

Wastewater Bylaw

Revised May 2014

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1 Introduction

In exercise of the powers and authorities vested in it by Sections 145 and Section 146 of the Local Government Act 2002 Whangarei District Council (Council) makes this Bylaw to control wastewater discharges.

- 1.1 This Bylaw shall apply to wastewater drainage from domestic premises into Whangarei District Council's public wastewater network.
- 1.2 This Bylaw comes into force on 1 July 2014.
- 1.3 The Bylaw provides for the application for consent to:
 - a connect to or disconnect from the public sewer network
 - b discharge domestic wastewater into the public sewer network
 - c excavate or develop close to and in some cases (with the written consent of Council) over the public sewer network.
- 1.4 Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

2 Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford Dictionary (11th edition). For the purpose of this Bylaw the following definitions shall apply:

The Act	means the Local Government Act 2002.
Approval or approved	means approval or approved in writing by Council, either by resolution of Council or by an officer of Council authorised for that purpose.
Buried services	means all public sewers, rising mains, trunk sewers and other underground utilities in the public domain owned by and maintained by Council.
Building over Sewers Policy	The Council policy for the time being which documents the procedure for dealing with applications to build over public sewers within the District.
Certificate of Title	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952 or a computer register created under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002.
Characteristic	means any of the physical or chemical characteristics of a trade waste referred to in the Trade Wastes Bylaw.
Contaminant	means any substance (including gas, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat that either by itself or in combination with the same, similar, or other substances, energy or heat: <ol style="list-style-type: none"> i When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or ii When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.
Council and WDC	means Whangarei District Council.
Council officer	means any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant, and in acting as provided by this Bylaw shall act as agent for Council; and

any officer appointed by Council as an enforcement officer under section 177 of the Act as an enforcement officer with powers of entry as prescribed by sections 171-174 of the Act.

Customer	means a person who either discharges, or has obtained consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Council.
Customer's Drainage System	means that part of the drainage system (including the private drain) owned and maintained by the customer or a group of customers.
Disconnection	means the physical cutting and sealing off of any of Council water services, utilities, drains or sewer from use by any person.
District	means the area administered by Council.
Domestic wastewater and domestic sewage.	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. Wastewater or sewage is used interchangeably throughout this document
Domestic premises	are premises used solely for residential activities or from which domestic wastewater only is discharged.
Drainage district	means the District or the part thereof for which Council may provide a drainage system, including, with the consent of the Northland Regional Council, any area within that District.
Dwelling unit	means any house, building or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes the land of the dwelling.
Environmental Engineering Standards	The Council document for the time being which sets out the processes and standards that are expected to be followed and met whenever any development project is undertaken in accordance with Council's District Plan.
Infiltration	means water entering a public sewer or private drain from groundwater through defects such as, but not limited to, poor joints and cracks in pipes or manholes, but does not include inflow.
Inflow	means water discharged into a private drain from non-complying connections or other drainage faults, and includes stormwater entering through illegal down pipe connections or from low gully traps.
Level of service	means the measurable performance standards on which the Council undertakes to receive wastewater from its customers.
Nuisance	has the same meaning as in Section 29 of the Health Act 1956, and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference
Person .	includes a corporation sole and also a body of persons whether incorporated or unincorporated
Point of discharge	is the boundary between the public sewer and a private drain.
Premises	means: <ul style="list-style-type: none"> i 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 of which a building consent has been or may be issued; ii a building that has been defined as an individual unit by a cross lease, unit title or company lease and for which a certificate of title is available; iii land held in public ownership (e.g. reserve) for a particular purpose; or iv individual units in buildings, which are separately leased or separately occupied.

Pressure Sewer Policy	The policy for the time being of the Council which provides guidance about where and how pressure sewer systems can be used in the District.
Pressure Sewer System	has the meaning defined in the Pressure Sewer Policy
Private drain	means that section of drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer or a group of customers.
Prohibited discharge characteristics	means wastewater which is not acceptable for discharge into the Council sewerage system, as scheduled in Council's Trade Wastes Bylaw.
Public sewer	means the main public sewer and lateral connections that carry away wastewater from the point of discharge where the public sewer is owned and maintained by Council.
Public sewer network or Public wastewater network	means Council owned portion of the pipework drainage system that conveys sewage.
Public wastewater network	Has the same meaning as Public Sewer Network
Publicly notified	means published on at least one occasion in a newspaper circulating in the District or, under emergency conditions, by the most practical means available at that time.
Rising main	means a sewer through which wastewater is pumped.
Schedule of Fees & Charges	means the list for the time being of items, terms and prices for services associated with the discharge of wastewater as approved by Council.
Service area	means an area defined by Council that is designated for and/or contains Council infrastructure services.
Service opening	means a manhole or similar means for gaining access for inspection, cleaning or maintenance of a public sewer.
Specification for Registered and Licensed Contractors for Waste and Drainage Work	The Council document for the time being which sets out the requirements of the Council for contractors constructing public wastewater reticulation or carrying out work on existing reticulation.
Sewerage system	means the physical components of collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by Council and used for the reception, treatment and disposal of sewage and trade wastes.
Sewer network	means the pipework drainage system that conveys sewage.
Shall	means must, is, or are obligated to.
Stormwater	means surface water run-off resulting from precipitation.
Territorial Authority (TA)	means Council.
Trade premises	mean any: <ul style="list-style-type: none"> i premises used or intended to be used for any industrial or trade purpose; or ii 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 iii other premises from which a contaminant is discharged in connection with any industrial or trade process; iv other premises discharging other than domestic sewage.

Trade wastes & trade waste	means any liquid with or without matter in suspension or solution therein, which is or may be discharged from trade premises to Council's sewer in the course of any trade, industrial process, or operation or activity of a like nature; and may include condensing or cooling waters or domestic sewage.
Trade Waste Bylaw	means the Bylaw of Council for the time being regulating wastewater discharges from trade premises to a sewer.
Treatment plant	means any plant or equipment not being a septic tank used for the breakdown of wastewater using mechanical and/or hydraulic methods.
Trunk sewer	means a sewer, generally greater than 150mm in diameter, which forms a part of the principal drainage network of Council's sewerage system.
Wastewater or sewage	means water or other liquid, including waste matter in solution or suspension, discharged from premises to a sewer or on-site wastewater treatment and land application system. Wastewater or sewage is used interchangeably throughout this document

3 Domestic Wastewater

3.1 No domestic wastewater, including discharges from any fixtures such as swimming pools, spa pools and the like, shall be discharged where such:

- a exceeds the permitted discharge characteristics scheduled in the Trade Waste Bylaw; and/or
- b contains any prohibited discharge characteristics as are scheduled in the Trade Waste Bylaw.

3.2 Discharges from swimming pools and spa pools may be time restricted by Council.

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

4 Point of Discharge

4.1 The point of discharge from premises shall be the point on the public sewer which marks the boundary of responsibility between the customer and Council, which may differ from property boundaries, as defined in clauses 4.3 to 4.6 of this Bylaw..

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

4.3 Single Ownership

4.3.1 For single dwelling units the point of discharge shall be located at the boundary as shown in Figure 1, or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Prior approval of other positions must be sought from Council and any such approval shall be recorded on the drainage plan.

4.3.2 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.

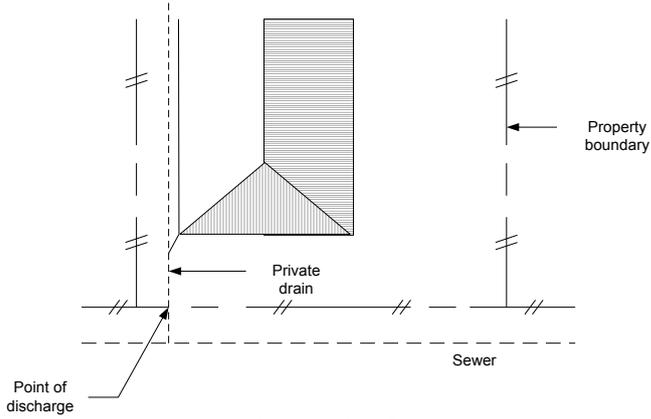


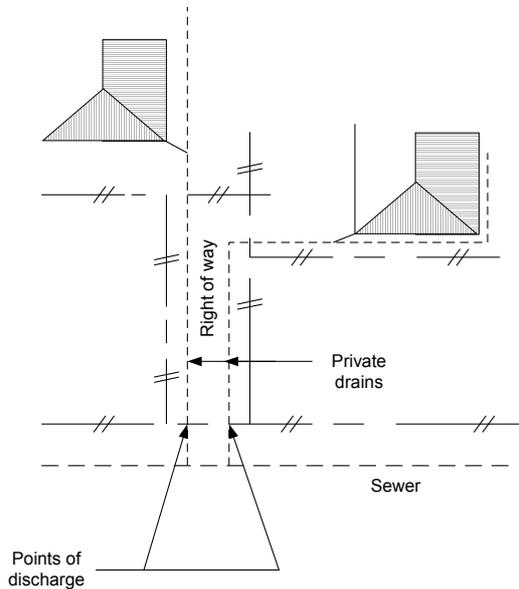
Figure 1 Point of Discharge Location

4.4 Multiple Ownership

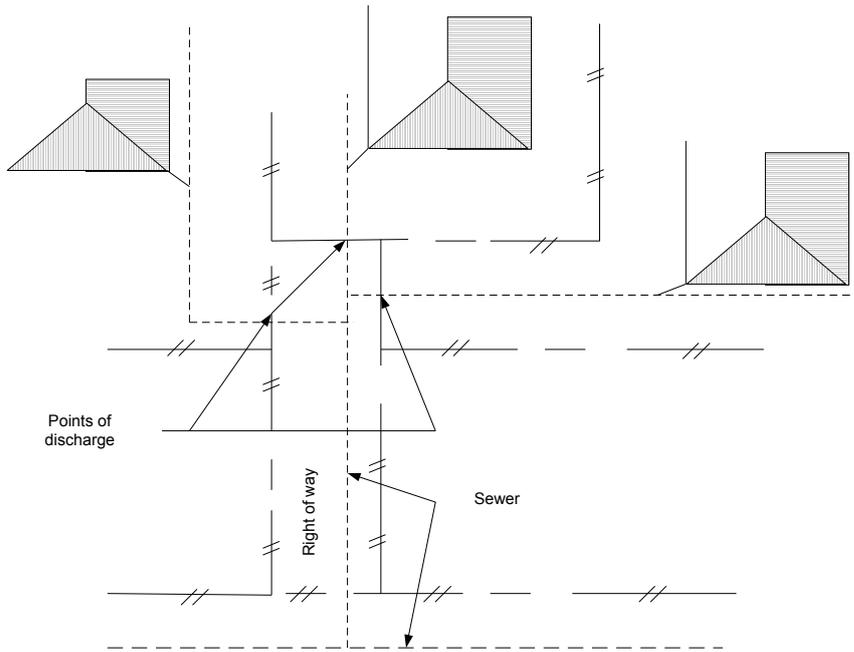
The point of discharge for the different forms of multiple ownership of premises and/or land shall be for:

- a company share/block scheme (body corporate) as if such were in single ownership;
- b leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate) where practicable each owner shall have an individual drain with the point of discharge to be 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 from Council

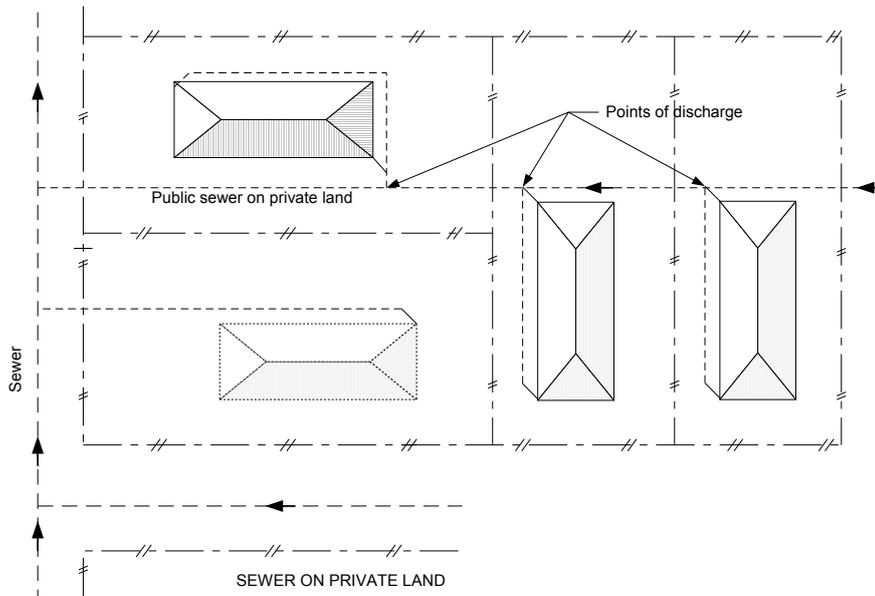
provided always each owner's point of discharge must be approved by Council and recorded on the applicable drainage plan with any other arrangements only to be considered where there are advantages to Council.



REAR LOTS ON RIGHT OF WAY (up to 2 customers)

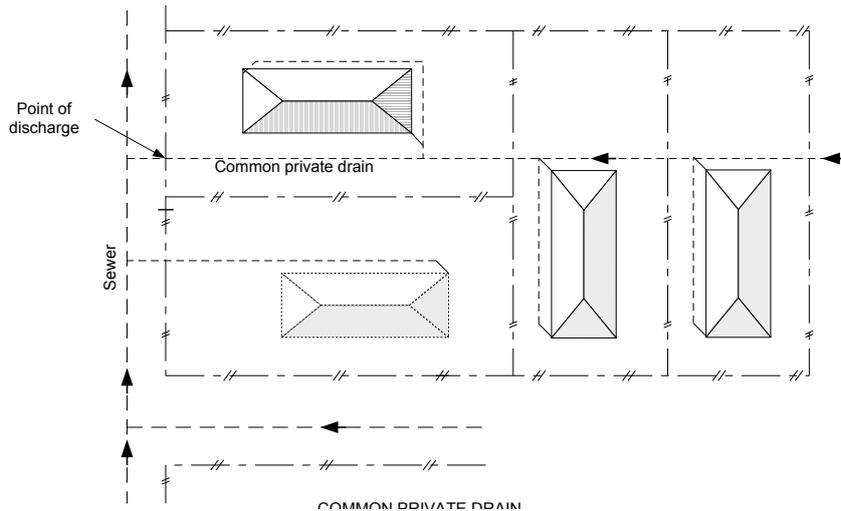


REAR LOTS ON RIGHT OF WAY (3 or more customers)



4.5 Common Private Drains

Common private drains shall serve a maximum of 8 single dwelling units, and may also have one point of discharge only (in common) provided that such common drains shall be covered by a certificate from Council recording the rights of each party, which is to be registered against the certificates of title for such dwelling units.



4.6 Pressure Sewer Systems

The point of discharge shall be as defined in the Pressure Sewer Policy.

5 Acceptance of Discharge

5.1 Every domestic premises shall be entitled to have its wastewater accepted by Council subject to:

- a the premises lying within a service area if such an area has been designated by Council under the Act;
- b the premises being situated within an area which is served by a public sewer;
- c payment of the appropriate rates and charges in respect of those premises.
- d the requirements of this bylaw being met
- e the availability of capacity in the public sewer network.

5.2 The acceptance of any trade wastes is approved by and subject to the Trade Waste Bylaw.

5.3 Council shall continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made and provided that discharges are in compliance with the requirements of this Bylaw.

5.4 In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of those premises.

6 Application to Connect

6.1 Approval to Connect

No person other than a Council officer, shall without approval, make any connection to or otherwise interfere with any part of Council's sewerage system.

6.2 No person other than a Council Officer shall carry out work on the public sewer network unless such other person complies with the requirements of the Specification for Registered and Licensed Contractors for Waste and Drainage work.

6.3 Domestic Wastewater Application

Every application for a new connection to the public sewer network 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 sewer has already been laid up to the point of discharge.

6.4 Domestic Wastewater Application requiring Public Sewer Extension

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 up to the point of discharge except as provided for in Clause 6.5 of this Bylaw.

6.5 A Council officer may approve an application for a new wastewater discharge point provided that the following conditions are met:

- a the premises are located within a Council Drainage district;
- b the premises are located within an area which is served by a sewer;
- c adequate capacity is available in the sewer network to service the premises;
- d all applicable fees, charges, rates and/or contributions payable to or levied by Council have been paid in full;
- e the applicant is able to prove to the satisfaction of Council that no appropriate wastewater discharge point exists or was provided for those particular premises; and
- f requirements under clause 9 of this Bylaw.

6.6 Subdivision

Where a new public sewer is required as part of a subdivision development, the developer shall provide all drainage works and these shall be subject to approval of the design and construction of the works by Council.

7 Continuity of Discharge

7.1 Council does not guarantee to receive wastewater without interruption. Council will however use all reasonable endeavors to ensure that any disruption is kept to a minimum.

8 Domestic Premises

8.1 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 7.30am and 7:30 pm on any day. Council shall give 24 hours previous notice to the customer of the intended entry.

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

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

9 Customer's Drainage System

9.1 A customer's drainage system is governed by the Building Act 2004 from inside the building to the point of discharge.

9.2 A customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Environmental Engineering Standards, the Building Act 2004 and the New Zealand Building Code.

9.3 While drainage from any premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act 2004, is not required to be upgraded to meet the requirements of the New Zealand Building Code, if any work is required on the customer's drainage system, arising from:

- a issuing of a defect notice;
- b alteration to the premises; or
- c change of use of the premises;

then any such work shall meet the requirements of the New Zealand Building Code.

9.4 Customers with discharges from premises not covered by the Building Act 2004 and the New Zealand Building Code shall nevertheless have a drainage system which complies with the Building Act 2004 and the New Zealand Building Code.

9.5 Inflow and Infiltration

The customer shall prevent as far as practicable any stormwater or groundwater entering the sewerage system (including roof downpipes, surface water run-off, overland flow, and subsurface drainage.) Stormwater shall be excluded from a sewerage system by ensuring that:

- a there is no connection of any stormwater pipe or drain to the sewerage system;
- b gully trap surrounds are set above stormwater ponding levels, or secondary overland flow path flood levels; and
- c inspection covers are in place and are appropriately sealed.

Council officers or other authorised persons may from time to time inspect properties to determine compliance with this clause in accordance with the Powers of Entry in clause 19 of the Bylaw.

9.6 Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

9.7 Pump Stations

Private wastewater pump stations will be approved by Council only where there are no practical alternatives for a gravity flow discharge to the public sewer.

The customer will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a building consent. An Application to Connect shall also be made in accordance with clause 6 of this Bylaw.

A private wastewater pump station shall have a non-return valve on the discharge pipe.

A private wastewater pump station servicing more than one property or dwelling unit is not permitted unless it has specific written approval from Council. An Application to Connect shall be made in accordance with section 6 of this Bylaw. Matters subject to approval shall include:

- a) A 'Common Pump Station Agreement' shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each customer;
- b) The combined rate of discharge to the public sewer shall not exceed the rate specified by Council; and
- c) There shall be one point of discharge.

10 Maintenance and Repair

10.1 Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

11 Pressure Sewer Systems

11.1 Refer to the Pressure Sewer Policy.

12 Disconnection

12.1 A customer shall give 7 working days notice in writing to Council using the prescribed form of his or her intention to demolish or remove a building connected to the sewer. No demolition or removal shall commence until Council has inspected the sewer disconnection.

12.2 A customer shall give 2 working days notice in writing to Council of his or her requirement for disconnection of the discharge connections if re-laying of the private drain is required.

13 Protection of the Public Sewer Network

13.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in clauses 13.2 to 13.7 shall apply. Other restrictions may be applied by Council after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

13.2 Building over Public Sewers

Refer to the Building over Public Sewers Policy.

13.3 Loading or Material over Public Sewer Network

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

13.4 No person shall place any additional material over or near a public sewer which may compromise structural or functional integrity without Council approval.

13.5 No person shall cover any service opening in any way unless approved by Council, with the removal of any covering material or adjustment of any service opening to be at the property owner's expense.

13.6 Excavation near public sewers

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;
- b) 2 metres from the centre line of any public sewer; or
- c) or from any distance which comprises structural or functional integrity of any public sewer

without approval by Council, with any approval given being subject to such conditions on the carrying out of any work near the sewer as Council considers appropriate.

13.7 Blockages

13.7.1 A customer whose gully trap is overflowing or has other reasons to suspect a drain blockage shall contact Council immediately. Council will arrange to check the public sewer, and to clear and remove any blockage and clean up all affected areas. If the blockage is within the customer's private drain the customer shall be charged in accordance with the Schedule of Rates and Charges.

13.7.2 If a blockage is found to be within the public sewer, provided that:

- a) the blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain;
- b) the customer has not been negligent in discharging a non-acceptable wastewater; and
- c) an authorised officer can confirm that the blockage at the time was caused by a problem in the public sewer network,

then Council shall cover all costs incurred in the unblocking work. If otherwise, Council shall recover the costs of the unblocking work from the customer.

13.8 Trees

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to a public sewer Council shall follow the procedure set out in section 468 of the Local Government Act 1974.

14 Working around Buried Services

14.1 Council shall keep and maintain drainage plans of the location of its buried services with this information to be available for inspection during normal business hours, provided that reasonable charges may be levied to cover the costs of making copies available.

14.2 Any person proposing to carry out excavation work shall view the drainage plans to establish whether or not Council services are located in the vicinity. At least 3 days notice in writing shall be given to Council of an intention to excavate in the vicinity of its services. Where appropriate Council may mark out on the ground to within ± 1.0 m the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.

14.3 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

14.4 Any excavation within roadways is also subject to the permit process of the appropriate roading authority.

14.5 Any damage which occurs to a Council service shall be reported to Council immediately with repair costs to be charged for. The Council may seek to recover the costs of any repair from the person causing the damage.

15 Storage of Hazardous Materials

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

15.2 All persons shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

16 Breaches and Remedies

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

16.2 If a breach of this Bylaw is such that delay would create unacceptable risks to public health, safety considerations, or risk of consequential damage to Council assets, Council may take immediate action to rectify the defect and recover all reasonable costs as set out in the Schedule of Fees and Charges.

16.3 At any time after the specified period of clause 16.1 has elapsed, Council may carry out any 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.

17 Emergency

17.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council, which disrupt the ability of Council to receive wastewater, will be deemed an emergency.

17.2 During an emergency Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by Council, or where immediate action is required by the officer of Council authorized for that purpose subject to subsequent Council ratification.

18 Payment

Payment for the discharge of wastewater and related services shall be in accordance with the Schedule of Fees and Charges.

19 Powers of Entry

All Council officers, or other persons authorised under section 174 or section 177 or clause 32 of Schedule 7 of the Act shall possess and produce on request warrants of authority and evidence of identity. Any Council officer may at any reasonable time enter any premises to determine compliance with this Bylaw. The extent and level of delegation to Council officers shall be in accordance with Council's Register of Statutory Delegations and Warrants. Authorisation for entry to premises is given under the Act and entry shall be in compliance with the health and safety policies of that particular site.

20 Offences and Penalties

Every person who fails to comply with the requirements of this Bylaw commits an offence under Section 239 of the Act, and is liable to enforcement action by Council. The type of enforcement action carried out by Council will depend on the severity of the situation and may include:

- a non-compliant notification to the customer including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, then Council will rectify or organise for the issue to be rectified, and recover all costs from the customer;
- b Council rectifying or organising the rectification of the issue if the situation is creating nuisance or if that is the preference of the customer, and all costs will be recovered from the customer;
- c prosecution; or
- d an infringement notice as specified in section 245 of the Ac, being issued.

21 Other Requirements

The provisions of this Bylaw do not remove the need for any resource or other consent required and do not replace the obligations or requirements set out under the Resource Management Act 1991, Building Act 2004, Local Government Act 2002 or any other Acts, Regulations or Bylaws.

22 Liability

Council shall endeavor to meet the level of service requirements of clause 5.1 but shall not be liable for any loss, damage or inconvenience which the any person may sustain as a result of deficiencies in the sewerage system.