

# Wastewater Drainage Bylaw 2020

This Bylaw regulates the use of the Western Bay of Plenty District's wastewater drainage system and is intended to protect the system from damage and misuse, and to promote and protect public health.

This Bylaw, which is made under the authority of the Local Government Act 2002 and section 23 and section 64 of the Health Act 1956, is based on the Standards NZ model document NZS 9201: Chapter 22 (Int); 1999.

**Attention is drawn to the Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage which should be read in conjunction with this Bylaw, but do not form part of this Bylaw. Attention is also drawn to the Western Bay of Plenty District Council Trade Wastes Bylaw 2020.**



**Western Bay of Plenty District Council**

**Wastewater Drainage Bylaw 2020**

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## Western Bay of Plenty District Council

# Wastewater Drainage Bylaw 2020

### Authority

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, and sections 23 and 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

### Title

This Bylaw is the Western Bay of Plenty District Council Wastewater Drainage Bylaw 2020. This bylaw comes into force on 5<sup>th</sup> October 2020.

### Repeal

The Western Bay of Plenty District Council Waste Water Drainage Bylaw 2008 is repealed.

### Scope

This Bylaw regulates the use of the Western Bay of Plenty District Council's wastewater drainage system. It is intended to promote and protect public health, and to protect the wastewater drainage system from damage and misuse. In general only matters which are not covered by legislation or regulations are included in the Bylaw.

This Bylaw is based on the Standards NZ model document NZS 9201: Chapter 22 (Int): 1999.

Attention is drawn to the Western Bay of Plenty District Council's Terms and Conditions for the Acceptance of Wastewater Drainage which should be read in conjunction with this Bylaw, but do not form part of this Bylaw. Attention is also drawn to the Western Bay of Plenty District Council Trade Wastes Bylaw 2020.

### Validation

The Western Bay of Plenty District Council Wastewater Drainage Bylaw 2020 was duly made at a meeting of the Western Bay of Plenty District Council on 24 September 2020.

### Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Wastewater Drainage Bylaw 2008, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and



are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Wastewater Drainage Bylaw 2008 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.



## Definitions

For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply:

<b>Acceptable Discharge</b>	Means a wastewater with physical and chemical characteristics which comply with the Council's requirements for discharge into the wastewater drainage system.
<b>Approval</b>	Means approved in writing by Council, either by resolution of the Council or by an Authorised Officer.
<b>Building Work</b>	Has the same meaning as that set out in section 7 of the Building Act 2004.
<b>Buried Services</b>	Means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
<b>Bylaw</b>	Means the Western Bay of Plenty District Council Wastewater Drainage Bylaw, unless otherwise stated.
<b>Characteristic</b>	Means any of the physical or chemical characteristics of wastewater or trade waste.
<b>Council</b>	Means the Western Bay of Plenty District Council.
<b>Customer</b>	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.
<b>Customer Service Agreement</b>	Means the document signed by the customer as accepting the Terms and Conditions for the Acceptance of Wastewater Drainage.
<b>Deed of Covenant</b>	Means a signed and sealed agreement written into a certificate of title or other instrument where parties agree to do or refrain from doing certain acts.
<b>Development Code</b>	Means the Western Bay of Plenty District Council Development Code (or its replacement).
<b>Disconnection</b>	Means the physical cutting and sealing of the drain from a premises.
<b>Domestic Sewage (or Domestic Wastewater)</b>	Means liquid wastes (including matters in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into sewerage drains controlled by a local authority.
<b>Drain</b>	Means that section of private drain between the



	<p>customer's premises and the point of discharge into a public sewer through which wastewater is conveyed from the premises. (This section of drain is owned and maintained by the customer or with the Council's express approval a group of customers).</p>
<b>Drainage District</b>	<p>Means the district or part thereof of the territorial authority for which the Council may provide a drainage system, including, with the consent of the territorial authority, any area within that district.</p>
<b>Gully Trap</b>	<p>Means a fitting designed to prevent foul air escaping from the drainage system and used to receive the discharge from waste pipes.</p>
<b>Infiltration</b>	<p>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.</p>
<b>Inflow</b>	<p>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.</p>
<b>Level of Service</b>	<p>Means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.</p>
<b>Memorandum of Encumbrance</b>	<p>Means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.</p>
<b>Network Utility Operator Person</b>	<p>Has the same meaning as under s.166 of the Resource Management Act 1991.</p> <p>Includes an individual person, or group of individual persons bound together by a common purpose, and includes a body corporate or body sole.</p>
<b>Point of Discharge</b>	<p>Means the boundary between the public sewer and a private drain.</p>
<b>Premises</b>	<p>includes –</p> <ul style="list-style-type: none"><li>(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</li><li>(b) any building or any part thereof used or intended to be used exclusively or principally as the residence of one household.</li></ul>



	(c) land held in public ownership (e.g. reserve) for a particular purpose.
<b>Prohibited Characteristics</b>	Means a wastewater discharge containing the physical and chemical characteristics which Council has determined must not be discharged into the public sewer system.
<b>Rising Main</b>	Means a sewer through which wastewater is pumped.
<b>Service Opening</b>	Means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.
<b>Sewer (or public sewer)</b>	Means the public sewer and includes all its parts including buried services and extending from the point of discharge to any treatment plant or other point of disposal and which is owned, administered and maintained by the Council.
<b>Stormwater</b>	Means all surface water run-off resulting from precipitation.
<b>Trade Premises</b>	Has the meaning assigned to that term in the Trade Wastes Bylaw.
<b>Trade Waste</b>	Has the meaning assigned to that term in the Trade Wastes Bylaw.
<b>Trade Wastes Bylaw</b>	Means the Western Bay of Plenty District Council Trade Wastes Bylaw 2020 or its replacement.
<b>Trunk Sewer</b>	Means a sewer, generally 150mm or greater in diameter, which forms a part of the principal drainage network of the Council's wastewater drainage system.
<b>Wastewater</b>	Means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.
<b>Wastewater Drainage System</b>	Means all parts of the public sewer system located within the Western Bay of Plenty District which is owned, administered and maintained by the Council, and includes buried services extending from the point of discharge to any treatment plant or other point of wastewater disposal.

## Interpretation

In general, in this Bylaw, one gender includes all genders, the singular includes the plural, and the plural includes the singular.



## Western Bay of Plenty District Council

# Wastewater Drainage Bylaw 2020

## 1. Introduction and Objective

- 1.1. This Bylaw covers matters relating to the Western Bay of Plenty District Council wastewater drainage system. The purpose of this Bylaw is to regulate the use of, and protect Council's wastewater drainage system from damage and misuse, and to promote and protect public health.
- 1.2. Matters regulating the acceptance of trade waste into the wastewater drainage system are contained in the Western Bay of Plenty District Council Trade Wastes Bylaw.

## 2. Council Operating Procedures

- 2.1 The Council may from time to time, by ordinary resolution –
  - (a) Adopt system operating procedures to protect the wastewater drainage system from damage and misuse including the setting of the nature and levels of characteristics of any wastewater to be discharged into the Council's sewerage system.
  - (b) Set the terms and conditions upon which wastewater discharged from any premises will be accepted into the Council's wastewater drainage system.
  - (c) Pursuant to the provisions of section 12 and section 150 of the Local Government Act 2002, prescribe fees and charges payable for anything to be done, made or given by the Council, or its contractors or agents, arising out of or in connection with this Bylaw.
- 2.2 Any customer who discharges wastewater into Council's wastewater drainage system must sign a Customer Service Agreement and at all times comply with the Council's operative Terms and Conditions for the Acceptance of Wastewater Drainage as from time to time fixed by resolution of Council.
- 2.3 Council may, from time to time by way of an ordinary resolution, amend, extend, rescind, or vary any resolution made in accordance with the provisions of clause 2.1.

## 3. Acceptance of Discharge

### 3.1 Approval to Connect

- 3.1.1 No person, other than the authorised agents of the Council may, without written approval of Council, make any connection to or otherwise interfere with any part of the wastewater drainage system including buried services.

### 3.2 Acceptable Discharge Characteristics

The nature and levels of the characteristics of any wastewater discharged into the Council wastewater drainage system must comply at all times with the





characteristics adopted by Council. These characteristics maybe amended by Council by resolution publicly notified from time to time. Those characteristics may be varied by the Council as part of an approval given to a customer or customers to discharge a wastewater which does not meet the normal characteristics. The acceptable characteristics are set out in the First Schedule of the Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage.

### **3.3 Domestic Wastewater**

Every dwelling/house is entitled to have its wastewater accepted by the Council subject to –

- (a) the premises lying within a Drainage District; or
- (b) the premises being within an area which is served by public sewers; and
- (c) payment of all rates, fees, charges and levies in respect to that property; and
- (d) compliance with the Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage relating to the acceptance of wastewater discharge from those premises.

## **4. Premises**

### **4.1 Flow Rate**

- 4.1.1 No person may discharge wastewater into the sewer at an instantaneous flow rate exceeding the rate determined by the Council from time to time, or in excess of the rate stipulated in the Council's Terms and Conditions for the Acceptance of Wastewater Drainage in respect of those premises.
- 4.1.2 The Council may set a maximum daily flow rate which can be discharged from any premises into the wastewater drainage system.

### **4.2 Prohibited Characteristics**

No person may discharge into the Council sewer any wastewater with the characteristics which Council has resolved to prohibit from discharge into the wastewater drainage system, as stipulated in the Second Schedule of the Western Bay of Plenty District Council Terms and Conditions for the Acceptance of Wastewater Drainage.

### **4.3 Prevention of Inflow and Infiltration**

The customer must prevent any stormwater or groundwater (including water from roof downpipes, surface water run-off, overland flow, and sub-surface drainage) from entering the Council sewer.

## **5. Protection of the wastewater network**

### **5.1 Check for Buried Services**

Before any work is undertaken in or around any part of the Wastewater Drainage System, the drainage maps maintained by the Council should be checked to find the location of buried services.



The drainage map is publicly available on Council's website.

## **5.2 Building Near Buried Services**

- 5.2.1 In general, no building shall be built over a public sewer. In exceptional circumstances Council, at its sole discretion, may provide written approval and may impose any condition on any such approval.
- 5.2.2 No building shall be built adjacent to a public sewer (within 2.0 metres measured horizontal from the centre of any public sewer, or within 5.0 metres measured horizontal from the centre of any rising main) without written Council approval and only then in accordance with any condition that Council may impose on any such approval.
- 5.2.3 If any person intends to carry out any work in a location which is likely to require Council's drainage works to be diverted or altered that person must give Council sufficient written notice of his/her proposal and methodology to allow Council staff adequate time to investigate and assess the proposed work.
- 5.2.4 If the Council is satisfied that it is practicable and reasonable for the drainage works to be diverted or altered, the Council may enter into a written agreement with that person as to the manner in which the drainage works will be carried out.
- 5.2.5 The cost of the work agreed pursuant to clause 5.2.4, together with the costs of any other incidental costs which the Council may incur in respect to such work, will be charged to the person requesting the work.
- 5.2.6 The Council may, at its sole discretion, allow detached non-inhabited ancillary buildings (such as garages, carports, sheds), to be built over a sewer subject to considerations, including (but not limited to) -
- i) There being no sewer connections or manholes under the building or within 1.5 metres of the edge of the building.
  - ii) The developer constructing the building foundations so that no building loads are transferred to the sewer.
  - iii) Registering the public sewer by a Memorandum of Encumbrance and Deed of covenant against the Certificate of Title prior to the building construction commencing.
- 5.2.7 Council reserves the right to request the removal of any building approved under clause 5.2.6, or have them removed when access to the sewer is required and impeded. Costs which the Council may incur in respect to such work, will be charged to the owner of the ancillary building or similar structure.

Note: In general Council will not allow a building to be constructed within 2.0 metres measured horizontal from the centre of any public sewer, or within 5.0 metres measured horizontal from the centre of any rising main. However each application will be considered on its merits and where circumstances warrant such action, the application will be referred to Council for a decision. Any application to build in close proximity of a public sewer, being the area defined above, should be lodged with the Council at least 20 working days in advance of works commencing. Consideration of this requirement is encouraged early in the planning process. The Working On or Near Utilities forms are available online.



### **5.3 Excavation or Building Near Public Sewers**

- 5.3.1 No person may carry out excavating, piling, or similar work over or adjacent (within 2.0 metres measured horizontal from the centre of any public sewer, or within 5.0 metres measured horizontal from the centre of any rising main) to any rising main or trunk sewer without written Council approval and only then in accordance with any condition that Council may impose on any such approval.
- 5.3.2 Application must be made at least 5 working days in advance of works commencing, except for emergency works undertaken by a Network Utility Operator, whereby notification to Council is to be provided as soon as is practicable.
- 5.3.3 All requirements of the Development Code must be followed and adhered to, unless otherwise approved by Council.  
Note: Each application will be considered on its merits and where circumstances warrant such action, the application will be referred to Council for a decision. Any application should be lodged with the Council at least 5 working days in advance of works commencing. Consideration of this requirement is encouraged early in the planning process. The Working On or Near Utilities forms are available online.

### **5.4 Loading or Material over Public Sewer Network**

- 5.4.1 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).
- 5.4.2 No person shall place any additional material over or near a public sewer which may compromise structural or functional integrity without Council approval.

### **5.5 Damage to System**

- 5.5.1 Any damage which occurs to a Council service during excavation or other work must be reported to the Council immediately.
- 5.5.2 The cost of any repair work incurred by the Council in reinstating any part of the drainage system which has been damaged may be recovered from the person or persons responsible.

### **5.6 Council access to service openings**

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.

## **6. Hazardous Materials**

### **6.1 Not to Enter Sewer**

- 6.1.1 No person may discharge into any public sewer any material, product or waste containing corrosive, toxic, biocidal, radioactive, flammable or explosive matter or any other material, product or waste which when mixed with the wastewater in the sewer is likely to generate toxic, flammable, explosive or corrosive materials in quantities that may be detrimental to the Council's Wastewater Drainage System or present a hazard to Council's staff or members of the public.



- 6.1.2 Every person who becomes aware that any hazardous material, product, or waste, has entered the Wastewater Drainage System must immediately notify Council of the details. This requirement is in addition to any other obligation that person has to notify other authorities of release of a hazardous substance.

## **7. Breaches and Remedies**

### **7.1 Defect Notices**

- 7.1.1 In the event of a breach of statutory or other legal requirements, the Council may serve a written 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.
- 7.1.2 If however the breach is such that public health, or safety considerations, risk of consequential damage to Council 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 7.2.

### **7.2 Remedial Work**

At any time after the specified period of 7.1 has elapsed, the WWA 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.

## **8. Penalties and Remedies**

- 8.1 Any person contravening, or committing or permitting or allowing a breach of any of the provisions of this Bylaw, commits an offence against this Bylaw.
- 8.2 Without prejudice to any of the provisions of this Bylaw, Council may pursue any legal remedies available to it pursuant to the provisions of the Local Government Act 2002, or any other Act or regulation applicable to the discharge of wastewater drainage.
- 8.3 In addition to any legal penalties arising from any breach, offence, or dispute Council may seek to recover all costs arising from and associated with any such breach, offence or dispute.

## **9. Fees**

- 9.1 If this Bylaw provides for the Council to issue a certificate, permit, or consent or give its authority or approval for anything, or carry out an inspection, the Council may require the payment of a fee,
- 9.2 Any such fee must be prescribed by Council under section 150 of the Act.
- 9.3 Fees may differ for any class of certificate, permit, consent, authority, approval or licence.