds must not exceed 500 gm<sup>3</sup> (as sulphate).
9. Heavy metals are prohibited.
10. Pesticides are prohibited.
11. Stormwater and condensing or cooling waters are prohibited.





## Wastewater Bylaw 2020

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Date in Force: 1 June 2020

- Purpose:
- a. To control the discharges from wastewater into the public sewer;
  - b. To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public sewer from; and
  - c. To protect, promote and maintain public health and safety.

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Review Date: 1 June 2030

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## APPENDIX C

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## APPENDIX C

### 1 TITLE

- 1.1 This Bylaw is made under Section 145 of the Local Government Act 2002 and shall be known as the 'Stratford District Council Wastewater Bylaw 2020'.

### 2 COMMENCEMENT

- 2.1 This Bylaw shall come into force on 1 June 2020.

### 3 REPEAL

- 3.1 As from the day this Bylaw comes into force, the previous Wastewater Drainage Bylaw 2008 in force in the Stratford District shall be repealed.

### 4 APPLICATION OF BYLAW

- 4.1 This Bylaw shall apply to the Stratford District.

### 5 SCOPE

- 5.1 This Bylaw is made under the authority of the Local Government Act 2002 for the regulation of wastewater in by the Stratford District Council (the Council), which is subject to the following statutory acts, regulations, standards and codes:

5.2 Statutory Acts:

- a. Building Act 2004
- b. Health Act 1956
- c. Local Government Act 2002
- d. Local Government (Rating) Act 2002
- e. Resource Management Act 1991

5.3 Relevant Codes and Standards:

- a. NZS 9201.22:1999 Model general bylaws – Wastewater drainage
- b. The New Zealand Building Code
- c. NZS 4404:2010 - Land Development and Subdivision Infrastructure (2019 Local Amendments and subsequent amendments)
- d. NZS 3604:2011 Timber-framed buildings
- e. New Zealand Transport Agency (NZTA) Bridge Manual (2013)

### 6 PURPOSE

- 6.1 The purposes of this Bylaw are:

## APPENDIX C

- a. To protect, promote and maintain public health and safety; and,
- b. To control the discharges from wastewater into the public system; and
- c. To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public wastewater.

### 7 INTERPRETATION

7.1 For the purposes of this Bylaw the following definitions shall apply:

**ACCEPTABLE DISCHARGE** means wastewater with physical and chemical characteristics which does not require a trade waste consent under the Trade Waste Bylaw.

**APPROVAL** means approved in writing by the Stratford District Council, either by resolution of the Council or by an officer of the Stratford District Council authorized for that purpose.

**BUILDING** has the same meaning as in the Building Act 2004.

**BURIED SERVICES** means all public wastewater, rising mains, trunk wastewater, and other underground utilities under the responsibility of the Stratford District Council.

**CERTIFICATE OF TITLE** means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

**COUNCIL** means the Stratford District Council, including its authorised agents responsible for the collection, treatment, and disposal of wastewater.

**CUSTOMER** means a person who either discharges or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public wastewater of the Stratford District Council.

**DISCONNECTION** means the physical cutting and sealing of the drain from a premise.

**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, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 11.

**DRAIN** means wastewater drain or stormwater drain; and drainage has a corresponding meaning.

**DWELLING** or **DWELLINGHOUSE** means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation.

## APPENDIX C

**HAZARDOUS SUBSTANCES** means, unless expressly provided otherwise by regulations, any substance with 1 or more of the following intrinsic properties:

- a. explosiveness;
- b. flammability;
- c. a capacity to oxidise;
- d. corrosiveness;
- e. toxicity (including chronic toxicity);
- f. radioactivity; or
- g. ecotoxicity, with or without bioaccumulation;

or which, on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any 1 or more of the properties specified above.

**INFILTRATION** means water entering a public wastewater or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

**INFLOW** means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

**LOW FLOW SHOWER HEAD** means 3 Stars or higher under the Water Efficiency Labelling Scheme (WELS). 3 Stars is 7.5 to 9 litres/minute.

**OWNER** means in relation to any premises, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the premises.

**PERSON** includes a corporation sole and also a body of persons whether corporate or incorporate.

**POINT OF DISCHARGE** means either:

- a. The connection to the public wastewater; or
- b. The point where the wastewater pipe exits the particular private property (see 0 SCHEDULE B for examples).

**PREMISES** means either:

- 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 and in respect to which a building consent has been or may be issued; or
- b. A building that has been defined as an individual unit by a cross-lease, unit title, or
- c. company lease and for which a certificate of title is available; or
- d. Land held in public ownership (e.g. reserve) for a particular purpose; or
- e. Individual units in buildings which are separately leased or separately occupied.

**PRIVATE DRAIN** means that section of drain between the Premises and the point of discharge. Private Drains are owned and maintained by the property owner.

## APPENDIX C

**PUBLIC WASTEWATER** means the main public wastewater pipe, lateral connections, and associated structures that carry wastewater away from the point of discharge. The public wastewater is owned and maintained by the Stratford District Council.

**RISING MAIN** means a pressure pipe through which wastewater is pumped.

**SERVICE OPENING** means a manhole or similar means for gaining access for inspection, cleaning, or maintenance of a public wastewater.

**WASTEWATER** means the same as public wastewater.

**STORMWATER** means all surface water run-off resulting from rainfall.

**TRADE PREMISES** means:

- a. Any Premises used or intended to be used for any industrial or trade purpose; or
- b. Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- c. Any other Premises from which a contaminant, as defined by the Resource Management Act, is discharged in connection with any industrial or trade process; or
- d. Any other Premises discharging other than Domestic Wastewater; and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

**TRADE WASTE** means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater, or domestic wastewater. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

**TRADE WASTE BYLAW** means the bylaw of the Stratford District Council regulating discharges from trade premises to a wastewater.

**WASTEWATER MAIN** means a wastewater pipe, generally greater than 150mm nominal diameter, which forms a part of the Council's wastewater system.

**UNACCEPTABLE DISCHARGE** means any discharge or waste likely to interfere with the free flow of wastewater in the public system or damage any part of the public wastewater, and includes wet wipes, dental floss, feminine hygiene products, nappies, cotton buds, condoms, clothing, toys, towels, and cloths.

**WASTEWATER** means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a public system.

**ZONE OF INFLUENCE** means a section of ground surrounding a public wastewater where activities are restricted. Refer to Schedule 1 for schematic diagrams showing the extent of the zone of influence.

## APPENDIX C

### 8 ACCEPTANCE OF DISCHARGE

- 8.1 Every domestic premise shall be entitled to have its wastewater accepted by Council subject to:
- a. The premises lying within an area which is served by public wastewater; and
  - b. Payment of the appropriate rates and charges in respect of the premises in general and wastewater services; and
  - c. Fulfilment of the requirements of this bylaw.

### 9 APPROVAL TO CONNECT

- 9.1 No person, other than council staff or a contractor approved by Council, shall make any connection to or otherwise interfere with any part of Council's wastewater system.
- 9.2 The acceptance of trade wastes to the wastewater system is subject to the *Stratford District Council Trade Waste Bylaw 2020*.

### 10 CONTINUITY OF DISCHARGE

- 10.1 Council does not guarantee to receive wastewater without disruption, however, Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

### 11 CONDITIONS OF SERVICE

- 11.1 The maximum instantaneous flow rate discharged from a domestic premise, including swimming pool and spa pools, shall not exceed 2.0 litres/sec.
- 11.2 The maximum daily flow rate discharged from a domestic premise shall not exceed 2 m<sup>3</sup>/day, unless specific Council approval has been given.
- 11.3 All wastewater discharges shall be consistent with domestic wastewater unless specific Council approval has been given.
- 11.4 In order to meet the principles of sustainable management pursuant to the Resource Management Act 1991 (RMA), Council requires customers to fit the following devices on all new installations:
- a. Dual flush toilet cistern
  - b. Low flow shower heads
  - c. Urinal flushing control
- 11.5 The customer shall allow Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing and maintenance work between 7.30 am and 6.00 pm on any day. Council shall give 24 hours previous notice to the customer of the intended entry.
- 11.6 Under emergency conditions, or for the purpose of ascertaining whether the

## APPENDIX C

drains are being misused, the customer shall allow Council free access to and about the point of discharge at any time. Prior notice will be provided when this is practical.

- 11.7 Authorisation for entry to a property is given under s 171 of the Local Government Act 2002.
- 11.8 The customer shall allow Council with any necessary equipment, access to any area of the property (excluding a dwelling) for the purposes of ascertaining whether non-complying connections have been made.
- 11.9 The customer shall prevent infiltration and inflow entering the wastewater system. This includes roof downpipes, surface water run-off, overland flow and sub-surface drainage.
- 11.10 Stormwater shall be excluded from the wastewater system by ensuring that:
  - a. There is no connection of any stormwater pipe or drain to the wastewater system;
  - b. Gully trap surrounds are set at least 100mm above stormwater ponding levels, or secondary overland flow path flood levels; and
  - c. Inspection covers are in place and are sealed watertight.

### 12 DISCONNECTION

- 12.1 A customer shall give seven working days' notice in writing of their intention to demolish or remove a building connected to the wastewater. The demolition or removal shall not commence until the property has been disconnected from the wastewater in an approved manner.
- 12.2 A customer shall give two working days' notice in writing to Council of their requirement for disconnection of the wastewater connection if re-laying of the private drain is required.

### 13 BUILDING, LOADING AND EXCAVATION AROUND A PUBLIC WASTEWATER SYSTEM

- 13.1 No building shall be constructed over a public wastewater, whether on public or private land, without the prior written approval of Council and subject to any conditions of that approval.
- 13.2 No building shall be constructed within the zone of influence, see 13.4, without the prior written approval of Council and subject to any conditions of that approval.
- 13.3 Where building is allowed over, or adjacent to, a public wastewater, the customer shall enter into a *Memorandum of Encumbrance* with the Council at the customers cost. No liability will be accepted for damage which may be sustained by the building in the event of a partial or total collapse of that wastewater.
- 13.4 No building shall be built over a public rising main or trunk wastewater, or closer than the greater of:
  - a. 1.5 metres from the centerline of any wastewater; or
  - b. the depth of the centreline line of the wastewater, plus the diameter of the wastewater pipe, plus 0.2 metres from the centreline of that pipe,



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subject to compliance with section 3.1 of NZS 3604.

- 13.5 Buildings may be built over public wastewater subject to the building developer:
- a. Carrying out sufficient investigations to accurately determine the wastewater pipe's location and depth, and to prove that the wastewater is in a condition where it has a remaining life of at least 50 years;
  - b. Or if a. cannot be satisfied, carrying out remedial work or relaying the wastewater to meet the requirements of c. and d. below;
  - c. Bore piling the building
    - i. 1 metre clear distance either side of the wastewater to below the wastewater invert to ensure that no building loads are transferred to the wastewater and that it is possible to excavate down to the wastewater without threat to the building;
    - ii. providing two additional manholes into the wastewater between 2 and 3 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres);
    - iii. provided that the wastewater lies in a straight line and that there are no other connections between these two manholes.
  - d. Carrying out all work on and around the wastewater in accordance with Council's NZS 4404:2010 (2019 Local Amendments and subsequent amendments)
  - e. Registering the public wastewater by a Memorandum or Encumbrance and Deed of Covenant against the Certificate of Title.
- 13.6 No person shall cause the crushing load imposed on a public wastewater to exceed that which would arise from the soil overburden plus HN-HO-72 wheel or axle load (as defined by the New Zealand Transport Agency (NZTA) Bridge Manual 2013).
- 13.7 No person shall place any additional material over or near a public wastewater without approval.
- 13.8 No person shall change the elevation of the land above a public wastewater unless specific Council approval has been given.
- 13.9 Service openings shall not be covered in any way unless approved. The removal of any covering material or adjustment of the opening shall be subject to specific Council approval and at the property owner's expense.
- 13.10 No person shall excavate, or carry out piling or similar work closer than:
- a. 5 metres from the centreline of any rising main or trunk wastewater; or
  - b. 2 metres from the centreline of any public wastewater without specific Council approval.
- The approval, if granted, may impose conditions on the carrying out of any work near the wastewater system.

## 14 STORAGE OF HAZARDOUS MATERIALS

- 14.1 The customer shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials or any material which, when mixed with the wastewater stream, is likely to generate

## APPENDIX C

toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's wastewater system or the health and safety of Council's staff, contractors and the public, without taking all reasonable steps to prevent entry into Councils wastewater from leakage, spillage or other mishap.

- 14.2 Every customer shall comply with the requirements of New Zealand legislation and Regulations.

### 15 OFFENCES, BREACHES AND REMEDIES

- 15.1 Every customer who:
- a. Fails to comply with or acts in contravention of any provision of this bylaw;
  - b. Breaches the conditions of any consent to discharge granted pursuant to this bylaw; or
  - c. Fails to comply with a notice served under this bylaw,
- commits an offence under s. 239 of the of the Local Government Act 2002.
- 15.2 In the event of a breach of statutory or other legal requirements, the Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council may charge a re-inspection fee.
- 15.3 If however the breach is such that public health, or safety considerations, or risk of consequential damage to Councils assets is such that delay would create unacceptable risks, the Council may take immediate action to rectify the defect, and recover all reasonable costs.
- 15.4 At any time after the specified period of 15.22 has elapsed, Council may carry out remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.
- 15.5 Every person who breaches this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000 under section 242(2) of the Local Government Act 2002, or the issue of an Infringement Notice under section 245 of the Local Government Act 2002.
- 15.6 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.
- 15.7 In all cases the Council may recover costs associated with damage to the Council wastewater system and/or breach of this bylaw in accordance with section 175 and section 176 of the Local Government Act 2002 respectively.

### 16 DOMESTIC WASTEWATER

- 16.1 No domestic wastewaters shall exceed the substance limits in SCHEDULE A

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- 16.2 Where part of domestic premises is used as an office or other trade related activity from which no trade wastes could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises and subject to the Trade Waste Bylaw.

### **17 ACCEPTANCE AND DURATION**

- 17.1 The Council shall continue to accept wastewater from domestic premises once an approved connection to the public wastewater has been made. Disconnection of the wastewater, or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaws by the customer.
- 17.2 In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

### **18 APPLICATION TO CONNECT**

- 18.1 Every application for a wastewater service connection shall be made in writing on the prescribed form together with the prescribed charges. The applicant shall provide all the details required by Council. An application shall be made whether or not a public wastewater has already been laid up to the point of discharge.
- 18.2 Where an application has been accepted by Council which requires a new public wastewater connection to be constructed from the existing public wastewater to the point of discharge, the customer shall pay such charges as fixed by Council for this work. Council shall supply and install the public wastewater to the point of discharge except as provided for in 18.3.
- 18.3 Where a new public wastewater is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the approval by Council of the design and construction of the works.

### **19 POINT OF DISCHARGE**

- 19.1 The point of discharge from a customer shall be the point on the public wastewater which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries (See SCHEDULE B for examples)
- 19.2 Unless otherwise approved there shall be one point of discharge only for each premise, and any private drain shall not extend by pipe or any other means to serve another premise unless it is a common private drain.

## **APPENDIX C**

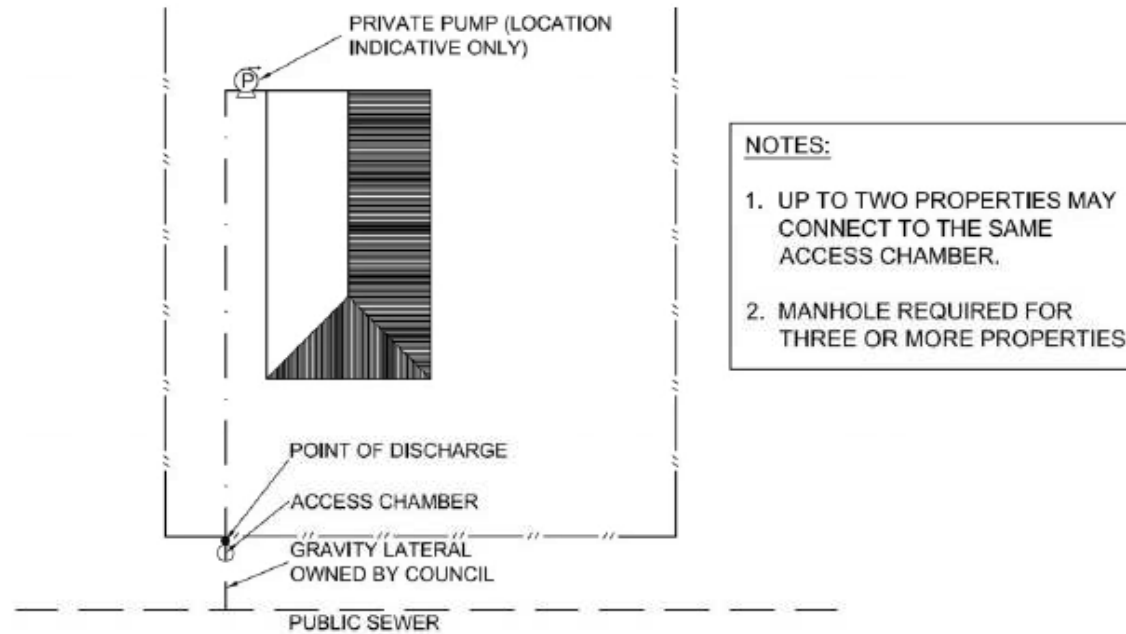
# **SCHEDULES**

## APPENDIX C

### SCHEDULE A – CHARACTERISTIC LIMITS FOR DOMESTIC WASTEWATER

- a. Temperature – must not exceed 50°C.
- b. pH must be between 6.0 and 10.0 at all times.
- c. Solids which may block the wastewater system including pumps are prohibited. These include dry solids, non-faecal solids in excess of 15 mm, heavy solids which settle faster than 50 mm/minute, fibrous material, sheet films and anything which may react to form a solid mass or interfere with the free flow of wastewater in the system.
- d. Solvents, fuels and organic fluids (including oil, fat and grease) must not be present as a free layer (whether floating or settled).
- e. Dissolved or emulsified solvents, fuels and organic liquids are prohibited.
- f. Emulsified oils must not exceed 500g/m<sup>3</sup> and the emulsion must be stable.
- g. Sulphides must not exceed 5g/m<sup>3</sup> (as H<sub>2</sub>S on acidification).
- h. Oxidised sulphur compounds must not exceed 500 gm<sup>3</sup> (as sulphate).
- i. Heavy metals are prohibited.
- j. Pesticides are prohibited.
- k. Stormwater and condensing or cooling waters are prohibited.

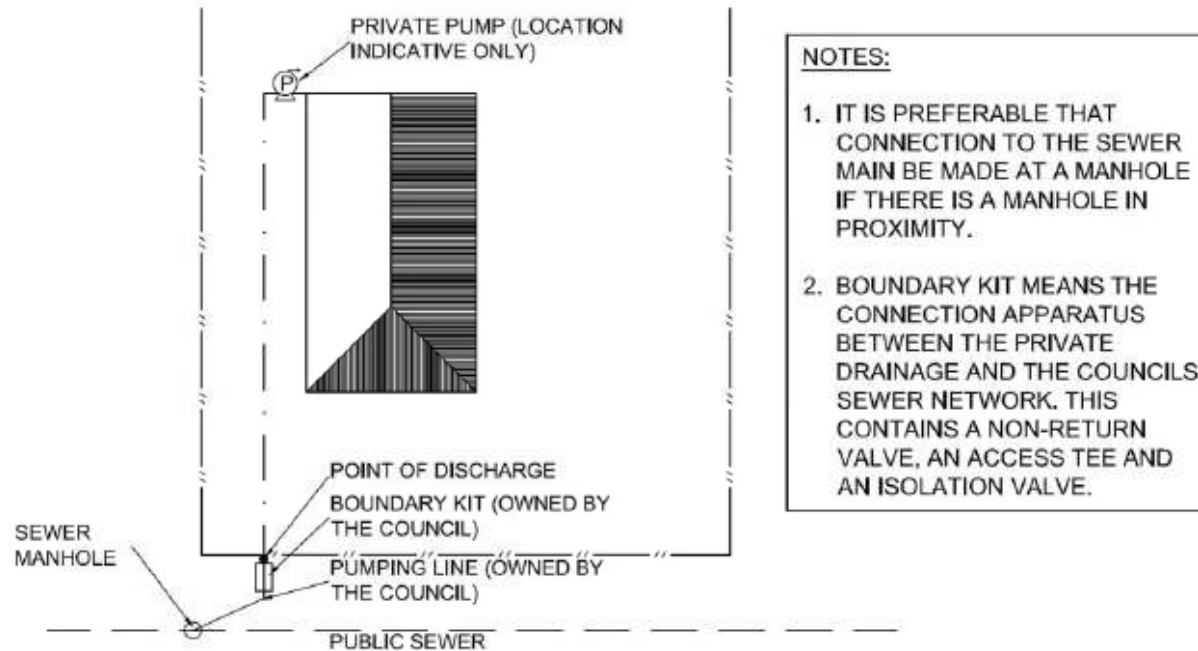
**SCHEDULE B – POINT OF DISCHARGE LOCATION**



**Figure 1:** Point of Discharge - Pumping line to gravity lateral at Boundary

*Note: All references to 'Sewer' means Wastewater*

## APPENDIX C

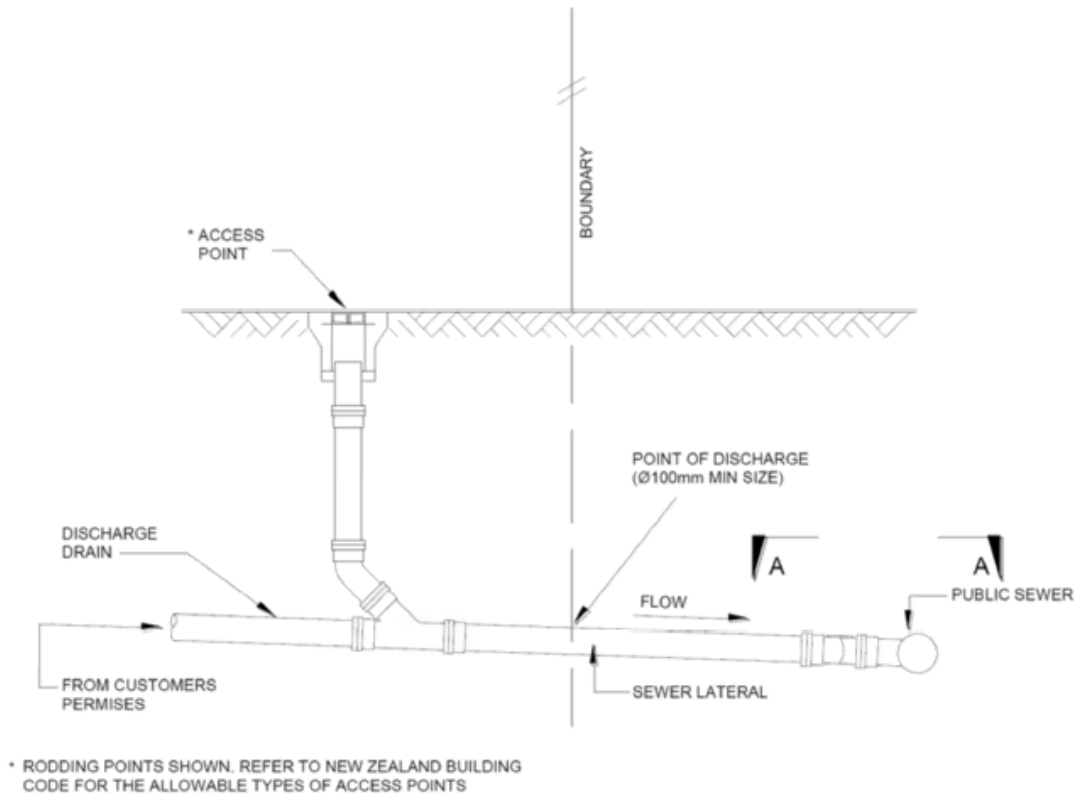


**Figure 2:** Point of Discharge – Pumping line to Pumping line at Boundary

**Note:** All references to 'Sewer' means Wastewater System

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### SCHEDULE C – LAYOUT AT POINT OF DISCHARGE



**Figure 3:** Layout of Point of Discharge for a Traditional Gravity Wastewater System

**Note:** All references to 'Sewer' means Wastewater



## APPENDIX C

**This Bylaw was made by the Stratford District Council on 1 June 2020.**

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of said Council in the presence of:

..... **Mayor**

..... **Chief Executive**



## Wastewater Bylaw 2020

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Date in Force: 1 June 2020

- Purpose:
- a. To control the discharges from wastewater pipe into the public sewer;
  - b. To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public sewer from; and
  - c. To protect, promote and maintain public health and safety.

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Review Date: 1 June 2030

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### 1 TITLE

- 1.1 This Bylaw is made under Section 145 of the Local Government Act 2002 and shall be known as the 'Stratford District Council Wastewater Bylaw 2020'.

### 2 COMMENCEMENT

- 2.1 This Bylaw shall come into force on 1 June 2020.

### 3 REPEAL

- 3.1 As from the day this Bylaw comes into force, the previous Wastewater Drainage Bylaw 2008 in force in the Stratford District shall be repealed.

### 4 APPLICATION OF BYLAW

- 4.1 This Bylaw shall apply to the Stratford District.

### 5 SCOPE

- 5.1 This Bylaw is made under the authority of the Local Government Act 2002 for the regulation of wastewater in by the Stratford District Council (the Council), which is subject to the following statutory acts, regulations, standards and codes:

5.2 Statutory Acts:

- a. Building Act 2004
- b. Health Act 1956
- c. Local Government Act 2002
- d. Local Government (Rating) Act 2002
- e. Resource Management Act 1991

5.3 Relevant Codes and Standards:

- a. NZS 9201.22:1999 Model general bylaws – Wastewater drainage
- b. The New Zealand Building Code
- c. NZS 4404:2010 - Land Development and Subdivision Infrastructure (2019 Local Amendments and subsequent amendments)
- d. NZS 3604:2011 Timber-framed buildings
- e. New Zealand Transport Agency (NZTA) Bridge Manual (2013)

### 6 PURPOSE

- 6.1 The purposes of this Bylaw are:

## APPENDIX D

- a. To protect, promote and maintain public health and safety; and,
- b. To control the discharges from wastewater pipe into the public system; and
- c. To manage and protect from damage, misuse, or loss of land, structures or infrastructure associated with the public wastewater pipe.

6

### 7 DEFINITIONS

7.1 For the purposes of this Bylaw the following definitions shall apply:

**ACCEPTABLE DISCHARGE** means wastewater with physical and chemical characteristics which does not require a trade waste consent under the Trade Waste Bylaw.

**APPROVAL** means approved in writing by the Stratford District Council, either by resolution of the Council or by an officer of the Stratford District Council authorized for that purpose.

**BUILDING** has the same meaning as in the Building Act 2004.

**BURIED SERVICES** means all public wastewater pipe, rising mains, trunk wastewater pipe, and other underground utilities under the responsibility of the Stratford District Council.

**CERTIFICATE OF TITLE** means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

**COUNCIL** means the Stratford District Council, including its authorised agents responsible for the collection, treatment, and disposal of wastewater.

**CUSTOMER** means a person who either discharges or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public wastewater pipe of the Stratford District Council.

**DISCONNECT OR DISCONNECTION** means the physical cutting or sealing of a private sewer from the public wastewater system.

**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, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 11.

**DRAIN** means that section of private pipe, owned and maintained by the occupier, between the occupier's premises and the point of discharge through which wastewater is conveyed from the premises to the public wastewater system.

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**DWELLING** or **DWELLINGHOUSE** means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation.

**HAZARDOUS MATERIAL/SUBSTANCE** means:

- a. raw material(s), product(s) or waste(s) containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or
- b. any material which when mixed with the wastewater stream, is 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; or
- c. contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- d. meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- e. meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982

**INFILTRATION** means water entering a public wastewater pipe or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

**INFLOW** means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

**LOW FLOW SHOWER HEAD** means 3 Stars or higher under the Water Efficiency Labelling Scheme (WELS). 3 Stars is 7.5 to 9 litres/minute.

**OWNER** means in relation to any premises, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the premises.

**PERSON** means a person or body of persons whether corporate or unincorporated, and includes the Crown and any successor of a person.

**POINT OF DISCHARGE** means either:

- a. The connection to the public wastewater pipe; or
- b. The point where the wastewater pipe exits the particular private property (see 0 SCHEDULE B for examples).

**PREMISES** means either:

- 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 and in respect to which a

## APPENDIX D

- building consent has been or may be issued; or
- b. A building that has been defined as an individual unit by a cross-lease, unit title, or
  - c. company lease and for which a certificate of title is available; or
  - d. Land held in public ownership (e.g. reserve) for a particular purpose; or
  - e. Individual units in buildings which are separately leased or separately occupied.

**PRIVATE WASTEWATER PIPE/DRAIN** means all pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls and other related structures owned by or under the control of the council, used for the receiving, transporting, treating or disposing of wastewater.

**PUBLIC WASTEWATER PIPE** means the main public wastewater pipe, lateral connections, and associated structures that carry wastewater away from the point of discharge. The public wastewater pipe is owned and maintained by the Stratford District Council.

**RISING MAIN** means a pressure pipe through which wastewater is pumped.

**SERVICE OPENING** means a manhole or similar means for gaining access for inspection, cleaning, or maintenance of a public wastewater pipe.

**STORMWATER** means all surface water run-off resulting from rainfall.

**TRADE PREMISES** means:

- a. Any Premises used or intended to be used for any industrial or trade purpose; or
- b. Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- c. Any other Premises from which a contaminant, as defined by the Resource Management Act, is discharged in connection with any industrial or trade process; or
- d. Any other Premises discharging other than Domestic Wastewater; and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

**TRADE WASTE** means any liquid, with or without matter in suspension or solution, that is, or may be discharged, from trade premises to a wastewater system in the course of any business, industrial or trade process or operation, or in the course of any activity or operation of a like nature.

**TRADE WASTE BYLAW** means the bylaw of the Stratford District Council regulating discharges from trade premises to a wastewater system.

**UNACCEPTABLE DISCHARGE** means any discharge or waste likely to interfere with the free flow of wastewater in the public system or damage any part of the public wastewater pipe, and includes wet wipes, dental floss, feminine hygiene products, nappies, cotton buds, condoms, clothing, toys, towels, and cloths.

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**WASTEWATER** means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the public wastewater system.

**WASTEWATER MAIN** means a wastewater pipe, generally greater than 150mm nominal diameter, which forms a part of the Council's wastewater system.

**ZONE OF INFLUENCE** means a section of ground surrounding a public wastewater pipe where activities are restricted. Refer to Schedule 1 for schematic diagrams showing the extent of the zone of influence.



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### 8 ACCEPTANCE OF DISCHARGE

- 8.1 Every domestic premise shall be entitled to have its wastewater accepted by Council subject to:
- a. The premises lying within an area which is served by public wastewater pipe; and
  - b. Payment of the appropriate rates and charges in respect of the premises in general and wastewater services; and
  - c. Fulfilment of the requirements of this bylaw.

### 9 APPROVAL TO CONNECT

- 9.1 No person, other than council staff or a contractor approved by Council, shall make any connection to or otherwise interfere with any part of Council's wastewater system.
- 9.2 The acceptance of trade wastes to the wastewater system is subject to the *Stratford District Council Trade Waste Bylaw 2020*.

### 10 CONTINUITY OF DISCHARGE

- 10.1 Council does not guarantee to receive wastewater without disruption, however, Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

### 11 CONDITIONS OF SERVICE

- 11.1 The maximum instantaneous flow rate discharged from a domestic premise, including swimming pool and spa pools, shall not exceed 2.0 litres/sec.
- 11.2 The maximum daily flow rate discharged from a domestic premise shall not exceed 2 m<sup>3</sup>/day, unless specific Council approval has been given.
- 11.3 All wastewater discharges shall be consistent with domestic wastewater unless specific Council approval has been given.
- 11.4 In order to meet the principles of sustainable management pursuant to the Resource Management Act 1991 (RMA), Council requires customers to fit the following devices on all new installations:
- a. Dual flush toilet cistern
  - b. Low flow shower heads
  - c. Urinal flushing control
- 11.5 The customer shall allow Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing and maintenance work between 7.30 am and 6.00 pm on any day. Council shall give 24 hours previous notice to the customer of the intended entry.
- 11.6 Under emergency conditions, or for the purpose of ascertaining whether the

## APPENDIX D

drains are being misused, the customer shall allow Council free access to and about the point of discharge at any time. Prior notice will be provided when this is practical.

- 11.7 Authorisation for entry to a property is given under s 171 of the Local Government Act 2002.
- 11.8 The customer shall allow Council with any necessary equipment, access to any area of the property (excluding a dwelling) for the purposes of ascertaining whether non-complying connections have been made.
- 11.9 The customer shall prevent infiltration and inflow entering the wastewater system. This includes roof downpipes, surface water run-off, overland flow and sub-surface drainage.
- 11.10 Stormwater shall be excluded from the wastewater system by ensuring that:
  - a. There is no connection of any stormwater pipe or drain to the wastewater system;
  - b. Gully trap surrounds are set at least 100mm above stormwater ponding levels, or secondary overland flow path flood levels; and
  - c. Inspection covers are in place and are sealed watertight.

### 12 DISCONNECTION

- 12.1 A customer shall give seven working days' notice in writing of their intention to demolish or remove a building connected to the wastewater pipe. The demolition or removal shall not commence until the property has been disconnected from the wastewater pipe in an approved manner.
- 12.2 A customer shall give two working days' notice in writing to Council of their requirement for disconnection of the wastewater pipe connection if re-laying of the private drain is required.

### 13 BUILDING, LOADING AND EXCAVATION AROUND A PUBLIC WASTEWATER SYSTEM

- 13.1 No building shall be constructed over a public wastewater pipe, whether on public or private land, without the prior written approval of Council and subject to any conditions of that approval.
- 13.2 No building shall be constructed within the zone of influence, see 13.4, without the prior written approval of Council and subject to any conditions of that approval.
- 13.3 Where building is allowed over, or adjacent to, a public wastewater pipe, the customer shall enter into a *Memorandum of Encumbrance* with the Council at the customer's cost. No liability will be accepted for damage which may be sustained by the building in the event of a partial or total collapse of that wastewater pipe.
- 13.4 No building shall be built over a public rising main or trunk wastewater pipe, or closer than the greater of:
  - a. 1.5 metres from the centerline of any wastewater pipe; or
  - b. the depth of the centreline line of the wastewater pipe, plus the diameter of the wastewater pipe, plus 0.2 metres from the centreline of

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that pipe, subject to compliance with section 3.1 of NZS 3604.

- 13.5 Buildings may be built over public wastewater pipe subject to the building developer:
- a. Carrying out sufficient investigations to accurately determine the wastewater pipe's location and depth, and to prove that the wastewater pipe is in a condition where it has a remaining life of at least 50 years;
  - b. Or if a. cannot be satisfied, carrying out remedial work or relaying the wastewater pipe to meet the requirements of c. and d. below;
  - c. Bore piling the building
    - i. 1 metre clear distance either side of the wastewater pipe to below the wastewater pipe invert to ensure that no building loads are transferred to the wastewater pipe and that it is possible to excavate down to the wastewater pipe without threat to the building;
    - ii. providing two additional manholes into the wastewater pipe between 2 and 3 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres);
    - iii. provided that the wastewater pipe lies in a straight line and that there are no other connections between these two manholes.
  - d. Carrying out all work on and around the wastewater pipe in accordance with Council's NZS 4404:2010 (2019 Local Amendments and subsequent amendments)
  - e. Registering the public wastewater pipe by a Memorandum or Encumbrance and Deed of Covenant against the Certificate of Title.
- 13.6 No person shall cause the crushing load imposed on a public wastewater pipe to exceed that which would arise from the soil overburden plus HN-HO-72 wheel or axle load (as defined by the New Zealand Transport Agency (NZTA) Bridge Manual 2013).
- 13.7 No person shall place any additional material over or near a public pipe without approval.
- 13.8 No person shall change the elevation of the land above a public wastewater pipe unless specific Council approval has been given.
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**APPENDIX D**

corrosive, toxic, biocidal, radioactive, flammable, or explosive materials or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's wastewater system or the health and safety of Council's staff, contractors and the public, without taking all reasonable steps to prevent entry into Council's wastewater pipe from leakage, spillage or other mishap.

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- 15.2 In the event of a breach of statutory or other legal requirements, the Council may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council may charge a re-inspection fee.
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- 15.4 At any time after the specified period of 15.22 has elapsed, Council may carry out remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.
- 15.5 Every person who breaches this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000 under section 242(2) of the Local Government Act 2002, or the issue of an Infringement Notice under section 245 of the Local Government Act 2002.
- 15.6 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.
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**16 DOMESTIC WASTEWATER**

## APPENDIX D

- 16.1 No domestic wastewater shall exceed the substance limits in SCHEDULE A
- 16.2 Where part of domestic premises is used as an office or other trade related activity from which no trade wastes could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises and subject to the Trade Waste Bylaw.

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### 18 APPLICATION TO CONNECT

- 18.1 Every application for a wastewater service connection shall be made in writing on the prescribed form together with the prescribed charges. The applicant shall provide all the details required by Council. An application shall be made whether or not a public wastewater pipe has already been laid up to the point of discharge.
- 18.2 Where an application has been accepted by Council which requires a new public wastewater pipe connection to be constructed from the existing public wastewater pipe to the point of discharge, the customer shall pay such charges as fixed by Council for this work. Council shall supply and install the public wastewater pipe to the point of discharge except as provided for in 18.3.
- 18.3 Where a new public wastewater pipe is required as part of a subdivision development, the developer shall provide all the drainage works subject to the approval by Council of the design and construction of the works.

### 19 POINT OF DISCHARGE

- 19.1 The point of discharge from a customer shall be the point on the public wastewater pipe which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries (See SCHEDULE B for examples)
- 19.2 Unless otherwise approved there shall be one point of discharge only for each premise, and any private drain shall not extend by pipe or any other means to

## **APPENDIX D**

serve another premise unless it is a common private drain.

## **APPENDIX D**

# **SCHEDULES**

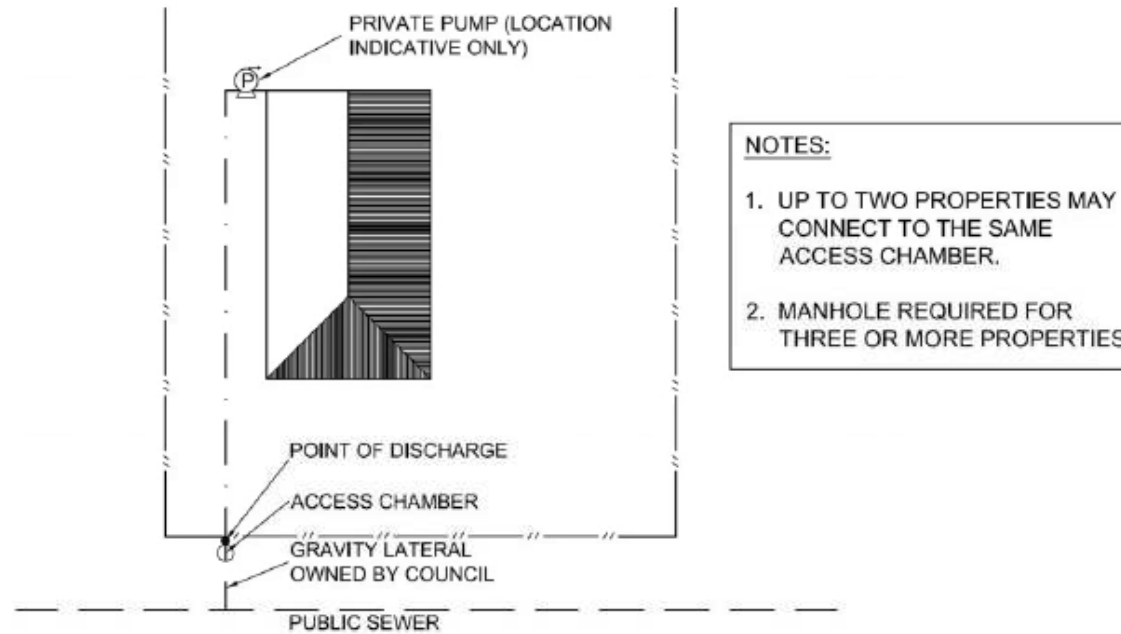
## APPENDIX D

### SCHEDULE A – CHARACTERISTIC LIMITS FOR DOMESTIC WASTEWATER

- a. Temperature – must not exceed 50°C.
- b. pH must be between 6.0 and 10.0 at all times.
- c. Solids which may block the wastewater system including pumps are prohibited. These include dry solids, non-faecal solids in excess of 15 mm, heavy solids which settle faster than 50 mm/minute, fibrous material, sheet films and anything which may react to form a solid mass or interfere with the free flow of wastewater in the system.
- d. Solvents, fuels and organic fluids (including oil, fat and grease) must not be present as a free layer (whether floating or settled).
- e. Dissolved or emulsified solvents, fuels and organic liquids are prohibited.
- f. Emulsified oils must not exceed 500g/m<sup>3</sup> and the emulsion must be stable.
- g. Sulphides must not exceed 5g/m<sup>3</sup> (as H<sub>2</sub>S on acidification).
- h. Oxidised sulphur compounds must not exceed 500 gm<sup>3</sup> (as sulphate).
- i. Heavy metals are prohibited.
- j. Pesticides are prohibited.
- k. Stormwater and condensing or cooling waters are prohibited.



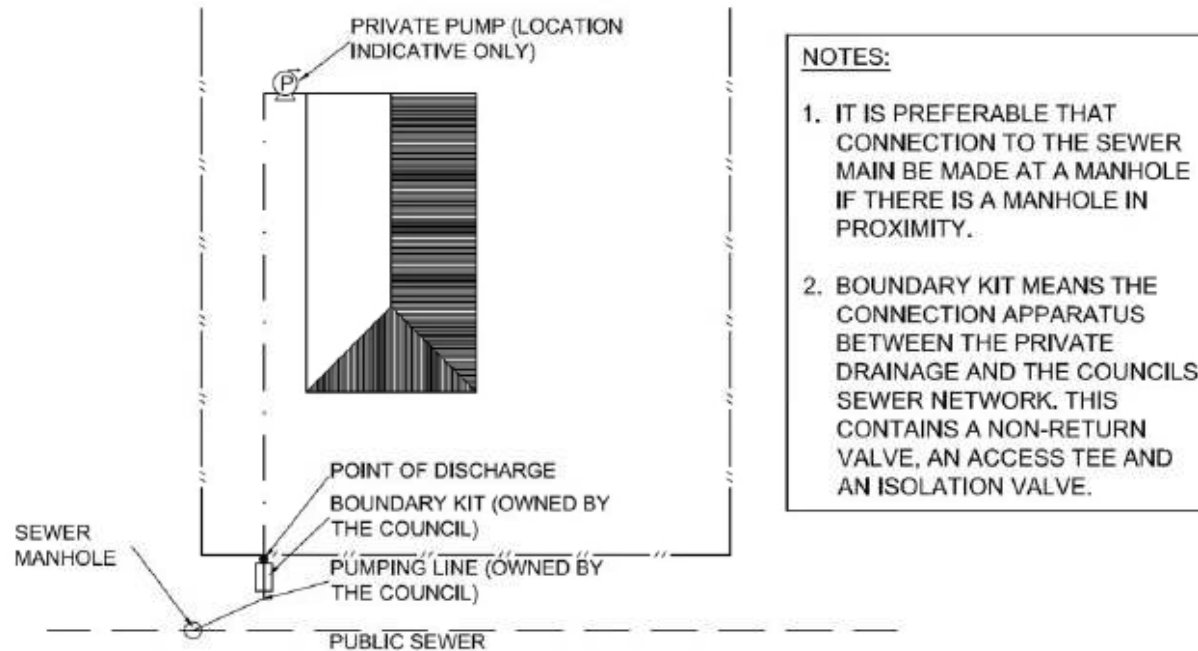
**SCHEDULE B – POINT OF DISCHARGE LOCATION**



**Figure 1:** Point of Discharge - Pumping line to gravity lateral at Boundary

*Note: All references to 'Sewer' means Wastewater Pipe*

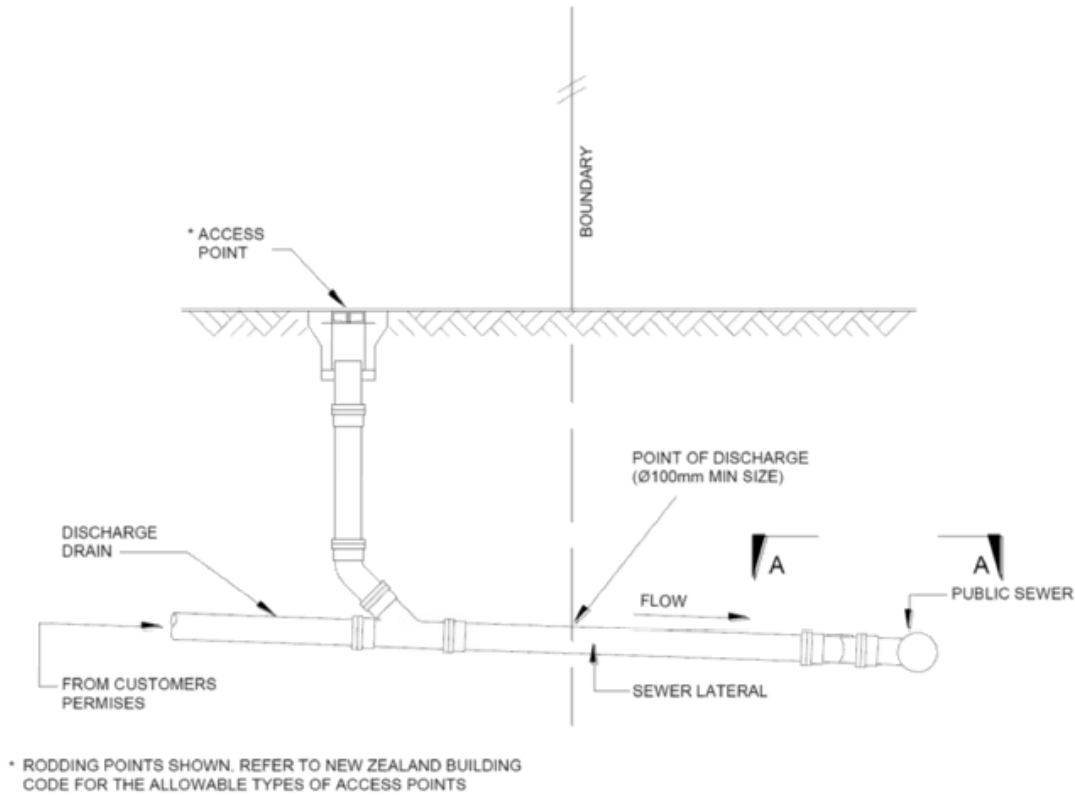
## APPENDIX D



**Figure 2:** Point of Discharge – Pumping line to Pumping line at Boundary

**Note:** All references to 'Sewer' means Wastewater Pipe

**SCHEDULE C – LAYOUT AT POINT OF DISCHARGE**



**Figure 3:** Layout of Point of Discharge for a Traditional Gravity Wastewater System

**Note:** All references to 'Sewer' means Wastewater Pipe

## APPENDIX D

**This Bylaw was made by the Stratford District Council on 1 June 2020.**

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of said Council in the presence of:

..... **Mayor**

..... **Chief Executive**

# DECISION REPORT



**TO:** Policy and Services Committee

F19/13/04- D20/2212

**FROM:** Asset Management Coordinator

**DATE:** 14 April 2020

**SUBJECT: SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW – DELIBERATION AND ADOPTION**

## RECOMMENDATIONS

1. THAT the report be received
2. THAT subject to any new information from submissions highlighted at the Hearing, the *draft* Solid Waste Management and Minimisation Bylaw 2020 be adopted.
3. THAT the commencement date of the Solid Waste Management and Minimisation Bylaw be 1 June 2020.

## Recommended Reason

Section 146 (a)(iv) and b(iii) of the Local Government Act (2002) allows the Stratford District Council ('Council') to make and revise its Solid Waste Management and Minimisation Bylaw for the regulation of waste management activity in the Stratford district in an efficient, safe, reliable and sustainable manner. The adoption of this Bylaw will allow the fulfilment of these purposes.

\_\_\_\_\_  
Moved/Seconded

## 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek the Committee's approval for the adoption of the *draft* Solid Waste Management and Minimisation Bylaw 2020, which is developed to contribute to the promotion of effective and efficient waste management, reduction and minimisation in the Stratford district.
- 1.2 Council approved the release of the *draft* Solid Waste Management and Minimisation Bylaw 2020 for consultation on 10 December 2019.
- 1.3. Public consultation commenced on 16 December 2019 and closed on 21 February 2020.
- 1.4 Two (2) submissions were received, with none requesting to be heard.

- 1.5 Council Officers have made minor changes to the draft Solid Waste Management and Minimisation Bylaw 2020 - these are noted in Section 2.

## 2. **EXECUTIVE SUMMARY**

- 2.1 The recommendation is to adopt the *draft* Solid Waste Management and Minimisation Bylaw 2020.
- 2.2 The purpose of the *draft* Solid Waste Management and Minimisation Bylaw 2020 is to contribute to the:
- promotion of effective and efficient waste management, reduction and minimisation in the Stratford district;
  - implementation of the Council’s Waste Management and Minimisation Plan;
  - the implementation of the purpose of the Waste Minimisation Act 2008;
  - regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management;
  - definition of the rules governing waste collection and the responsibilities of customers who use the Council’s solid waste services;
  - protection of the health and safety of waste collectors, waste operators and the public; and
  - regulation of litter and nuisance in public places.
- 2.3 The Stratford District Council’s Refuse Bylaw 2008 (“the current Bylaw”) lapsed on 1 July 2018. Therefore, the Stratford District Council (“Council”) has undertaken a review of this current Bylaw and developed the *draft* Solid Waste Management and Minimisation Bylaw 2020.
- 2.4 As a result of the review, the *draft* Solid Waste Management and Minimisation Bylaw is a stand-alone document and includes provisions that:
- require every person who collects, transports or disposes of waste, or an operator of a disposal facility, resource recovery facility, landfill site, clean-fill site, managed fill site or mono-fill site to obtain a licence to do so from the Council;
  - enable the Council, from time to time, by resolution publicly notified, to make and amend rules governing the collection of refuse and recyclable refuse and these rules shall be enforceable under this Bylaw;
  - require bin audits to be carried out by the Council;
  - specify the residents’ responsibilities when using the Council’s solid waste services;
  - specify the regulation of the district Transfer Station;
  - highlight the relevance of the Nuisance Bylaw 2008 to the Solid Waste Management and Minimisation Bylaw 2020;
  - cover the regulations around an event in the waste management and minimisation plan (WMMP); and
  - include notifications and penalties for breaches and offences by ‘*offending*’ members of public or operators who are convicted of an offence against the Bylaw.
- 2.5 During the public consultation period, Stratford District Council received 2 submissions from New Plymouth District Council (NPDC) and one from a Stratford resident.

- 2.6 Council Officers have provided a summary of the submissions and management response in **Appendix A** and proposed changes to the Bylaw as appropriate.
- 2.7 Therefore, Council Officers recommend that the *updated* Solid Waste Management and Minimisation Bylaw be adopted with the suggested changes.
- 2.8 The current Bylaw is provided in **Appendix B**; the *draft* Bylaw consulted on in **Appendix C**; and the *updated* Bylaw in **Appendix D**

3. **LOCAL GOVERNMENT ACT 2002 - SECTION 10**

How is this proposal applicable to the purpose of the Act?

- Is it for the provision of good quality local infrastructure? If so, why?; **OR**
  - Is it for the performance of a good quality regulatory function? If so, why?;
- OR**
- Is it for the performance of a good quality local public service?

**AND**

- Is it in a way that is most cost-effective to businesses and households? If so, why?

**Good quality** means, infrastructure, services, and performance that are efficient and effective, and appropriate to present and anticipated future circumstances.

**Local public service** means, a service provided for the community which is for the benefit of the District.

This Bylaw is for the performance of a good quality local public service.

4. **BACKGROUND**

- 4.1 Pursuant to Section 146 (a)(iv) and b(iii) of the Local Government Act (2002), the Council has made its *draft* Solid Waste Management and Minimisation Bylaw 2020 to regulate solid waste for the purposes of managing, regulating against, or protecting from damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with sanitation in the Stratford district.
- 4.2 The current Refuse Bylaw lapsed on 1 July 2018. Section 159 of the Local Government Act requires that the Council review its bylaw no later than 10 years after it was last reviewed. Notwithstanding Section 159, Section 160A allows a Bylaw to continue in its effect, no more than 2 years after the date on which the bylaw should have been reviewed, in this case July 2020. Therefore, the review of this current Refuse Bylaw, to be replaced with the *draft* Solid Waste Management and Minimisation Bylaw 2020, is within the legislative timeframe.
- 4.3 During the public consultation period, Council received two submissions (see **Appendix A**) from NPDC and one from Stratford resident – Ms Catherine Tempero:

- NPDC supported a number of clauses in the proposed bylaw and sought a reduction in the maximum weight of the general waste bin to 35 kg from 70 kg; while
  - Catherine Tempero suggested the addition of two more goals under Section 6 of the Bylaw and directed Elected Members to note a number of websites on the subject of waste minimisation.
- 4.4 Council Officers have assessed the implications of the relief sought by the submitters and:
- Considered that NPDC’s proposition to Council made sense and could be easily accommodated in the Bylaw; and
  - Noted Catherine Tempero’s proposition for consideration in other more appropriate documentation.
- 4.5 Where appropriate, Council Officers have noted and incorporated into the Bylaw, some of the relief sought in the submissions.
- 4.6 Council Officers have made a few changes to the Bylaw, subject to approval of this committee, as per the *updated* Bylaw in **Appendix D** which features a change to *Appendix 1 (Section 3.4)* of the Bylaw.
- 4.7 Therefore, Council Officers’ recommendation is to adopt the *updated* Solid Waste Management and Minimisation Bylaw in **Appendix D** with the changes described above.
- 4.8 Council staff have considered the requirements of Section 155 of the Local Government Act which lists what the Council must consider when making a Bylaw. Council staff consider that this *draft* Solid Waste Management and Minimisation Bylaw 2019 is:
- the most appropriate way of dealing with the matters identified therein;
  - in the most appropriate form of bylaw; and
  - not inconsistent nor raises any implications with the New Zealand Bill of Rights Act 1990.
- 4.9 The purposes of this Bylaw are as described in section 2.2 above.

## 5. **CONSULTATIVE PROCESS**

### 5.1 **Public Consultation - Section 82**

The public consultation process has now been completed. 2 submissions were received. A summary of the submissions and respective management responses is provided as **Appendix A**.

### 5.2 **Māori Consultation - Section 81**

No separate consultation process was undertaken.



6. **RISK ANALYSIS**

Please refer to the Consequence and Impact Guidelines at the front of the reports in this agenda.

- Is there a:
  - financial risk;
  - human resources risk;
  - political risks; or
  - other potential risk?
- If there is a risk, consider the probability/likelihood of it occurring.
- Is there a legal opinion needed?

6.1 There is no perceived risk associated with the Solid Waste Management and Minimisation Bylaw 2020.

7. **DECISION MAKING PROCESS - SECTION 79**

7.1 **Direction**

	<b>Explain</b>
Is there a strong link to Council’s strategic direction, Long Term Plan/District Plan?	The recommendations herein are consistent with the “Solid Waste” component of the Long Term Plan 2018–2028 and the Infrastructure Strategy 2018 - 2048 and are not inconsistent with the relevant legislation.
What relationship does it have to the communities’ current and future needs for infrastructure, regulatory functions, or local public services?	This report relates to the following Community Outcomes identified in the Long Term Plan 2018–2028 relative to maintaining affordable quality services and infrastructure by continuing to provide a domestic refuse and recycling service to the households in the urban areas of Stratford and Midhirst in a sustainable manner for future generations.

7.2 **Data**

This *draft* Solid Waste Management and Minimisation Bylaw 2020 is based on data which shows the need to:

- Achieve the Council’s vision, goals and objectives towards the targeted outcomes in the WMMP;
- Complete bin audits to check for bin contamination and report on trends on the public’s recycling habits, to enable a targeted campaign to the public on recycling correctly if required;

- Charge fees for the Council Transfer Station as per the current Fees and Charges Schedule; and
- Include penalties for breaches and offences by ‘offending’ members of public who are convicted of an offence against the Bylaw.

7.3 **Significance**

	<b>Yes/No</b>	<b>Explain</b>
Is the proposal significant according to the Significance Policy in the Long Term Plan?	No	
Is it:		Solid Waste is categorised as a vital property asset
• considered a strategic asset; or	No	
• above the financial thresholds in the Significance Policy; or	No	
• impacting on a CCO stakeholding; or	No	
• a change in level of service; or	No	
• creating a high level of controversy; or	No	
• possible that it could have a high impact on the community?	No	
In terms of the Council’s Significance Policy, is this proposal of high, medium, or low significance?		
<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
		✓

7.4 **Options**

<p>An assessment of costs and benefits for each option must be completed. Use the criteria below in your assessment.</p> <ol style="list-style-type: none"> <li>1. What options are available?</li> <li>2. For <b>each</b> option: <ul style="list-style-type: none"> <li>• explain what the costs and benefits of each option are in terms of the present and future needs of the district;</li> <li>• outline if there are any sustainability issues; and</li> <li>• explain if the outcomes meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions?</li> </ul> </li> <li>3. After completing these, consider which option you wish to recommend to Council, and explain: <ul style="list-style-type: none"> <li>• how this option is the most cost effective option for households and businesses;</li> <li>• if there are any trade-offs; and</li> <li>• what interdependencies exist.</li> </ul> </li> </ol>
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**Option 1**

The Council *adopts* the Solid Waste Management and Minimisation Bylaw 2020, in which case, the Council will enable the achievement of its purposes as described in section 2.2 of this report.

**Option 2**

The Council *declines to adopt* the Solid Waste Management and Minimisation Bylaw 2020.

This will be inconsistent with the requirements of the Local Government Act pursuant to Sections 145 and 146. In addition, there will remain the question of how the Council will achieve the purpose of the *draft* Solid Waste Management and Minimisation Bylaw 2020, as per section 2.2 of this report.

Also the current Refuse Bylaw 2008 is not consistent with the Waste Minimisation Act 2008 which requires the Council to review and implement a Waste Management and Minimisation Plan periodically. This Solid Waste Management and Minimisation Bylaw will enable the Council to work towards the vision of “Towards Zero Waste” of its *WMMP 2018*.

Officers’ preferred option is Option 1.

7.5 **Financial**

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Is there an impact on funding and debt levels?</li> <li>• Will work be undertaken within the current budget?</li> <li>• What budget has expenditure come from?</li> <li>• How will the proposal be funded? eg. rates, reserves, grants etc.</li> </ul> |
|---|

The adoption and subsequent implementation of the Solid Waste Management and Minimisation Bylaw 2020 will have no impact on funding and debt levels and can be implemented within the current budget.

7.6 **Prioritisation & Trade-off**

- |   |
|---|
| <p>Have you taken into consideration the:</p> <ul style="list-style-type: none"> <li>• Council’s capacity to deliver;</li> <li>• contractor’s capacity to deliver; and</li> <li>• consequence of deferral?</li> </ul> |
|---|

- The Council and its contractors are able to deliver on the requirements of this Bylaw;
- The Bylaw must be adopted before July 2020 pursuant to Section 160A of the Local Government Act, as described in section 4.2 of this report;
- There is no value in deferring the adoption and release for consultation of this *draft* Bylaw; and
- Adopting this *draft* Solid Waste Management and Minimisation Bylaw 2020 will provide the regulatory tool for the delivery of waste management and minimisation and associated infrastructure in the district.

7.7 **Legal Issues**

- Is there a legal opinion needed?
- Are there legal issues?

No legal opinion was obtained in the preparation of the bylaw instruments given that the Bylaw has been written to align with the relevant legislation.

7.8 **Policy Issues - Section 80**

- Are there any policy issues?
- Does your recommendation conflict with Council Policies?

There are no policy issues.

On the contrary, the Bylaw is consistent with the requirements of the relevant legislations.

**Attachments:**

**Appendix A** Summary of Submissions and Management Responses (D20/577)

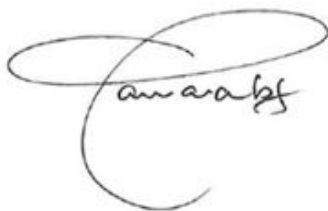
**Appendix B** The *current* Refuse Bylaw 2008

**Appendix C** The *draft* Solid Waste Management and Minimisation Bylaw 2020 consulted on (D19/28119)

**Appendix D** The *updated* Solid Waste Management and Minimisation Bylaw 2020 (D20/4166)



Louise Campbell  
**ASSET MANAGEMENT COORDINATOR**



[Endorsed by]  
Victoria Araba  
**DIRECTOR - ASSETS**



[Approved by]  
Sven Hanne  
**CHIEF EXECUTIVE**

**DATE** 17 March 2020

## APPENDIX A

### MANAGEMENT RESPONSES ON THE DRAFT SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2020

Sub No#	Submitter	Date Received	Submission Summary	SDC Response
1.	<p><b>NPDC</b></p> <p>Resource Recovery Manager</p> <p>Kimberley Hope</p>	20 February 2020	<p>As a whole this bylaw is consistent or similar with New Plymouth District Council Waste Management and Minimisation Bylaw and this allows consistency across Taranaki in our approach to waste management.</p> <p>Support proposed clause 12 which allows for auditing and contamination management, and proposed clause 17 in relation to Event waste minimisation which would also facilitate a regional approach to public event waste.</p> <p>We note that in Appendix 1, the maximum weight of a refuse container is proposed to be 70kg. In the New Plymouth District Council bylaw, for a landfill bin of similar size (140L), with a fortnightly collection (as opposed to Stratford's weekly collection), the maximum weight is 35kg. We would recommend reducing the proposed maximum weight of this bin for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The average weight of waste in a landfill bin is significantly less than 70kg for a weekly collection (Kerbside SWAP 2016 noted 27kg as the average weight of a small sample of private wheelie bins audited).</li> <li>2. Higher weights can cause damage and increased maintenance to collection vehicles.</li> <li>3. Consistency across the region for bin weights would improve operational efficiency for the regional contractor.</li> </ol>	<p>Thank you.</p> <p>We agree that regional consistency is necessary and this further supports our Vision of <i>Towards Zero Waste</i> in the Stratford District.</p> <p>We support your submission in its entirety and will propose a reduction to Elected Members as per your submission:</p> <p><i>Appendix 1 – We propose a maximum weight of a refuse container of 35 kg.</i></p>

**APPENDIX A**

Sub No#	Submitter	Date Received	Submission Summary	SDC Response
2.	<b>Stratford Resident</b>  Catherine Tempero	14 February 2020	Recommendation for another action to be added under Purpose - Section 6 of the Bylaw  <i>"h) a goal of zero waste for Stratford by 2040"</i>	The district WMMP has a Vision of <i>Towards Zero Waste</i> , which reflects the Council's view on the practicality of achieving zero waste in the district. Adopting a target of 2040 for achieving Zero Waste is a <i>Level of Service (LoS)</i> discussion that requires a formal public consultation and feedback in a <i>'higher document'</i> , i.e. the Long Term Plan (LTP) and/or the Waste Management and Minimisation Plan (WMMP) so that its implementation can be enforced via the Bylaw.  The Bylaw sits at the very bottom of the document hierarchy for this matter, and Council Officers consider that the Bylaw is not the appropriate document to discuss a change (an increase) in the level of service for the community.
			Requests Councillors to look at an article on Great Barrier Island's goal around zero waste. <a href="https://ourauckland.aucklandcouncil.govt.nz/articles/news/2019/06/new-waste-services-support-zero-waste-target-on-great-barrier-island/">https://ourauckland.aucklandcouncil.govt.nz/articles/news/2019/06/new-waste-services-support-zero-waste-target-on-great-barrier-island/</a>	Thank you, noted.  All Councillors to take note.
			Suggests another goal under Section 6 could be  "i) To liaise with schools and local community groups to educate regarding waste minimisation by <i>living better and using less</i> "	That this is a good idea, however, Council Officers consider that it is not a goal, but rather a means to the goal of waste minimisation. This idea is already included in Council's WMMP under: <ul style="list-style-type: none"> <li>• Section 3 – Proposed Targets (Table 4) <i>Target T11 - Annual Regional Education Campaign</i>; and</li> <li>• Section 7 – Action Plan, <i>Action CP3: To collaborate with schools, tertiary education providers, community organisations and business to develop innovative solutions to waste challenges.</i></li> </ul>
			Directs Councillors to following website <a href="https://your.caerphilly.gov.uk/sustainablecaerphilly/schools-and-esdgc/eco-schools/eco-schools-topics/waste-minimisation-and-litter">https://your.caerphilly.gov.uk/sustainablecaerphilly/schools-and-esdgc/eco-schools/eco-schools-topics/waste-minimisation-and-litter</a> to look at ways to implement this initiative.	Thank you, noted.  All Councillors to take note.

## **APPENDIX B**

### **CHAPTER 4**

## **REFUSE**

### **HOUSEHOLD REFUSE**

#### **401 REFUSE COLLECTION**

401.1 The Council may from time to time by resolution, publicly notified, make and amend a set of policy statements governing the collection of all types of refuse and/or recyclables by or for the Council, including the weights and contents of containers which will be collected, the placing of containers for such collection and such other matters as the Council considers relevant and such policy shall be enforceable as part of this Bylaw. Upon the making or amendment of such policy the Council shall in full give public notice of the policy so made or amended.

#### **402 CONTAINERS TO BE KEPT CLEAN AND IN REPAIR**

402.1 Every occupier shall at the occupier's own cost provide his or her own refuse container or refuse containers and shall keep the same as clean as practicable and shall maintain the same in good repair to the satisfaction of an authorised Council officer, and shall provide a new container or new containers from time to time as and when an authorised officer considers necessary.

402.2 In areas where mobile garbage bins ("MGB"s) are provided by the Council, every occupier shall keep his or her MGB as clean as practicable and shall maintain the same in good repair to the satisfaction of an authorised Council officer. Every occupier shall at the occupier's own cost replace his or her own MGBs which are lost, stolen or damaged in the opinion of an authorised Council officer.

#### **403 CONTAINERS TO BE PLACED CONVENIENTLY FOR EMPTYING OR REMOVAL**

403.1 Every occupier shall, on the day and not later than the time specified by public advertisement from time to time for removal of refuse, cause the refuse container or refuse containers to be closed to prevent spillage and placed for collection in such situation as may be required by an authorised Council officer appointed on that behalf.

403.2 Every refuse container put out for collection by or on behalf of the Council shall be an official container.

#### **404 DEPOSIT OF CERTAIN MATERIALS IN CONTAINERS PROHIBITED**

404.1 No person shall deposit or cause or permit or suffer to be deposited in any refuse container:

- (a) Explosive, hot ashes, highly flammable material, infectious material;
- (b) Liquids, acid, printer's ink, paint, or any other viscous fluid;
- (c) Broken bottles, glass, glass articles, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work;
- (d) Any matter, thing or refuse of any kind whatsoever, other than household refuse;

provided that if rigid wall containers are used, item 404.1(c) shall not apply.

## **APPENDIX B**

### 405 **ACCUMULATION AND STORAGE OF HOUSEHOLD REFUSE**

405.1 Every owner or occupier of any premises shall ensure that no accumulation or collection of refuse, except as is herein provided, is caused or permitted or suffered to remain or be in, on, or about such premises or any portion thereof.

405.2 Refuse shall not be packed tightly in rigid walled refuse containers, but shall be stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.

### **TRADE REFUSE**

#### 406 **REMOVAL OF TRADE REFUSE**

406.1 Where the Council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within an official container.

#### 407 **ACCUMULATION AND STORAGE OF TRADE REFUSE**

407.1 Every person carrying on any business, manufacture, or other undertaking at any premises shall ensure that no accumulation or collection of trade refuse, except as herein provided, is caused or permitted or suffered to remain or be in, on, or about such premises or any portion thereof.

407.2 Any perishable or putrescible refuse shall be removed daily, except where stored in an approved manner.

#### 408 **NOTICE TO REMOVE TRADE REFUSE**

408.1 Where in the opinion of any authorised Council officer any such accumulation or collection of trade refuse exists in, on or about such premises as is or is likely to be injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, the said authorised Council officer may serve on the aforesaid person a notice in writing under the hand of the said authorised Council officer requiring the person to remove and dispose of such trade refuse within a time specified in the notice.

408.2 If the aforesaid person fails to comply with the notice, the Council may remove the trade refuse and charge the cost of removal to the aforesaid person.

#### 409 **TIME FOR COLLECTIONS ON CENTRAL BROADWAY**

409.1 No waste shall be placed for collection on the Broadway frontage (between Seyton Street and Page Street) between the hours of 10.30 am and 6.30 pm.

### **REFUSE DISPOSAL**

#### 410 **DISPOSAL OF REFUSE**

410.1 No person or organisation may use a Council facility for the disposal of refuse from outside the district boundary without the Council's written permission.

410.2 The Council may refuse the use of its facilities to any person or organisation who either deliberately or repeatedly fails to comply with any conditions or standards imposed by the Council from time to time by resolution.



## **APPENDIX B**

### 411 **TRANSFER STATION**

- 411.1 The disposal of refuse at the transfer station shall be subject to such conditions as Council may from time to time by resolution require, including:
- the hours of operation;
  - the nature of refuse accepted at the transfer station;
  - the nature of refuse directed to the recycling station;
  - the charges for disposing of refuse at the transfer station;
  - any other conditions that the Council may consider necessary or desirable for the proper control and management of the transfer station
- 411.2 It is a condition of entry to the transfer station for commercial vehicles that the vehicles shall be subject to audits of their contents in addition to being subject to any other waste acceptance criteria as the Council may require.
- 411.3 No person shall remove or disturb any deposit of refuse or remove any article or material of any kind from the transfer station unless authorised to do so by the Council.
- 411.4 Every transfer station attendant is hereby authorised to:
- Ensure that any person entering the transfer station complies with the conditions of entry and with any other conditions to ensure compliance with health and safety standards, with operational requirements and with the laws governing the use of the site.
  - Prevent a particular person or organisation from entering the transfer station; whether for any previous failure to comply with this Bylaw or any direction given under it, failure to pay fees due to the Council, failure to comply with health and safety standards or with operational requirements or with the laws governing the use of the site.

### **REFUSE COLLECTION**

#### 412 **RECYCLING**

- 412.1 The Council may arrange for the collection of specified recyclable material from specified or agreed locations notified by public notice.
- 412.2 The Council may supply to occupiers a recycling container or containers.
- 412.3 When a recycling container has been placed on any road for collection by the Council, no person shall interfere with or remove the recycling container or the contents, except in the course of collecting the same on behalf of the Council.
- 412.4 No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station.

#### 413 **OWNERSHIP OF WASTE STREAM**

- 413.1 Except with the prior permission of the Council or an authorised officer, no person, other than the occupier of the property from which the waste has come, shall on any public place interfere with or remove any waste which is awaiting collection by an authorised collector.

#### 414 **OBSTRUCTION TO REFUSE COLLECTORS**

- 414.1 No person shall in any way obstruct or hinder any person, for the time being employed by or operating under the sanction of the Council for the removal of household refuse or trade refuse, from entering upon any premises for the purpose of collecting and removing the contents of any container being on such premises and used for the reception of household refuse or trade refuse, or from disposing of such refuse into the refuse collection vehicle.

## **APPENDIX B**

### 415 **REMOVAL OF RECYCLING CONTAINER**

415.1 Where any recycling container, or the contents of any recycling container, do not comply with the requirements of this Bylaw then the Council may remove that recycling container and charge the cost of removal to the person responsible for the recycling container.

415.2 Any costs incurred in removing any recycling container pursuant to 414.1 shall be recoverable against the premises owner or occupier responsible for the container.

### 416 **SPECIAL WASTE**

416.1 No person shall place any special waste in a public place.

## **APPENDIX B**

### **FIRST SCHEDULE**

The following outlines the types of approved refuse receptacles that will be emptied or removed for a residential dwelling by the Council or the authorised refuse disposal operator.

<u>Type of Receptacle</u>	<u>Location</u>
1 x 120 or 1 x 240 litre plastic, mobile garbage bins (MGBs) as supplied by the Stratford District Council.	Stratford Township Midhirst Township



## Solid Waste Management and Minimisation Bylaw 2020

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Date in Force: 1 June 2020

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Purpose: To regulate the management of solid waste in the Stratford district through:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan
- c) The implementation of the purpose of the Waste Minimisation Act
- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

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Review Date 1 June 2030

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## APPENDIX C

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## APPENDIX C

### 1. TITLE

1.1 This Bylaw shall be known as the '*Stratford District Council Solid Waste Management and Minimisation Bylaw 2020*'.

1.2 The Stratford District Council ('the Council') makes this Bylaw pursuant to:

- a) Section 54 of the Waste Minimisation Act 2008;
- b) Section 64 of the Health Act 1965;
- c) Section 12 of the Litter Act 1979; and
- d) Sections 145 and 146 of the the Local Government Act 2002.

### 2. COMMENCEMENT

This Bylaw shall come into force on 1 June 2020.

### 3. REPEAL

As from the day this Bylaw comes into force, the previous *Refuse Bylaw 2008* in force in the Stratford District shall be repealed.

### 4. APPLICATION OF BYLAW

This Bylaw shall apply to the Stratford District.

### 5. SCOPE

5.1 The solid waste management and minimisation activity is subject to the following Statutory Acts and any associated Regulations.

- a) The Waste Minimisation Act 2008;
- b) The Health Act 1965;
- c) The Litter Act 1979;
- d) The Local Government Act 2002;
- e) The Local Government Act 1974; and
- f) The Resource Management Act 1991.

### 6. PURPOSE

The purpose of this Bylaw is to regulate the management and minimisation of solid waste in the Stratford district by contributing to:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan
- c) The implementation of the purpose of the Waste Minimsation Act

## APPENDIX C

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- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

### 7. REVIEW

This bylaw will be reviewed in accordance with Section 3 of the Waste Minimisation Act 2008

### 8. INTERPRETATION

8.1 The Interpretation Act 1999 applies to this bylaw.

8.2 In this Bylaw – unless the context otherwise requires:

**Act** means the Waste Minimisation Act 2008.

**Approval or Approved** means a written approval from the Council

**Approved container** means any container approved by Council for the collection, transportation or disposal of a category of waste collected by or on behalf of the Council.

**Authorised Officer** means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

**Bylaw** means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

**Cleanfill material** means:

- a) any inert material that does not undergo any physical, chemical, or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- b) is not diverted material; and
- c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - I. combustible, putrescible, degradable or leachable components;
  - II. hazardous waste;
  - III. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - IV. materials that may present a risk to human health or the environment; and
  - V. liquid waste; and
- d) has less than two per cent by volume by load of tree or vegetable matter.

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**Cleanfill site** means the land used for the disposal of clean fill material.

**Collection point** means a site or safe collection point along a refuse collection route for residents to deposit approved containers for collection.

**Commercial premises** means premises which are occupied substantially for retail; office or other commercial purposes and includes halls, schools and public buildings.

**Commercial refuse** means refuse from commercial premises and includes floor sweepings, waste paper; flattened cartons tied in bundles and refuse of a type similar to household refuse but does not include trade refuse.

**Commercial waste and Industrial waste** means waste from industrial, commercial and institutional undertaking and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other operation or undertaking such as scrap, waste material, liquid waste, floor sweepings, waste paper; flattened cartons tied in bundles and waste of a type similar to household waste but does not include trade waste.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Council** means the Stratford District Council.

**Dispose** means in relation to waste to:

- a) Cast, place, throw, drop; and/or
- b) Cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

**District** means the district of Stratford District Council

**Diverted material** has the same meaning as used in section 2 of the Act.

**Event** means any organised temporary activity of significant scale that is either open to the public or ticketed, and is likely to create litter including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration; and

- a) receives Council funding; OR
- b) is held on Council land such as parks, reserves, roads or Council owned or managed venues; OR
- c) the organiser seeks Council support for event waste management and minimisation.

It does not include regularly occurring recreational activities (such as weekly sports events)

**Greenwaste** means lawn clippings, weeds, plants, other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost. This does not include timber, ponga trees, agapanthus, flax, bamboo, ginger plant, gorse cuttings, cabbage tree, norfolk pine, tree stumps or branches greater than 100 millimetres in diameter or species of plant defined as a plant pest under the *Taranaki Regional*



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*Council's Regional Pest Management Plan or the National Pest Plant Accord.*

**Hazardous waste** means waste THAT:

- a) contain substances defined in Section 2 of the Hazardous Substances and new Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Classes 1 to 5) Controls Regulations 2001; OR
- b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goodson Land; OR
- c) Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

It does not include household waste, commercial waste, industrial waste, inorganic material, or construction and demolition waste.

**Hours of operation** is in regard to any transfer station or landfill means the hours during which the disposal facility shall be open to receive waste from commercial operators or the public or such other hours as shall be publicly notified by the Council from time to time.

**Household refuse** means waste from household premises arising or resulting from domestic housekeeping operations but does not include recyclable refuse, commercial waste, prohibited waste, hazardous waste, trade waste or liquid waste.

**Kerbside refuse collection contractor** means any person or company contracted by the Council for the purpose of the collection of refuse and recycling.

**Landfill** means land set aside by the Council upon which the deposit and disposal of solid wastes to ground can lawfully occur.

**Licence** means a licence, permit, consent or approval to do something under this Bylaw and includes any conditions to which the licence is subject.

**Liquid waste** means any waste with a solid content of less than 20 per cent per volume and waste which liberates free liquids when transported.

**Litter** shall have the same meaning as described in the Litter Act 1979 and means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

**Litter receptacle** means a receptacle provided for the collection of litter.

**Nuisance** has the meaning of any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in Section 29 of the Health Act 1956 or any statutory enactment.

**Occupier** means the inhabitant of any property or premises, and in any case where any property or premises are unoccupied includes the owner of that property or premises.

**Organic** means relating to or derived from living matter.

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**Owner (of any property or premises)** means any person who would be entitled to receive the rack rent of the property or premises, if the property or premises was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

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

**Premises** means any separately occupied land, building or part of the same.

**Prohibited waste** means waste containing:

- a) Any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- b) Any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- c) Any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- d) Any liquid or any viscous fluid;
- e) Any radioactive wastes, but excluding domestic smoke detectors;
- f) Any used oil and lead-acid batteries;
- g) Any hazardous waste;
- h) Medical waste; and
- i) Any material prohibited by the Council.

**Proprietary bin** means a commercially provided mobile refuse bin, drum, or similar container provided under contract by a licensed waste operator, and which is emptied on a regular basis.

**Public place:**

- a) Means a place that is
  - I. under the control of the Council and/or
  - II. open to or being used by the public, whether admission is free or on payment of a charge; and
- b) Includes:
  - I. A road, whether or not the road is under the control of the Council and including the berm and footpath; and
  - II. Any part of the public place.

**Recovery** has the same meaning as defined in the Act.

**Recyclable refuse** means any waste that is potentially recyclable such as, aluminium cans, steel cans, plastic products, glass, paper, cardboard and other such items as may be publicly notified by the Council as recyclable refuse from time to time. It does not include diverted material, but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

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**Recycling** has the same meaning as defined in the Act.

**Refuse / waste** means any waste material or thing that is discarded or selected for disposal that cannot be diverted or recycled and must be disposed off at a disposal facility. It does not include diverted material but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Refuse disposal site** means any landfill or closed landfill operated by or for the council for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for the Council.

**Rejected refuse sticker or tag** means an official sticker/tag to explain why the kerbside refuse collection contractor has elected not to remove or empty any approved container placed out for collection.

**Resident** means any person who resides in the District; or any person who operates a business from premises within the District.

**Residual waste or solid waste** means:

- a) Anything disposed of or discarded
- b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Resource recovery facility** means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and may include a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

**Special Waste** means any waste which requires special disposal because of environmental considerations or the operational requirements of the Landfill at which disposal is to occur but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Green Waste, paper waste, inorganic waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

**Trade refuse** means scrap, waste material, any sewerage or liquid, or rubbish resulting from the conduct of any factory, manufacture, process, trade, market or other industrial operation or undertaking.

**Transfer station** means any land or other place owned by or vested in the council or under its control and set aside by the council for the receiving, containment or transfer of refuse.

**Waste collector** means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

**Waste Disposal facility** *has the same meaning as that term in section 7 of the Act.*

**Waste management and minimisation plan** has the same meaning as defined in the Act.

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**Waste operator (or operator)** means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

## 9. LICENCING

### 9.1 Transitional provisions

Any person (as defined under section 9.2.1 and 9.3.1 of this Bylaw) who collects, transports or disposes of waste, must obtain a licence to do so from the Council by 1 July 2021.

### 9.2 Licensing of Commercial Waste Collectors and Waste Disposal Operators

9.2.1 No person shall, unless licensed by the Council to do so, engage in the collection, transportation, or disposal of:

- a) Waste (excluding hazardous waste) in excess of 10 tonnes per annum; or
- b) Any hazardous waste; or
- c) Diverted materials in excess of 10 tonnes per annum.

9.2.2 Applications for licences must be made in the Council's prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application:

- a) The holder of an existing licence may apply to the Council for a renewal of that licence.
- b) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council deems fit.

9.2.3 When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to sustainability of the applicant to hold a licence, including but not limited to the following:

- a) The extent to which the licensed activities will promote public health and safety, and achievement of the Council.
- b) The applicant's experience, reputation, and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance.
- c) The type of waste to be collected or transported.
- d) The manner of treatment (if any) and disposal of the waste type, and the identity of the disposal facility, resource recovery facility, landfill site, managed fill site, mono fill site, or cleanfill site, at which it is proposed that treatment or disposal will occur.
- e) The terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposals.
- f) The frequency and location of the waste collection, transportation, or disposal services.
- g) The specification of the vehicles, equipment, and approved containers to be used for the collection, transportation or disposal of waste.

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- 9.2.4 The Council may impose such terms and conditions on any licence as it determines which may include without limitation, the following:
- a) A licence may be granted for a term up to five years, but will be reviewed annually to ensure compliance.
  - b) The licensee must pay an annual licence fee in an amount determined within the Council's fees and charges schedule.
  - c) The Council may from time to time and on a case by case basis, require a licence holder to post a bank guaranteed bond.
  - d) The licence holder must comply with the Council's standards and policies for waste collection, transportation, or disposal services.
  - e) The collection of any litter within five meters of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, or disposal process;
  - f) The provision of waste collection services within reasonable times specified by the Council.
  - g) The provision of waste data by the licence holder to the Council during the term of the licence in the form and at times determined by the Council from time to time, including the following data:
    - I. Waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type, and the point in time when such data was recorded during the waste collection, transportation, or disposal process.
    - II. Weighbridge receipts.
    - III. Gate records of waste tonnage.
- 9.2.5 The Council will take all reasonable measures to keep commercially sensitive information confidential, including the aggregation of such information for recording purposes.
- 9.3 Licensing of resource recovery facilities and fill sites**
- 9.3.1 Any operator who operates a disposal facility, resource recovery facility, landfill site, cleanfill site, managed fill site or mono-fill site, must obtain a licence to do so from the Council.
- 9.3.2 Section 9.3.1 does not apply to land used for the disposal of cleanfill material where such disposal:
- a) Is of cleanfill material directly from that land; and
  - b) Consists solely of:
    - I. Hardfill that is natural or uncontaminated or cover material, or both; or
    - II. Not more than 30 cubic meters, or such greater amount as the Council may approve of, measured over any continuous 12 month period.
- 9.3.3 The Council may grant a licence in the case of a:
- a) Municipal Solid Waste Industrial Waste Landfill.
  - b) Cleanfill site.
  - c) Controlled/managed fill site.
  - d) Construction and Demolition Industrial Waste Landfill.

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9.3.4 The determination and issuing of the licences shall be in accordance with section 9.2.

9.3.5 The holder of a licence under this section must comply with the conditions of the licence.

### 10. RULES GOVERNING COLLECTION

10.1 The Council may from time to time, by resolution publicly notified, make and amend rules governing the collection of refuse and recyclable refuse by or for the Council, including (without limitation):

- a) The weights, sizes, numbers, types and contents of approved containers for disposal of refuse and recyclable, refuse.
- b) The placing of approved containers for such collection in urban and rural areas.
- c) Recycling, including items that can be recycled and procedures for disposal of these items.
- d) The separation of recyclable refuse and residual waste.
- e) The days and hours that an operated transfer station will be available for solid waste disposal and management.
- f) The ability for Council to require a fee for receiving a service under this bylaw;
- g) The ability for Council to allow for the rebate of a fee;
- h) The ability for Council to remit a rate, in accordance with a rates remission policy adopted in accordance with the Local Government Act 2002, for receiving part of a service or not receiving a service under this bylaw; or
- i) The size, location, quantity and general management of propriety bins allowed in public places.

Such rules shall be enforceable under this Bylaw.

10.2 The Council must, before making, amending or revoking controls or rules in Section 10.1:

- a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
- b) be satisfied that the controls or rules ensure that the purpose of the bylaw will be met;
- c) have regard to:
  - I. the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
  - II. any other matters considered relevant by the Council.

10.3 Any control or rule made, amended or revoked under Section 10.1 must be made publicly available and shall be enforceable under this bylaw.

10.4 To avoid doubt, compliance with the bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law.

### 11. HOUSEHOLD WASTE AND RECYCLABLES COLLECTION

11.1 Any occupier of a dwelling or any portion separately occupied may lease a proprietary bin for the depositing of household domestic refuse.

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- 11.2 A leased proprietary bin does not negate the property owner from paying the targeted refuse rate on the property rate account.
- 11.3 Any clean up, disposal and/or repair costs as a result of the incorrect disposal of waste or disposal of unacceptable waste in approved receptacles, shall be recovered from the customer responsible.
- 11.4 Any cost of repair or replacement of any waste receptacle issued to a customer by the Council, that is damaged, stolen, lost, or missing other than caused by the kerbside refuse collection contractor, shall be charged to the customer.
- 11.5 Every resident participating in the Council's kerbside refuse and recycling service shall be provided with one set of approved general waste and recycling containers for the collection of household refuse and specified recyclable refuse.
- 11.6 Any additional approved general waste and recycling containers to the provided containers will be provided in accordance with the *Stratford District Council Kerbside Collection Policy*.

**Conditions of Collection**

- 11.7 Where the Council makes provision for a refuse and recycling collection service, users of that service must:
  - a) Place approved containers out after 5.00 pm the night before the collection day, or by 7.30 am on the day of the collection. Neither the council nor the kerbside refuse collection contractor or agent employed by the Council will accept responsibility for the non-collection of waste if it is not put out for collection by 7.30 am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification.
  - b) Ensure that all refuse and recyclables are placed in an appropriate approved container or proprietary bin.
  - c) Ensure that the contents of any approved container do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter.
  - d) Protect contents of the approved container from the rain, dispersal by wind or ingress of flies and vermin.
  - e) Ensure that containers are not overfilled, and the contents stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.

**Refusal to collect**

- 11.8 No person shall deposit refuse in a manner where:
  - a) The container is damaged or otherwise likely to cause injury to the waste collector;
  - b) In the opinion of the Council or kerbside refuse collection contractor, the refuse is in an unsanitary or offensive condition;
  - c) The refuse includes waste prohibited under this Bylaw;
  - d) The container is not an approved container or proprietary bin;
  - e) The container is in a condition that allows spillage of refuse;

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- f) The container does not comply with the rules under this Bylaw in terms of type, volume, weight, numbers, placement or any other detail;
- g) The refuse does not comply with the rules under this Bylaw in terms of type, volume, weight, contamination of recycling, placement or any other detail;
- h) the number of approved containers placed out for collection is greater than the refuse units rated on the household rate account; or
- i) Any other reason which the kerbside refuse collection contractor deems would cause a health and safety concern to the refuse collection operation.

### 11.9 No person shall:

- a) put waste into an approved container provided to any other person, without that other person's consent;
- b) remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste;
- c) remove a container provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council; or
- d) put their approved container outside another person's property without the prior approval of an authorised officer or that other person's consent.

11.10 Where any of the conditions in Section 11.9 occur, the kerbside refuse collection contractor shall not be obligated to collect the refuse.

### Obstruction to Refuse Collectors/Auditors

11.11 No person shall in any way obstruct or hinder any person, for the time being employed by or operating under the sanction of the Council for the audit of and removal of household refuse or trade refuse, from entering upon any premises for the purpose of collecting and removing the contents of any container being on such premises and used for the reception of household refuse or trade refuse, or from disposing of such refuse into the refuse collection vehicle.

**Note:** Refer to Appendix 1 for conditions of service.

### 12. CONTAMINATION, AUDITS AND SERVICE CONTINUITY

12.1 Bin audits are carried out by the Council and its authorised Agents to check for bin contamination. The results are an indication of the resident's recycling behaviour, which is reported to Council.

12.2 The bin audits are carried out prior to kerbside collection.

12.3 All contamination occurrences will be recorded and tagged/stickered.

- a) A Green tag/sticker means the recycling has been done correctly;
- b) An Amber tag/sticker means the recycling contains non-recyclable materials; and
- c) A Red tag/sticker means the recycling contains general refuse.

12.4 Each red-stickered bin is recorded as a contamination occurrence.



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- 12.5 Red-stickered bins, and any other bins that the contractor deems as containing incorrect materials, will not be emptied.

### Service Suspension

- 12.6 The Council will issue a letter to residents following each contamination occurrence up to three (3) occurrences.
- a) At the first occurrence, the Council will send a letter to the resident outlining the correct materials to go into the bins, including the appropriate contact for more information.
  - b) At the second occurrence, the Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, date the previous incident occurred and advice of service suspension should a third contamination incident occur.
  - c) At the third occurrence, Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, and date the previous incidents occurred. The letter will also advise the resident to contact Council within five (5) working days. At this stage, the recycling service may be suspended for a period of up to 3 months.

### Service Reinstatement

- 12.7 Following the suspension period, the Council may reinstate the service, following appropriate communication with the service recipient and upon being satisfied that there will be no further reoccurrence by the service recipient.
- 12.8 In the instances of a tenanted (rental) property where the recycling service has been suspended and there is a tenant change, the suspension may be lifted upon evidence of tenant change being provided to Council.
- a) In instances where a suspended tenant changes address, the suspension period will carry over to the new property until fully discharged.
  - b) In the event of a dispute over any aspect of this bylaw, immediate action will be taken by the Assets Services Manager through effective and constructive consultation between the parties concerned and in accordance with any Council complaints or dispute resolution policies.
  - c) If a resolution cannot be reached, the Director of Assets will have final say on the matter.

### Occupier responsibilities

- 12.9 The occupier is responsible for any refuse not collected because of non-compliance with this Bylaw. Any refuse or recyclables shall be removed back to the occupier's premises by noon on the day following collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable but not exceeding 48 hours.
- 12.10 No person, other than the occupier of the property from which the waste has come, shall interfere with or remove any waste which is awaiting collection in a public place.
- 12.11 No person shall bury any household refuse in such a manner as to cause a nuisance.

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- 12.12 No refuse shall be transported by vehicle through, over or upon any road or public place unless such refuse is sufficiently and adequately covered to prevent the refuse from falling or otherwise escaping on to any road or other public place.

**Note:** Refer to Appendix 1 for conditions of service.

### 13. TRADE REFUSE

- 13.1 Where the Council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within the official containers.
- 13.2 Every owner or occupier of any premises shall ensure that no undue accumulation of trade refuse or salvaged material is permitted or suffered to remain or be in, on, or about such premises or any portion thereof.
- 13.3 Any perishable or putrescible trade refuse shall be removed by the occupier or owner of a premises on a daily basis, at the cost of the owner or occupier, except where stored in an approved manner that does not cause a nuisance of any kind.
- 13.4 Notice to remove Trade Refuse:
- a) Where, in the opinion of any authorised Council officer, any such accumulation or collection of trade refuse exists in, on or about such premises as is or is likely to be injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, the said authorised Council officer may service on the person, a notice in writing under the hand of the said authorised Council officer requiring the person to remove and dispose of such trade refuse within a time specified in the notice.
  - b) If the person fails to comply with the notice, the Council may remove the trade refuse and charge the cost of removal to the aforesaid person.

### 14. REFUSE DISPOSAL FACILITIES

#### User Responsibilities

- 14.1 All persons entering any refuse disposal site, transfer station or landfill shall observe and comply with all erected signs, or any instructions given by an Authorised Officer with regard to operational and safety matters relating to the site or the deposition of refuse or recyclable refuse therein.
- 14.2 No person shall at any refuse disposal site or landfill site:
- a) Enter other than for the purposes of depositing refuse and/or recyclables and only during such hours as the site is open, except with the prior approval of an Authorised Officer.

**APPENDIX C**

- b) Dispose any special waste without the written consent of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed.
- c) Tip, throw, or deposit any refuse in any manner at any place on any refuse disposal site which is not intended for that purpose.

**Refusal of Waste**

- 14.3 An Authorised Officer may refuse to accept, at any refuse disposal site any refuse for which fees or charges have not been paid or which, in his or her opinion:
- a) May cause undue hazard to the health and safety of the public or to any operator of the site;
  - b) May damage the environment; or
  - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 14.4 No person, other than a person authorised by the Council to remove articles or materials for recycling or reuse shall remove any deposited refuse, article or materials from any refuse disposal site without the consent of an Authorised Officer.
- 14.5 All refuse, garden waste, recyclable refuse, unwanted articles or other things deposited within any refuse disposal site shall be deemed to be the property of the Council, and the Council may dispose of such materials by recycling or in such other manner as it sees fit. The person depositing refuse shall be deemed to have abandoned all claims to ownership, but shall not be relieved of any liability for damage following in any way from such action nor from the penalties provided for offences against this Bylaw.
- 14.6 No person shall take any animal on to any refuse disposal site or allow any stock to wander or graze thereon without the prior consent of an Authorised Officer.
- 14.7 No person or organisation may use a Council facility for the disposal of refuse from outside the district boundary without the Council's written permission.
- 14.8 An Authorised Officer may require any person who is on any refuse disposal site to leave a refuse disposal site, with or without any refuse brought by that person for disposal, where that persons is contravening the provisions of this Bylaw.

**Note:** Refer to Appendix 1 for conditions of service.

**15. COUNCIL TRANSFER STATION**

- 15.1 The disposal of refuse at the transfer station shall be subject to such conditions as Council may from time to time by resolution require, including:
- a) the hours of operation
  - b) the nature of refuse accepted at the transfer station
  - c) the nature of refuse directed to the recycling station
  - d) the charges for disposing of refuse at the transfer station
  - e) any other conditions that the Council may consider necessary or desirable for the proper control and management of the transfer station

## APPENDIX C

- 15.2 Vehicles entering the transfer station may be subject to audits of their contents in addition to being subject to any other waste acceptance criteria as the council may require.
- 15.3 No person shall remove or disturb any deposit of refuse or remove any article or material of any kind from the transfer station unless authorised to do so by the Council.
- 15.4 Every transfer station attendant is hereby authorised to:
- a) Ensure that any person entering the transfer station complies with the conditions of entry and with any other conditions to ensure compliance with health and safety standards, with operational requirements and with the laws governing the use of the site.
  - b) Prevent a particular person or organisation from entering the transfer station whether for any previous failure to comply with this Bylaw or any direction given under it, failure to pay fees due to Council, failure to comply with health and safety standards or with operational requirements or with the laws governing the use of the site.
- 15.5 All persons using the facilities of a transfer station shall ensure that:
- a) All refuse is separated into greenwaste, recyclable refuse and residual waste categories.
  - b) All refuse is off-loaded at the place and in the manner directed.
  - c) All reasonable steps are taken to assist in the minimisation of waste.
  - d) All reasonable steps are taken to protect and promote the health and safety of all of those persons on site including site staff.
  - e) No prohibited waste is off-loaded.
- 15.6 No person shall deposit any special or hazardous waste in any place except at the hazardous disposal facility at the Stratford Transfer Station.
- 15.7 Persons using the hazardous disposal facility must, abide by all rules as advised by the Authorised Officer.
- 15.8 The hazardous disposal facility at the Stratford transfer station shall only accept domestic quantities of household hazardous waste.
- 15.9 No person shall:
- a) Deposit any general refuse in any place, facility or container designated for the deposition of recyclables and/or diverted materials.
  - b) Disregard any reasonable instruction of an Authorised Officer whilst on site as to the separation and disposal of waste.
  - c) Wrongly or unlawfully dispose of non-recyclable refuse or hazardous waste through the recycling system.
  - d) Dispose of greenwaste without first ensuring it is free of contaminants.
- 15.10 Access by the general public to all transfer stations outside of normal operating hours is prohibited.

**Note:** Refer to Appendix 1 for conditions of service.

**APPENDIX C****16. NUISANCE AND LITTER****16.1** No person may:

- a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

**16.2** Except as provided for as permitted or consented activities under any Taranaki Regional Plan or under this bylaw, no person may, on any urban property they own, occupy or manage:

- a) burn or allow to be burnt any waste;
- b) bury or allow to be buried any waste except:
  - I. organic waste;
  - II. dead companion animals and nuisance pests; or
  - III. for the purposes of home composting.
- c) dispose of any waste on any premises except at:
  - I. a waste disposal facility; or
  - II. any premises they own, occupy or manage, for the purposes of home composting.

**16.3** No person may:

- a) deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place;
- b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
- c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
  - I. the receptacle is full; or
  - II. the litter is likely to escape.
- d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- e) damage any litter receptacle provided by the Council in any public place.

**16.4** The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.**16.5** No person shall deposit, or permit or suffer to be deposited, or to accumulate any refuse or litter as defined in the Litter Act 1979 or rubbish of any description including sawdust, plastics materials, tyres, waste paper, shavings, filth, tins, glass, rags, straw, garden refuse, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the Council, unless in so doing he takes sufficient precautions to prevent the creation of a nuisance or anything offensive or likely to be injurious to health.

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### 17. EVENTS

- 17.1 Any organiser of an event must obtain prior approval from the Council of an Event Waste Management and Minimisation Plan (EWMMP) for the event. The plan content must be appropriate for the scale of the event.
- 17.2 The Council may require an event waste management and minimisation plan (EWMMP) to set out the following:
- a) An estimate of the types and amounts of waste to be generated by the event;
  - b) How waste generated by the event is minimised;
  - c) The steps to maximise the collection and use of recyclables and refuse material;
  - d) The equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - e) The person responsible for the collection and disposal of waste and the methods to be used;
  - f) A waste analysis following the conclusion of the event; and
  - g) Any other matters relating to event waste management and minimisation that may be specified by the Council in the future.
- 17.3 The organiser of an event must comply with the approved event waste management and minimisation plan (EWMMP).
- 17.4 On completion of the event, the Council may require the organiser to provide an implementation report for their event waste management and minimisation plan (EWMMP), including:
- a) the waste analysis giving a comparison of the predicted and actual types and amounts of waste generated by the event; and
  - b) which waste management facility was used to recover, recycle, treat or dispose of this waste.

### 18. FEES

- 18.1 The Council reserves the right to charge fees that, by resolution from time to time, it may prescribe in its current Fees and Charges Schedule, as determined by Council through the Special Consultative Procedure.

### 19. NOTIFICATIONS AND ACTIONS

- 19.1 Any person who does not comply with this Bylaw or a decision made under it may (without limitation) be subject to the following action being taken:
- a) Non-compliant notification including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, the Council may rectify or organise for the issue to be rectified, recover all costs from that person in doing so, or temporarily suspend the service or part of the service until compliance is verified;
  - b) Enforcement for a breach of this Bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008;

## APPENDIX C

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- c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- d) An enforcement order or abatement notice under the Resource Management Act 1991; and
- e) Any other steps that may be taken by the Council at law.

### 20. PENALTIES AND OFFENCES

20.1 Every licensee breaches this Bylaw who fails to act in full compliance with the terms and conditions of its licence, this Bylaw and the decisions made under this Bylaw.

20.2 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw
- e) Knowingly provides wrong information to any Authorised Officer.
- f) Refuses or neglects to comply with any notice or direction given to them under this Bylaw
- g) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this bylaw; or
- h) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

20.3 Any person commits a breach of this bylaw who fails to comply with the requirements of this bylaw and the decisions made under this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.

20.4 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

**APPENDIX C****Appendix 1****Appendix 1**

In accordance with Sections 11, 12, 14 & 15 of the Stratford Council Solid Waste Management and Minimisation Bylaw 2020, the Council resolves the following rules in relation to solid waste collection and disposal.

**1.0 Approved Refuse Container**

- 1.1 The approved refuse containers shall consist of a 120 litre mobile bin (wheelie bin).

**2.0 Approved Recycling Container**

- 2.1 The approved co-mingled recycling containers shall consist of a 240 litre mobile bin (wheelie bin).
- 2.2 The approved glass recycling containers shall consist of a 60 litre crate.

**3.0 Weights, types and contents of containers which will be collected**

- 3.1 No person shall deposit or cause or allow any of the following materials to be deposited in any approved refuse container placed for collection:
- a) Any hazardous, prohibited or special waste co-mingled with domestic waste; or
  - b) Explosive, hot ashes, highly inflammable material or infectious material; or
  - c) Liquids, acids, printer's ink, paint, or any other viscous fluid; or
  - d) Any matter, thing or refuse of any kind whatsoever, other than household refuse unless specifically allowed by a specific policy; or
  - e) Any trade refuse; or
  - f) Any pesticides, herbicides, fungicides or other toxic compounds; or
  - g) Any effluent from chemical toilets or waste removed from any part of a drainage or sewerage system; or
  - h) Any medical waste, including medical needles, skin piercing devices; or
  - i) Such other types of prohibited waste as may be publicly notified by the council from time to time.
- 3.2 Any approved refuse container in excess of the numbers, over and above the approved number of containers for the property, will not be collected.
- 3.3 Only the following Recyclable Waste may be deposited in approved containers placed for collection:
- a) In co-mingled recycling containers: newspaper, cardboard, aluminium cans, steel cans, aerosols, and plastic recyclable containers of a type publicly notified by Council from time to time; and
  - b) In glass recycling containers: glass bottles and jars.



## APPENDIX C

- c) Any other recyclable items as publicly notified by the Council from time to time;  
which arise from, or result from residential housekeeping activities.

3.4 Any approved refuse container in excess of 70kg nett weight will not be collected.

### 4.0 Placing of containers for collection

4.1 Residents who live in rural areas, along routes which refuse collection vehicles travel on, and uses the service shall place approved containers adjacent to the roadway in an obvious, safe location or in designated specific collection points.

4.2 All urban approved containers put out for collection shall be placed in a safe collection point on the kerb with the front of the container facing the road.

### 5.0 Recycling

5.1 A kerbside recycling service shall be provided to all designated urban collection areas in the Stratford District.

5.2 Recycling facilities shall be provided at the Stratford District Council transfer station.

5.3 Recycling services and waste minimisation by community organisations and the private sector are encouraged.

### 6.0 Waste Separation

6.1 Any person disposing of solid waste for household collection must separate recyclable refuse and residual waste.

6.2 No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station.

### 7.0 Days and hours during which transfer station will be available for solid waste disposal and management

7.1 The opening hours for the council transfer station are as provided on the Council website and amended by Council Resolution from time to time, as the case may be.

## APPENDIX C

This Bylaw was made by the Stratford District Council on 1 June 2020.

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of said Council in the presence of:

..... *Mayor*

..... *Chief Executive*



## Solid Waste Management and Minimisation Bylaw 2020

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Date in Force: 1 June 2020

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Purpose: To regulate the management of solid waste in the Stratford district through:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan
- c) The implementation of the purpose of the Waste Minimisation Act
- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

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Review Date 1 June 2030

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## APPENDIX D

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## APPENDIX D

### 1. TITLE

1.1 This Bylaw shall be known as the '*Stratford District Council Solid Waste Management and Minimisation Bylaw 2020*'.

1.2 The Stratford District Council ('the Council') makes this Bylaw pursuant to:

- a) Section 54 of the Waste Minimisation Act 2008;
- b) Section 64 of the Health Act 1965;
- c) Section 12 of the Litter Act 1979; and
- d) Sections 145 and 146 of the the Local Government Act 2002.

### 2. COMMENCEMENT

This Bylaw shall come into force on 1 June 2020.

### 3. REPEAL

As from the day this Bylaw comes into force, the previous *Refuse Bylaw 2008* in force in the Stratford District shall be repealed.

### 4. APPLICATION OF BYLAW

This Bylaw shall apply to the Stratford District.

### 5. SCOPE

5.1 The solid waste management and minimisation activity is subject to the following Statutory Acts and any associated Regulations.

- a) The Waste Minimisation Act 2008;
- b) The Health Act 1965;
- c) The Litter Act 1979;
- d) The Local Government Act 2002;
- e) The Local Government Act 1974; and
- f) The Resource Management Act 1991.

### 6. PURPOSE

The purpose of this Bylaw is to regulate the management and minimisation of solid waste in the Stratford district by contributing to:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan
- c) The implementation of the purpose of the Waste Minimsation Act

## APPENDIX D

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- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

### 7. REVIEW

This bylaw will be reviewed in accordance with Section 3 of the Waste Minimisation Act 2008

### 8. INTERPRETATION

8.1 The Interpretation Act 1999 applies to this bylaw.

8.2 In this Bylaw – unless the context otherwise requires:

**Act** means the Waste Minimisation Act 2008.

**Approval or Approved** means a written approval from the Council

**Approved container** means any container approved by Council for the collection, transportation or disposal of a category of waste collected by or on behalf of the Council.

**Authorised Officer** means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

**Bylaw** means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

**Cleanfill material** means:

- a) any inert material that does not undergo any physical, chemical, or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- b) is not diverted material; and
- c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - I. combustible, putrescible, degradable or leachable components;
  - II. hazardous waste;
  - III. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - IV. materials that may present a risk to human health or the environment; and
  - V. liquid waste; and
- d) has less than two per cent by volume by load of tree or vegetable matter.

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**Cleanfill site** means the land used for the disposal of clean fill material.

**Collection point** means a site or safe collection point along a refuse collection route for residents to deposit approved containers for collection.

**Commercial premises** means premises which are occupied substantially for retail; office or other commercial purposes and includes halls, schools and public buildings.

**Commercial refuse** means refuse from commercial premises and includes floor sweepings, waste paper; flattened cartons tied in bundles and refuse of a type similar to household refuse but does not include trade refuse.

**Commercial waste and Industrial waste** means waste from industrial, commercial and institutional undertaking and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other operation or undertaking such as scrap, waste material, liquid waste, floor sweepings, waste paper; flattened cartons tied in bundles and waste of a type similar to household waste but does not include trade waste.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Council** means the Stratford District Council.

**Dispose** means in relation to waste to:

- a) Cast, place, throw, drop; and/or
- b) Cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

**District** means the district of Stratford District Council

**Diverted material** has the same meaning as used in section 2 of the Act.

**Event** means any organised temporary activity of significant scale that is either open to the public or ticketed, and is likely to create litter including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration; and

- a) receives Council funding; OR
- b) is held on Council land such as parks, reserves, roads or Council owned or managed venues; OR
- c) the organiser seeks Council support for event waste management and minimisation.

It does not include regularly occurring recreational activities (such as weekly sports events)

**Greenwaste** means lawn clippings, weeds, plants, other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost. This does not include timber, ponga trees, agapanthus, flax, bamboo, ginger plant, gorse cuttings, cabbage tree, norfolk pine, tree stumps or branches greater than 100 millimetres in diameter or species of plant defined as a plant pest under the *Taranaki Regional*

## APPENDIX D

*Council's Regional Pest Management Plan or the National Pest Plant Accord.*

**Hazardous waste** means waste THAT:

- a) contain substances defined in Section 2 of the Hazardous Substances and new Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Classes 1 to 5) Controls Regulations 2001; OR
- b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goodson Land; OR
- c) Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

It does not include household waste, commercial waste, industrial waste, inorganic material, or construction and demolition waste.

**Hours of operation** is in regard to any transfer station or landfill means the hours during which the disposal facility shall be open to receive waste from commercial operators or the public or such other hours as shall be publicly notified by the Council from time to time.

**Household refuse** means waste from household premises arising or resulting from domestic housekeeping operations but does not include recyclable refuse, commercial waste, prohibited waste, hazardous waste, trade waste or liquid waste.

**Kerbside refuse collection contractor** means any person or company contracted by the Council for the purpose of the collection of refuse and recycling.

**Landfill** means land set aside by the Council upon which the deposit and disposal of solid wastes to ground can lawfully occur.

**Licence** means a licence, permit, consent or approval to do something under this Bylaw and includes any conditions to which the licence is subject.

**Liquid waste** means any waste with a solid content of less than 20 per cent per volume and waste which liberates free liquids when transported.

**Litter** shall have the same meaning as described in the Litter Act 1979 and means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

**Litter receptacle** means a receptacle provided for the collection of litter.

**Nuisance** has the meaning of any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in Section 29 of the Health Act 1956 or any statutory enactment.

**Occupier** means the inhabitant of any property or premises, and in any case where any property or premises are unoccupied includes the owner of that property or premises.

**Organic** means relating to or derived from living matter.



**APPENDIX D**

**Owner (of any property or premises)** means any person who would be entitled to receive the rack rent of the property or premises, if the property or premises was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

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

**Premises** means any separately occupied land, building or part of the same.

**Prohibited waste** means waste containing:

- a) Any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- b) Any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- c) Any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- d) Any liquid or any viscous fluid;
- e) Any radioactive wastes, but excluding domestic smoke detectors;
- f) Any used oil and lead-acid batteries;
- g) Any hazardous waste;
- h) Medical waste; and
- i) Any material prohibited by the Council.

**Proprietary bin** means a commercially provided mobile refuse bin, drum, or similar container provided under contract by a licensed waste operator, and which is emptied on a regular basis.

**Public place:**

- a) Means a place that is
  - I. under the control of the Council and/or
  - II. open to or being used by the public, whether admission is free or on payment of a charge; and
- b) Includes:
  - I. A road, whether or not the road is under the control of the Council and including the berm and footpath; and
  - II. Any part of the public place.

**Recovery** has the same meaning as defined in the Act.

**Recyclable refuse** means any waste that is potentially recyclable such as, aluminium cans, steel cans, plastic products, glass, paper, cardboard and other such items as may be publicly notified by the Council as recyclable refuse from time to time. It does not include diverted material, but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

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**Recycling** has the same meaning as defined in the Act.

**Refuse / waste** means any waste material or thing that is discarded or selected for disposal that cannot be diverted or recycled and must be disposed off at a disposal facility. It does not include diverted material but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Refuse disposal site** means any landfill or closed landfill operated by or for the council for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for the Council.

**Rejected refuse sticker or tag** means an official sticker/tag to explain why the kerbside refuse collection contractor has elected not to remove or empty any approved container placed out for collection.

**Resident** means any person who resides in the District; or any person who operates a business from premises within the District.

**Residual waste or solid waste** means:

- a) Anything disposed of or discarded
- b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Resource recovery facility** means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and may include a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

**Special Waste** means any waste which requires special disposal because of environmental considerations or the operational requirements of the Landfill at which disposal is to occur but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Green Waste, paper waste, inorganic waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

**Trade refuse** means scrap, waste material, any sewerage or liquid, or rubbish resulting from the conduct of any factory, manufacture, process, trade, market or other industrial operation or undertaking.

**Transfer station** means any land or other place owned by or vested in the council or under its control and set aside by the council for the receiving, containment or transfer of refuse.

**Waste collector** means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

**Waste Disposal facility** has the same meaning as that term in section 7 of the Act.

**Waste management and minimisation plan** has the same meaning as defined in the Act.

**APPENDIX D**

**Waste operator (or operator)** means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

## 9. LICENCING

### 9.1 Transitional provisions

Any person (as defined under section 9.2.1 and 9.3.1 of this Bylaw) who collects, transports or disposes of waste, must obtain a licence to do so from the Council by 1 July 2021.

### 9.2 Licensing of Commercial Waste Collectors and Waste Disposal Operators

9.2.1 No person shall, unless licensed by the Council to do so, engage in the collection, transportation, or disposal of:

- a) Waste (excluding hazardous waste) in excess of 10 tonnes per annum; or
- b) Any hazardous waste; or
- c) Diverted materials in excess of 10 tonnes per annum.

9.2.2 Applications for licences must be made in the Council's prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application:

- a) The holder of an existing licence may apply to the Council for a renewal of that licence.
- b) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council deems fit.

9.2.3 When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to sustainability of the applicant to hold a licence, including but not limited to the following:

- a) The extent to which the licensed activities will promote public health and safety, and achievement of the Council.
- b) The applicant's experience, reputation, and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance.
- c) The type of waste to be collected or transported.
- d) The manner of treatment (if any) and disposal of the waste type, and the identity of the disposal facility, resource recovery facility, landfill site, managed fill site, mono fill site, or cleanfill site, at which it is proposed that treatment or disposal will occur.
- e) The terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposals.
- f) The frequency and location of the waste collection, transportation, or disposal services.
- g) The specification of the vehicles, equipment, and approved containers to be used for the collection, transportation or disposal of waste.

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- 9.2.4 The Council may impose such terms and conditions on any licence as it determines which may include without limitation, the following:
- a) A licence may be granted for a term up to five years, but will be reviewed annually to ensure compliance.
  - b) The licensee must pay an annual licence fee in an amount determined within the Council's fees and charges schedule.
  - c) The Council may from time to time and on a case by case basis, require a licence holder to post a bank guaranteed bond.
  - d) The licence holder must comply with the Council's standards and policies for waste collection, transportation, or disposal services.
  - e) The collection of any litter within five meters of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, or disposal process;
  - f) The provision of waste collection services within reasonable times specified by the Council.
  - g) The provision of waste data by the licence holder to the Council during the term of the licence in the form and at times determined by the Council from time to time, including the following data:
    - I. Waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type, and the point in time when such data was recorded during the waste collection, transportation, or disposal process.
    - II. Weighbridge receipts.
    - III. Gate records of waste tonnage.
- 9.2.5 The Council will take all reasonable measures to keep commercially sensitive information confidential, including the aggregation of such information for recording purposes.
- 9.3 Licensing of resource recovery facilities and fill sites**
- 9.3.1 Any operator who operates a disposal facility, resource recovery facility, landfill site, cleanfill site, managed fill site or mono-fill site, must obtain a licence to do so from the Council.
- 9.3.2 Section 9.3.1 does not apply to land used for the disposal of cleanfill material where such disposal:
- a) Is of cleanfill material directly from that land; and
  - b) Consists solely of:
    - I. Hardfill that is natural or uncontaminated or cover material, or both; or
    - II. Not more than 30 cubic meters, or such greater amount as the Council may approve of, measured over any continuous 12 month period.
- 9.3.3 The Council may grant a licence in the case of a:
- a) Municipal Solid Waste Industrial Waste Landfill.
  - b) Cleanfill site.
  - c) Controlled/managed fill site.
  - d) Construction and Demolition Industrial Waste Landfill.

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9.3.4 The determination and issuing of the licences shall be in accordance with [section 9.2](#).

9.3.5 The holder of a licence under this section must comply with the conditions of the licence.

**10. RULES GOVERNING COLLECTION**

10.1 The Council may from time to time, by resolution publicly notified, make and amend rules governing the collection of refuse and recyclable refuse by or for the Council, including (without limitation):

- a) The weights, sizes, numbers, types and contents of approved containers for disposal of refuse and recyclable, refuse.
- b) The placing of approved containers for such collection in urban and rural areas.
- c) Recycling, including items that can be recycled and procedures for disposal of these items.
- d) The separation of recyclable refuse and residual waste.
- e) The days and hours that an operated transfer station will be available for solid waste disposal and management.
- f) The ability for Council to require a fee for receiving a service under this bylaw;
- g) The ability for Council to allow for the rebate of a fee;
- h) The ability for Council to remit a rate, in accordance with a rates remission policy adopted in accordance with the Local Government Act 2002, for receiving part of a service or not receiving a service under this bylaw; or
- i) The size, location, quantity and general management of propriety bins allowed in public places.

Such rules shall be enforceable under this Bylaw.

- 10.2 The Council must, before making, amending or revoking controls or rules in Section 10.1:
- a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
  - b) be satisfied that the controls or rules ensure that the purpose of the bylaw will be met;
  - c) have regard to:
    - I. the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
    - II. any other matters considered relevant by the Council.

10.3 Any control or rule made, amended or revoked under Section 10.1 must be made publicly available and shall be enforceable under this bylaw.

10.4 To avoid doubt, compliance with the bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law.

**11. HOUSEHOLD WASTE AND RECYCLABLES COLLECTION**

11.1 Any occupier of a dwelling or any portion separately occupied may lease a proprietary bin for the depositing of household domestic refuse.

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- 11.2 A leased proprietary bin does not negate the property owner from paying the targeted refuse rate on the property rate account.
- 11.3 Any clean up, disposal and/or repair costs as a result of the incorrect disposal of waste or disposal of unacceptable waste in approved receptacles, shall be recovered from the customer responsible.
- 11.4 Any cost of repair or replacement of any waste receptacle issued to a customer by the Council, that is damaged, stolen, lost, or missing other than caused by the kerbside refuse collection contractor, shall be charged to the customer.
- 11.5 Every resident participating in the Council's kerbside refuse and recycling service shall be provided with one set of approved general waste and recycling containers for the collection of household refuse and specified recyclable refuse.
- 11.6 Any additional approved general waste and recycling containers to the provided containers will be provided in accordance with the *Stratford District Council Kerbside Collection Policy*.

**Conditions of Collection**

- 11.7 Where the Council makes provision for a refuse and recycling collection service, users of that service must:
- a) Place approved containers out after 5.00 pm the night before the collection day, or by 7.30 am on the day of the collection. Neither the council nor the kerbside refuse collection contractor or agent employed by the Council will accept responsibility for the non-collection of waste if it is not put out for collection by 7.30 am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification.
  - b) Ensure that all refuse and recyclables are placed in an appropriate approved container or proprietary bin.
  - c) Ensure that the contents of any approved container do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter.
  - d) Protect contents of the approved container from the rain, dispersal by wind or ingress of flies and vermin.
  - e) Ensure that containers are not overfilled, and the contents stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.

**Refusal to collect**

- 11.8 No person shall deposit refuse in a manner where:
- a) The container is damaged or otherwise likely to cause injury to the waste collector;
  - b) In the opinion of the Council or kerbside refuse collection contractor, the refuse is in an unsanitary or offensive condition;
  - c) The refuse includes waste prohibited under this Bylaw;
  - d) The container is not an approved container or proprietary bin;
  - e) The container is in a condition that allows spillage of refuse;

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- f) The container does not comply with the rules under this Bylaw in terms of type, volume, weight, numbers, placement or any other detail;
- g) The refuse does not comply with the rules under this Bylaw in terms of type, volume, weight, contamination of recycling, placement or any other detail;
- h) the number of approved containers placed out for collection is greater than the refuse units rated on the household rate account; or
- i) Any other reason which the kerbside refuse collection contractor deems would cause a health and safety concern to the refuse collection operation.

11.9 No person shall:

- a) put waste into an approved container provided to any other person, without that other person's consent;
- b) remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste;
- c) remove a container provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council; or
- d) put their approved container outside another person's property without the prior approval of an authorised officer or that other person's consent.

11.10 Where any of the conditions in Section 11.9 occur, the kerbside refuse collection contractor shall not be obligated to collect the refuse.

### Obstruction to Refuse Collectors/Auditors

11.11 No person shall in any way obstruct or hinder any person, for the time being employed by or operating under the sanction of the Council for the audit of and removal of household refuse or trade refuse, from entering upon any premises for the purpose of collecting and removing the contents of any container being on such premises and used for the reception of household refuse or trade refuse, or from disposing of such refuse into the refuse collection vehicle.

**Note:** Refer to Appendix 1 for conditions of service.

### 12. CONTAMINATION, AUDITS AND SERVICE CONTINUITY

12.1 Bin audits are carried out by the Council and its authorised Agents to check for bin contamination. The results are an indication of the resident's recycling behaviour, which is reported to Council.

12.2 The bin audits are carried out prior to kerbside collection.

12.3 All contamination occurrences will be recorded and tagged/stickered.

- a) A Green tag/sticker means the recycling has been done correctly;
- b) An Amber tag/sticker means the recycling contains non-recyclable materials; and
- c) A Red tag/sticker means the recycling contains general refuse.

12.4 Each red-stickered bin is recorded as a contamination occurrence.

## APPENDIX D

- 12.5 Red-stickered bins, and any other bins that the contractor deems as containing incorrect materials, will not be emptied.

### Service Suspension

- 12.6 The Council will issue a letter to residents following each contamination occurrence up to three (3) occurrences.
- a) At the first occurrence, the Council will send a letter to the resident outlining the correct materials to go into the bins, including the appropriate contact for more information.
  - b) At the second occurrence, the Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, date the previous incident occurred and advice of service suspension should a third contamination incident occur.
  - c) At the third occurrence, Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, and date the previous incidents occurred. The letter will also advise the resident to contact Council within five (5) working days. At this stage, the recycling service may be suspended for a period of up to 3 months.

### Service Reinstatement

- 12.7 Following the suspension period, the Council may reinstate the service, following appropriate communication with the service recipient and upon being satisfied that there will be no further reoccurrence by the service recipient.
- 12.8 In the instances of a tenanted (rental) property where the recycling service has been suspended and there is a tenant change, the suspension may be lifted upon evidence of tenant change being provided to Council.
- a) In instances where a suspended tenant changes address, the suspension period will carry over to the new property until fully discharged.
  - b) In the event of a dispute over any aspect of this bylaw, immediate action will be taken by the Assets Services Manager through effective and constructive consultation between the parties concerned and in accordance with any Council complaints or dispute resolution policies.
  - c) If a resolution cannot be reached, the Director of Assets will have final say on the matter.

### Occupier responsibilities

- 12.9 The occupier is responsible for any refuse not collected because of non-compliance with this Bylaw. Any refuse or recyclables shall be removed back to the occupier's premises by noon on the day following collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable but not exceeding 48 hours.
- 12.10 No person, other than the occupier of the property from which the waste has come, shall interfere with or remove any waste which is awaiting collection in a public place.
- 12.11 No person shall bury any household refuse in such a manner as to cause a nuisance.



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- 12.12 No refuse shall be transported by vehicle through, over or upon any road or public place unless such refuse is sufficiently and adequately covered to prevent the refuse from falling or otherwise escaping on to any road or other public place.

**Note:** Refer to Appendix 1 for conditions of service.

### 13. TRADE REFUSE

- 13.1 Where the Council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within the official containers.
- 13.2 Every owner or occupier of any premises shall ensure that no undue accumulation of trade refuse or salvaged material is permitted or suffered to remain or be in, on, or about such premises or any portion thereof.
- 13.3 Any perishable or putrescible trade refuse shall be removed by the occupier or owner of a premises on a daily basis, at the cost of the owner or occupier, except where stored in an approved manner that does not cause a nuisance of any kind.
- 13.4 Notice to remove Trade Refuse:
- a) Where, in the opinion of any authorised Council officer, any such accumulation or collection of trade refuse exists in, on or about such premises as is or is likely to be injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, the said authorised Council officer may serve on the person, a notice in writing under the hand of the said authorised Council officer requiring the person to remove and dispose of such trade refuse within a time specified in the notice.
  - b) If the person fails to comply with the notice, the Council may remove the trade refuse and charge the cost of removal to the aforesaid person.

### 14. REFUSE DISPOSAL FACILITIES

#### User Responsibilities

- 14.1 All persons entering any refuse disposal site, transfer station or landfill shall observe and comply with all erected signs, or any instructions given by an Authorised Officer with regard to operational and safety matters relating to the site or the deposition of refuse or recyclable refuse therein.
- 14.2 No person shall at any refuse disposal site or landfill site:
- a) Enter other than for the purposes of depositing refuse and/or recyclables and only during such hours as the site is open, except with the prior approval of an Authorised Officer.

**APPENDIX D**

- b) Dispose any special waste without the written consent of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed.
- c) Tip, throw, or deposit any refuse in any manner at any place on any refuse disposal site which is not intended for that purpose.

**Refusal of Waste**

- 14.3 An Authorised Officer may refuse to accept, at any refuse disposal site any refuse for which fees or charges have not been paid or which, in his or her opinion:
- a) May cause undue hazard to the health and safety of the public or to any operator of the site;
  - b) May damage the environment; or
  - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 14.4 No person, other than a person authorised by the Council to remove articles or materials for recycling or reuse shall remove any deposited refuse, article or materials from any refuse disposal site without the consent of an Authorised Officer.
- 14.5 All refuse, garden waste, recyclable refuse, unwanted articles or other things deposited within any refuse disposal site shall be deemed to be the property of the Council, and the Council may dispose of such materials by recycling or in such other manner as it sees fit. The person depositing refuse shall be deemed to have abandoned all claims to ownership, but shall not be relieved of any liability for damage following in any way from such action nor from the penalties provided for offences against this Bylaw.
- 14.6 No person shall take any animal on to any refuse disposal site or allow any stock to wander or graze thereon without the prior consent of an Authorised Officer.
- 14.7 No person or organisation may use a Council facility for the disposal of refuse from outside the district boundary without the Council's written permission.
- 14.8 An Authorised Officer may require any person who is on any refuse disposal site to leave a refuse disposal site, with or without any refuse brought by that person for disposal, where that persons is contravening the provisions of this Bylaw.

**Note:** Refer to Appendix 1 for conditions of service.

**15. COUNCIL TRANSFER STATION**

- 15.1 The disposal of refuse at the transfer station shall be subject to such conditions as Council may from time to time by resolution require, including:
- a) the hours of operation
  - b) the nature of refuse accepted at the transfer station
  - c) the nature of refuse directed to the recycling station
  - d) the charges for disposing of refuse at the transfer station
  - e) any other conditions that the Council may consider necessary or desirable for the proper control and management of the transfer station

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- 15.2 Vehicles entering the transfer station may be subject to audits of their contents in addition to being subject to any other waste acceptance criteria as the council may require.
- 15.3 No person shall remove or disturb any deposit of refuse or remove any article or material of any kind from the transfer station unless authorised to do so by the Council.
- 15.4 Every transfer station attendant is hereby authorised to:
- a) Ensure that any person entering the transfer station complies with the conditions of entry and with any other conditions to ensure compliance with health and safety standards, with operational requirements and with the laws governing the use of the site.
  - b) Prevent a particular person or organisation from entering the transfer station whether for any previous failure to comply with this Bylaw or any direction given under it, failure to pay fees due to Council, failure to comply with health and safety standards or with operational requirements or with the laws governing the use of the site.
- 15.5 All persons using the facilities of a transfer station shall ensure that:
- a) All refuse is separated into greenwaste, recyclable refuse and residual waste categories.
  - b) All refuse is off-loaded at the place and in the manner directed.
  - c) All reasonable steps are taken to assist in the minimisation of waste.
  - d) All reasonable steps are taken to protect and promote the health and safety of all of those persons on site including site staff.
  - e) No prohibited waste is off-loaded.
- 15.6 No person shall deposit any special or hazardous waste in any place except at the hazardous disposal facility at the Stratford Transfer Station.
- 15.7 Persons using the hazardous disposal facility must, abide by all rules as advised by the Authorised Officer.
- 15.8 The hazardous disposal facility at the Stratford transfer station shall only accept domestic quantities of household hazardous waste.
- 15.9 No person shall:
- a) Deposit any general refuse in any place, facility or container designated for the deposition of recyclables and/or diverted materials.
  - b) Disregard any reasonable instruction of an Authorised Officer whilst on site as to the separation and disposal of waste.
  - c) Wrongly or unlawfully dispose of non-recyclable refuse or hazardous waste through the recycling system.
  - d) Dispose of greenwaste without first ensuring it is free of contaminants.
- 15.10 Access by the general public to all transfer stations outside of normal operating hours is prohibited.

**Note:** Refer to Appendix 1 for conditions of service.

**APPENDIX D****16. NUISANCE AND LITTER****16.1** No person may:

- a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

**16.2** Except as provided for as permitted or consented activities under any Taranaki Regional Plan or under this bylaw, no person may, on any urban property they own, occupy or manage:

- a) burn or allow to be burnt any waste;
- b) bury or allow to be buried any waste except:
  - I. organic waste;
  - II. dead companion animals and nuisance pests; or
  - III. for the purposes of home composting.
- c) dispose of any waste on any premises except at:
  - I. a waste disposal facility; or
  - II. any premises they own, occupy or manage, for the purposes of home composting.

**16.3** No person may:

- a) deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place;
- b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
- c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
  - I. the receptacle is full; or
  - II. the litter is likely to escape.
- d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- e) damage any litter receptacle provided by the Council in any public place.

**16.4** The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.**16.5** No person shall deposit, or permit or suffer to be deposited, or to accumulate any refuse or litter as defined in the Litter Act 1979 or rubbish of any description including sawdust, plastics materials, tyres, waste paper, shavings, filth, tins, glass, rags, straw, garden refuse, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the Council, unless in so doing he takes sufficient precautions to prevent the creation of a nuisance or anything offensive or likely to be injurious to health.

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### 17. EVENTS

- 17.1 Any organiser of an event must obtain prior approval from the Council of an Event Waste Management and Minimisation Plan (EWMMP) for the event. The plan content must be appropriate for the scale of the event.
- 17.2 The Council may require an event waste management and minimisation plan (EWMMP) to set out the following:
- a) An estimate of the types and amounts of waste to be generated by the event;
  - b) How waste generated by the event is minimised;
  - c) The steps to maximise the collection and use of recyclables and refuse material;
  - d) The equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - e) The person responsible for the collection and disposal of waste and the methods to be used;
  - f) A waste analysis following the conclusion of the event; and
  - g) Any other matters relating to event waste management and minimisation that may be specified by the Council in the future.
- 17.3 The organiser of an event must comply with the approved event waste management and minimisation plan (EWMMP).
- 17.4 On completion of the event, the Council may require the organiser to provide an implementation report for their event waste management and minimisation plan (EWMMP), including:
- a) the waste analysis giving a comparison of the predicted and actual types and amounts of waste generated by the event; and
  - b) which waste management facility was used to recover, recycle, treat or dispose of this waste.

### 18. FEES

- 18.1 The Council reserves the right to charge fees that, by resolution from time to time, it may prescribe in its current Fees and Charges Schedule, as determined by Council through the Special Consultative Procedure.

### 19. NOTIFICATIONS AND ACTIONS

- 19.1 Any person who does not comply with this Bylaw or a decision made under it may (without limitation) be subject to the following action being taken:
- a) Non-compliant notification including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, the Council may rectify or organise for the issue to be rectified, recover all costs from that person in doing so, or temporarily suspend the service or part of the service until compliance is verified;
  - b) Enforcement for a breach of this Bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008;

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- c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- d) An enforcement order or abatement notice under the Resource Management Act 1991; and
- e) Any other steps that may be taken by the Council at law.

### 20. PENALTIES AND OFFENCES

- 20.1 Every licensee breaches this Bylaw who fails to act in full compliance with the terms and conditions of its licence, this Bylaw and the decisions made under this Bylaw.
- 20.2 Every person commits a breach of this Bylaw who:
- a) Does, or causes anything that is contrary to this Bylaw
  - b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw
  - c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing
  - d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw
  - e) Knowingly provides wrong information to any Authorised Officer.
  - f) Refuses or neglects to comply with any notice or direction given to them under this Bylaw
  - g) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this bylaw; or
  - h) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.
- 20.3 Any person commits a breach of this bylaw who fails to comply with the requirements of this bylaw and the decisions made under this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.
- 20.4 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

**APPENDIX D****Appendix 1****Appendix 1**

In accordance with Sections 11, 12, 14 & 15 of the Stratford Council Solid Waste Management and Minimisation Bylaw 2020, the Council resolves the following rules in relation to solid waste collection and disposal.

**1.0 Approved Refuse Container**

- 1.1 The approved refuse containers shall consist of a 120 litre mobile bin (wheelie bin).

**2.0 Approved Recycling Container**

- 2.1 The approved co-mingled recycling containers shall consist of a 240 litre mobile bin (wheelie bin).
- 2.2 The approved glass recycling containers shall consist of a 60 litre crate.

**3.0 Weights, types and contents of containers which will be collected**

- 3.1 No person shall deposit or cause or allow any of the following materials to be deposited in any approved refuse container placed for collection:
- a) Any hazardous, prohibited or special waste co-mingled with domestic waste; or
  - b) Explosive, hot ashes, highly inflammable material or infectious material; or
  - c) Liquids, acids, printer's ink, paint, or any other viscous fluid; or
  - d) Any matter, thing or refuse of any kind whatsoever, other than household refuse unless specifically allowed by a specific policy; or
  - e) Any trade refuse; or
  - f) Any pesticides, herbicides, fungicides or other toxic compounds; or
  - g) Any effluent from chemical toilets or waste removed from any part of a drainage or sewerage system; or
  - h) Any medical waste, including medical needles, skin piercing devices; or
  - i) Such other types of prohibited waste as may be publicly notified by the council from time to time.
- 3.2 Any approved refuse container in excess of the numbers, over and above the approved number of containers for the property, will not be collected.
- 3.3 Only the following Recyclable Waste may be deposited in approved containers placed for collection:
- a) In co-mingled recycling containers: newspaper, cardboard, aluminium cans, steel cans, aerosols, and plastic recyclable containers of a type publicly notified by Council from time to time; and
  - b) In glass recycling containers: glass bottles and jars.

## APPENDIX D

- c) Any other recyclable items as publicly notified by the Council from time to time;  
which arise from, or result from residential housekeeping activities.

3.4 Any approved refuse container in excess of 35kg nett weight will not be collected.

### 4.0 Placing of containers for collection

4.1 Residents who live in rural areas, along routes which refuse collection vehicles travel on, and uses the service shall place approved containers adjacent to the roadway in an obvious, safe location or in designated specific collection points.

4.2 All urban approved containers put out for collection shall be placed in a safe collection point on the kerb with the front of the container facing the road.

### 5.0 Recycling

5.1 A kerbside recycling service shall be provided to all designated urban collection areas in the Stratford District.

5.2 Recycling facilities shall be provided at the Stratford District Council transfer station.

5.3 Recycling services and waste minimisation by community organisations and the private sector are encouraged.

### 6.0 Waste Separation

6.1 Any person disposing of solid waste for household collection must separate recyclable refuse and residual waste.

6.2 No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station.

### 7.0 Days and hours during which transfer station will be available for solid waste disposal and management

7.1 The opening hours for the council transfer station are as provided on the Council website and amended by Council Resolution from time to time, as the case may be.



## APPENDIX D

This Bylaw was made by the Stratford District Council on 1 June 2020.

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of said Council in the presence of:

..... *Mayor*

..... *Chief Executive*