

First adopted:	1 June 2016
Next review date:	1 June 2026
Document number:	A1670699
Sponsor/Group:	Group Manager: Policy & Operations



**GREAT LAKE TAUPŌ**  
Taupō District Council

# TAUPŌ DISTRICT COUNCIL TRADE WASTE BYLAW 2016

## Purpose and Scope

1. The purpose of this Bylaw is to set the requirements for **trade waste** within Taupō District by outlining the activities that control and monitor trade discharges into the wastewater system to protect:
  - a. Sewers, pumping stations, storage tanks, wastewater treatment plants and other related wastewater system structures
  - b. The health and safety of any persons associated with the wastewater systems by applying standards for trade waste discharges
  - c. Public health and the environment from the effect of the trade waste discharges and by ensuring the necessary resource consents are met.
2. The Bylaw also provides a basis for charging persons who use the wastewater system to cover the cost of conveying, treating and disposing of or reusing their wastes, while ensuring that the costs of treatment and disposal are shared fairly between trade waste and domestic dischargers. The Bylaw encourages waste minimisation and provides a basis for the introduction and implementation of the New Zealand Waste Strategy.
3. The Bylaw is made under the authority of section 146 of the *Local Government Act 2002*, and section 64 of the *Health Act 1956*. In addition, **trade waste** is regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, reserve management plans, and consent conditions which should be referred to in conjunction with this Bylaw.

## Commencement

4. The Bylaw comes into force throughout the district on 1 June 2016

## Revocations

5. The Taupō District Council Trade Waste Bylaw 2010 is revoked at the time of the Taupō District Council Trade Waste Bylaw 2016 comes into force.

## Definitions

6. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002*, and the *Health Act 1956* shall have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
7. In this Bylaw, if not inconsistent with the context:

<b>Chief Executive</b>	The chief executive of <b>Council</b> and any person delegated to perform any duties of the chief executive
<b>Council</b>	Taupō District Council

## Trade Waste

8. All trade premises within Taupo District that discharge, seek to discharge or are likely to discharge to the sewerage system operated by **Council** must meet the requirements of this Bylaw.
9. A trade premises meets the requirements of this Bylaw if they have met the requirements outlined in NZS 9201.23:2004 Model General Bylaws Part 23 Trade Waste. This standard is current at the time of adoption of this bylaw.
10. A trade premises that discharges to the sewer system, which is not covered by NZS 9201.23:2004 Model General Bylaws Part 23 Trade Waste, meets the requirements of this Bylaw by meeting the relevant standards and specialist advice on a case by case basis.

11. All trade waste premises must have applied and obtained all relevant consents at the discretion of **Council** to discharge, seek to discharge or are likely to discharge to the sewerage system operated by **Council** in accordance with this Bylaw.
12. This Bylaw also applies to tankered wastes collected for the purpose of discharging to the sewerage system operated by **Council**.

### Fees and Charges

13. **Council** may by resolution set fees and charges.

### Exemptions

14. A person is not in breach of this Bylaw if that person:
  - a. proves the act was taken to avoid death or injury of a person; or
  - b. was taken at the direction of an enforcement officer.
15. Any person may apply to the **Chief Executive** (or their delegated representative) for an exemption by prior written permission for any activity that would be in breach of any prohibition under this Bylaw.
16. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** (or their delegated representative) discretion.

### Transitional Provisions

17. Any consent to discharge trade waste made under the Taupō District Council Trade Waste Bylaw 2010 shall be deemed to be an application made under this Bylaw.
18. All existing consents continue as if it were a consent made under this Bylaw until it reaches its expiry date.

### Trade Waste Agreements

19. **Council** may at any time enter into a written agreement for the discharge and reception of trade wastes with any consent holder. Any such agreement may be made in addition to, or in place of, a trade waste consent, and the trade waste agreement and its terms will have the same force as if the agreement was a consent issued under this Bylaw.
20. Every agreement for the discharge and reception of trade waste between a consent holder and **Council** existing at the date this Bylaw comes into force shall continue on the same terms and conditions as if the agreement was a consent issued under this Bylaw.
21. Where an existing trade waste agreement is silent as to its term, that agreement shall be terminable on six months' written notice by **Council** and the consent holder will be required to apply for a trade waste consent in accordance with this Bylaw, and/or enter into a new agreement.
22. Where an existing trade waste agreement does not incorporate adequate sampling or monitoring or charging provisions, **Council** may impose additional requirements in accordance with this Bylaw by written notice to the consent holder. The consent holder must comply with any such requirements within a reasonable timeframe to be set by **Council**.

### Review

23. Any person dissatisfied with their decision may request a review in writing to the **Chief Executive** within 20 working days of the decision from **Council**.
24. Applications for review must be in writing and should include at least:
  - a. name and address;
  - b. the consent reference the review relates to; and
  - c. the reason why.
25. In no way does a review affect a persons right of appeal under the *Local Government Act 2002*.

### Offences/Penalties/Powers

26. A person commits an offence under this Bylaw if they dispose of trade waste contrary to the regulations of this Bylaw.
27. **Council** may refuse to accept any type of trade waste which is not in accordance with this Bylaw under section 196 of the *Local Government Act 2002*.

28. A person is in breach of this Bylaw who fails to comply with this Bylaw and commits an offence under section 146(a)(iii) and section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(5) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$200,000. These fines are current at the time of adoption of this bylaw.
29. **Council** may after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
30. **Council** may remove or cause to remove any persons, any vehicle, structure or object, in breach of this Bylaw, and/or recover all charges in connection with the removal of any vehicle, structure or thing.

#### Public Availability

31. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION TDC201604/07 OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 26 APRIL 2016.

The Common Seal of Taupo District Council  
was hereto affixed in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

