



WESTLAND DISTRICT WASTE WATER BYLAW 2018

Explanatory Note

The Council is empowered by the Local Government Act 2002 and the Health Act 1956 to:

- Protect public health and the security of the public wastewater drainage system.
- Detail the responsibility of both the Council and the customers with respect to the public wastewater drainage system.
- Detail acceptable types of connection.
- Encourage waste minimisation.
- Detail breaches and remedies.
- Conduct sanitary assessments.

This bylaw aims to achieve these purposes and should be read in conjunction with the Acts, Regulations, Codes and Standards listed in this bylaw.

Pursuant to the powers vested in it by the Local Government Act 2002, The Health Act 1956, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

1. **SHORT TITLE AND COMMENCEMENT**

- 1.1 This bylaw shall be known as the Westland District Waste Water Bylaw 2018.
- 1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

2. **INTERPRETATION**

In this bylaw, unless the context otherwise requires:

- *Act* means the Local Government Act 2002
- *Buried services* means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.

- *Unacceptable Discharge Characteristic* means any of the physical or chemical characteristics of waste referred to in the first schedule to this bylaw
- *Customer* means any person who is connected or makes application to connect to a council public sewerage system.
- *Domestic wastewater* means either that 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 do not have an Unacceptable Discharge Characteristic. Such activities shall include the draining of domestic swimming and spa pools subject to clause 6.1 of this part.
- *Drainage Community* means that area described within the Council's Assessment of Water and Sanitary Services as required under section 125 of the Local Government Act 2002.
- *Infiltration* means water entering a public sewer 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 drain-laying faults. It includes stormwater entering through illegal downpipe 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.
- *Reticulation* means the drains and piped sewer network forming the public sewerage system.
- *Rising main* means a sewer through which wastewater is pumped.
- *Service opening* means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public sewer.
- *Trunk sewer* means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the Council's wastewater drainage system.

3. ACCEPTANCE OF DISCHARGE

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

4. APPROVAL TO CONNECT

- 4.1** No person other than the authorised agents of the Council may, without approval from an authorised officer, make any connection to, or otherwise interfere with, any part of the Council's wastewater drainage system.
- 4.2** Every application for a wastewater service connection shall be made in writing on the form provided by the Council and accompanied by payment of the prescribed charges. The applicant shall provide all the details required by the Council. An application shall be made irrespective of whether or not a public sewer has already been laid up to the point of discharge.
- 4.3** Where an application has been accepted by the 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 actual and reasonable charges incurred by the Council for this work. The Council shall normally supply and install the public sewer up to the point of discharge except as provided for under a subdivision approval or consent.
- 4.4** Charges applicable at the time of connection may include:
- a)** Payment to the Council for the cost of the physical works required to provide the connection.
 - b)** A development contribution charge determined in accordance with the Local Government Act 2002.

- c) A financial contribution charge determined in accordance with the Resource Management Act 1991.
- d) A capital contribution in respect of the Kaniere sewerage scheme.

5. POINT OF DISCHARGE

- 5.1** 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.
- 5.2** Unless otherwise approved 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 another premises unless it is a common private drain.
- 5.3** 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 may be granted by the Council and any such positions will be recorded on the drainage plan.
- 5.4** 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.
- 5.5** 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 practicable, each owner shall have an individual drain with the point of discharge determined by agreement with the 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.

Each owner's point of discharge is subject to the approval of the Council and will be recorded on the drainage plan. Other arrangements shall be considered by the Council, at its discretion.

- 5.7 Common private drains shall serve a maximum of seven single dwelling units, and shall have one point of discharge only (in common).

6. **ACCEPTANCE AND DURATION**

- 6.1 The Council will continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made.

Note: 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.

- 6.2 In the event of premises changing ownership, the new owner shall automatically become the new customer of that premise.
- 6.3 The Council will endeavour to provide wastewater services in accordance with the level of service contained in the Council's Long-Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).
- 6.4 The Council shall endeavour to meet the level of service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.
- 6.5 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to the ability of the Council to receive wastewater, will be deemed an emergency and exempted from the levels of service requirements above.
- 6.6 During an emergency the 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 will be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by the authorised officer of the Council. Where immediate action is required, the authorised officer may enact emergency provisions as deemed necessary without public notification.

7. **CUSTOMER OBLIGATIONS**

- 7.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. The Council may also set a lesser daily flow rate discharged from a domestic premise.

- 7.2** Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.
- 7.3** No wastewater with unacceptable discharge characteristics as provided for in the First Schedule of this bylaw shall be discharged into the Council waste system except with the written approval of the Council and subject to the payment of any additional charge.
- 7.4** The customer shall allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work at any time. The Council shall give notice of entry in accordance with sections 171, 172 and 173 of the Local Government Act 2002.
- 7.5** Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour.
- 7.6** Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.
- 7.7** The customer shall allow the Council, with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.
- 7.8** The customer serviced by the public sewer network 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 the Council Wastewater system or the health and safety of the Council staff and public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.
- 7.9** The customer shall take practicable steps to prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.
- 7.10** The customer shall ensure that stormwater is excluded by ensuring that:

- a) There is no direct connection of any stormwater pipe or drain to the wastewater system.
- b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), and secondary overland flow path flood levels.
- c) Inspection covers are in place and are appropriately sealed.

7.11 For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made by the customer for a permanent barrier preventing water from outside the confines of the facility from entering the wastewater system.

7.12 Where it is impractical to cover a large impervious area, consideration shall be given to a system which detains run-off from the first foul flush for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.

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

8. DISCONNECTION

8.1 A customer shall give seven working days notice in writing of his or 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 by the Council. An application for disconnection shall be made on the standard Council application forms.

8.2 A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

9. PUBLIC SEWERAGE SYSTEM

9.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in clauses 10.2 to 10.5 of this part shall apply. Other restrictions may be applied by the Council for the protection of the wastewater drainage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors. The same provisions shall apply to sewers or drains installed by trenchless means, such that the installed location of the sewer or drain shall not contravene the minimum separation distances specified below.

9.2 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 (or subsequent amendments).

9.3

- a)** No building shall be built over a public sewer, whether on public or private land;
- b)** No building shall be built closer than the greater of:
 - i)** 1.5 metres from the centre of any public sewer; or
 - ii)** The depth of the centreline 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 (or subsequent amendments).
- c)** Where (a) and (b) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council subject to the building developer meeting the cost of any specific requirements and the following conditions shall apply.

9.4 No person shall:

- a)** 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 Transit New Zealand Bridge Manual); or
- b)** Place any additional material over or near a public sewer without approval.
Service openings shall not be covered in any way unless approved by the Council. Removal of any covering material or adjustment of the opening shall be at the customer's expense.

9.5 No person shall without the approval of an authorised officer excavate, or carry out piling or similar work closer than:

- a) Five metres from the centre line of any rising main or trunk sewer; or
- b) Two metres from the centre line of any public sewer.
Such approval may impose conditions on the carrying out of any work near the sewer.

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

9.7 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. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

9.8 Any damage which occurs to a Council service shall be reported to the Council immediately

9.9 The customer shall reimburse the Council for any repair costs incurred.

10. CUSTOMER'S DRAINAGE SYSTEM

10.1 The customer's drainage system is governed by the Building Act from inside the building to the point of discharge.

10.2 The 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 Building Act and the New Zealand Building Code.

10.3 A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain.

10.4 If the drainlayer finds that the blockage is within the public sewer, then the drainlayer or customer shall contact the Council to clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable drainage

costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

- 10.5** In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, the Council will follow the procedure set out in section 468 of the Local Government Act 1974.

Note: the law does not differentiate between a public sewer on private or public land, i.e. the occupier or owner cuts down or removes the tree at their expense with no compensation payable.

11. PUMP STATIONS

- 11.1** Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.
- 11.2** A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.
- 11.3** A private wastewater pump station must have a compliance schedule and an annual building warrant of fitness if that pump station:
- a)** Has one or more of the specified systems listed in Schedule 1 Specific Systems of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (SR 2005/32); and
 - b)** Serves more than one residential dwelling unit.
- 11.4** 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 party.
- 11.5** The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

12. OFFENCES AND BREACHES

- 12.1** A person commits a breach of this bylaw who:
- a)** Does, or causes anything that is contrary to this bylaw; or

- 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; or
- c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this bylaw; or
- e) Refuses or neglects to comply with any notice or direction given to them under this bylaw; or
- f) Obstructs or hinders any officer of the Council in the exercise of any power conferred upon them by this bylaw; or
- g) Fails to divulge their full name, address or other information when requested to do so by an enforcement officer.

12.2 Any person commits a breach of this bylaw who:

- a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building, or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- b) Having omitted to construct, affix, or provide any work, appliance or materials as required thereby; and who does not within a reasonable time after notice in writing has been given to them by the Council or any enforcement officer, carry out the remedial action specified in that notice.

12.3 The notice in clause 12.2 must state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an enforcement officer.

13. REMOVAL OF WORKS IN BREACH OF BYLAW

13.1 The Council may authorise any officer or agent to remove or alter a work or thing that is, or has been, constructed in breach of this bylaw.

13.2 The Council may recover the costs of such removal or alteration from the person who committed the breach in accordance with section 163 of the Act.

13.3 The removal or alteration of any work or thing under this clause does not relieve any person from liability for any penalty for erecting or permitting the continued existence of anything contrary to this bylaw.

14. PENALTIES

14.1 Every person who commits an offence against this bylaw is liable to the penalty set out in section 242(4) or 242(5) of the Act, in relation to the provisions of the bylaw that are made under Part 8 of the Act.

14.2 Where another enactment specifies the penalty for a breach of the bylaw, that other penalty shall apply.

14.3 The Council may, after a conviction for the continuing breach of this bylaw, apply to a Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person convicted.

15. DISPENSING POWER

15.1 Where, in the opinion of an authorised officer, full compliance with any of the provisions of this bylaw, would cause loss or inconvenience to any person or the operation of any business without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with full compliance with any of the provisions of this bylaw provided that any other terms or conditions (if any) that the Council may deem fit to impose are complied with by the person concerned.

The initial resolution to make the predecessor to this Bylaw (the Waste Water Bylaw 2010) was passed by the Westland District Council at an ordinary meeting of the Council held on the 16th day of September 2010 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 24th day of February, 2011.

Due to a review not being completed within a 5-year period under s158 of the Act, the 2010 bylaw was revoked on 24 February 2018 by s160A of the Act. An initial resolution to make this replacement Bylaw (the Waste Water Bylaw 2018) was passed by the Westland District Council at a meeting of the Council held on the 26th day of April 2018 and was confirmed, following consideration of submissions received during the special consultation procedure, by a resolution at a subsequent meeting of the Council on the 2nd day of July 2018.

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

Mayor

Chief Executive Officer

FIRST SCHEDULE

Unacceptable Discharge Characteristics

1 General Description

The discharge shall be characterised by a:

- a.** a flow exceeding 5m³ per day
- b.** instantaneous flow rate exceeding 2 L/s
- c.** Biochemical Oxygen Demand (BOD) concentration exceeding 600g/m³
- d.** Suspended Solids (SS) concentration exceeding 600g/m³.

2 Temperature

The temperature exceeding 50°C.

3 Solids

- a.** Non-faecal gross solids exceeding 15mm.
- b.** Fibrous, woven, or sheet film or any other materials that may adversely interfere with the free flow of wastewater in the wastewater system.

4 Oil & Grease

This clause applies to mineral oils, fats and grease used by industry and oils, fats and grease used in food preparation:

- a.** a free or floating layer is visible
- b.** mineral oil and grease exceeding a maximum concentration of 20g/m³
- c.** oil and fat used for food preparation exceeding a maximum concentration of 100g/m³, maximum mass 0.5kg per day.

5 Solvents & Other Organic Liquids

A visible free layer (whether floating or settled) of, petroleum, benzene, naphtha, fuel, solvents or organic liquids.

6 Condensing Water, Cooling Water or Stormwater

The presence of condensing water, cooling water or stormwater.

7 Emulsions of Paint, Adhesive, Rubber, Plastic

The presence of emulsions of paint, adhesive, rubber or plastic in the discharge.

8 Colour

The presence of colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

9 pH Value

A pH outside of the range of 6.0 and 10.0.

10 Presence of Chemicals

- a. sulphides exceeding 5g/m³
- b. sulphate exceeding 500g/m³

11 Any Other Characteristic

Any characteristic not mentioned in this schedule that is present in quantities above background domestic sewage levels.