



People First

Southland District Council

Te Rohe Pōtae O Murihiku

WASTEWATER DRAINAGE

BYLAW 2008

Contents

1	Introduction.....	1
1.1	Title.....	1
1.2	Commencement and Area of Application.....	1
2	Definitions.....	1
3	Approval to connect.....	4
3.1	Authorisation to Connect.....	4
3.2	Payment.....	4
3.3	Premises.....	5
3.3.1	Flow rate.....	5
3.4	Pump Station.....	5
3.5	Prohibited Characteristics.....	5
4	Point of discharge.....	5
4.1	General.....	5
4.2	Single ownership.....	6
4.3	Layout.....	6
4.4	Multiple ownership.....	6
4.4.1	Point of discharge.....	6
4.4.2	Council approval of point of discharge.....	7
4.5	Common private drains.....	7
4.5.1	Point of discharge for shared drain.....	7
5	Blockages.....	7
6	Access.....	7
6.1	Access for inspection.....	7
6.2	Non-complying connections.....	7
7	Prevention of inflow and infiltration.....	8
7.1	Exclusion of Stormwater from Sewerage System.....	8
7.2	Maintenance Requirements for Private Drains.....	8
8	Disconnection.....	8
8.1	Building Removal Notice.....	8
8.2	Disconnection Requirement Notice.....	8
9	Protection of Sewerage System.....	8
9.1	General.....	8
9.2	Building over Buried Services.....	9
9.2.1	Rising mains and trunk sewers.....	9
9.2.2	Other public sewers.....	9

9.3	Loading or material over public sewers	10
9.3.1	Loading limits	10
9.3.2	Additional material	10
9.3.3	Covering of service openings	10
9.4	Excavation near public sewers	10
9.5	Working around Buried Services	10
9.5.1	Protection of Council services	10
9.5.2	Standard of excavation work	10
9.5.3	Reporting and any damage to services	10
10	Storage of hazardous materials	11
10.1	Occupier's responsibilities	11
10.2	Entry of hazardous substances into sewer	11
11	Recovery of Costs	11
12	Breaches and Remedies	11
12.1	Breaches of Conditions of providing a Wastewater Service Connection	11
12.2	Defect Notices	12
12.3	Public Health and Safety	12
12.4	Penalties	12
13	Liability	12

SOUTHLAND DISTRICT COUNCIL WASTEWATER DRAINAGE Bylaw 2008

1 Introduction

1.1 Title

This Bylaw may be cited as the Southland District Council Wastewater Drainage Bylaw 2008.

1.2 Commencement and Area of Application

This Bylaw shall come into force on the 30th day of June 2008 and shall apply throughout the District

2 Definitions

In this Bylaw unless the context otherwise requires-

ACCEPTABLE DISCHARGE means wastewater with physical and chemical characteristics which comply with the requirements of the Council.

APPROVAL or **APPROVED** means approved in writing by the Council.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BUILDING means any building within the meaning of Sections 8 and 9 of the Building Act 2004.

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

COUNCIL means the Southland District Council.

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 a public sewer of the Council.

DISCONNECTION means the physical cutting and sealing of the drain from premises.

DISTRICT means the District of the Council.

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 are an acceptable discharge. Domestic wastewater shall include the drainage from domestic swimming and spa pools.

DRAIN means that section of private drain between the customer's premises and the point of discharge through which wastewaters are conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

DRAINAGE DISTRICT means the District or part thereof for which the Council may provide a drainage system, including any area within the District.

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.

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

POINT OF DISCHARGE means the boundary between the public sewer and a private drain.

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 company lease and for which a certificate of title is available, or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District, or in the case of an emergency notification, by the most practical means available.

RISING MAIN means a sewer through which wastewater is pumped.

SCHEDULE OF RATES, FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the Council.

SERVICE OPENING means a manhole, cleaning eye, or similar means for gaining access for inspection, cleaning or maintenance, of a sewer.

SEWER means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The sewer is owned and maintained by Council.

SEWERAGE SYSTEM means infrastructure for the collection, treatment, disposal of sewage and Trade Waste, including all sewers, pumping stations, storage tanks, sewerage treatment plants, outfalls and other related structures operated by Council and used for the reception, treatment and disposal of sewage.

STORMWATER means all surface water runoff resulting from precipitation.

TRADE PREMISES means:

- (a) Any premises used for industrial or trade purposes.
- (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.

- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process, as defined in the Resource Management Act 1991.

and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, and may include condensing or cooling waters, stormwater which cannot practically be separated, or domestic sewage.

TRADE WASTE Bylaw means the Bylaw of the Council for the time being in force regulating wastewater discharges from trade premises to a sewer.

TRUNK SEWER means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the wastewater authority's wastewater drainage system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

3 Approval to connect

3.1 Authorisation to Connect

No person shall, without Approval, make any connection to, discharge or otherwise interfere with any part of the sewerage system.

3.2 Payment

The customer shall be liable to pay for the discharge of wastewater and related services in accordance with the Council rates, fees and charges prevailing at the time.

The Council may recover all unpaid charges as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 82.

Charges applicable and payable 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 determined in accordance with the Resource Management Act 1991.

3.3 Premises

3.3.1 Flow rate

The maximum instantaneous flow rate discharged from domestic premises shall not exceed 2.0 litres/second. The Council may also set a maximum daily flow rate discharged from domestic premises.

3.4 Pump Station

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

3.5 Prohibited Characteristics

No wastewater containing characteristics considered by the Council to be dangerous or to have a deleterious effect on the Council's sewerage system, or to cause a breach of any discharge permit held by the Council, shall be discharged into the sewer or sewerage system.

4 Point of discharge

4.1 General

The point of discharge from a customer shall be at the property boundary, with the boundaries of responsibility between the customer and the Council defined as in Figure 1.

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.

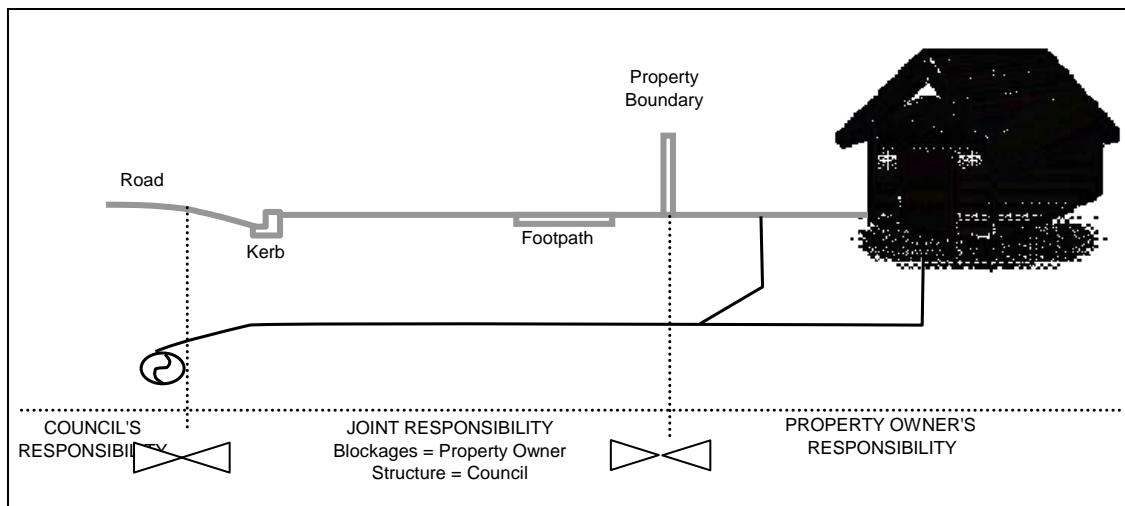


Figure 1 – Responsibility for laterals and sewer - Individual customers

4.2 Single ownership

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. The approval of other positions must be by the 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.

4.3 Layout

The typical layout at a point of discharge is provided in the Council Subdivision and Land Development Bylaw.

4.4 Multiple ownership

4.4.1 Point of discharge

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; or
- (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.

4.4.2 Council approval of point of discharge

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

4.5 Common private drains

4.5.1 Point of discharge for shared drain

Common private drains shall serve a maximum of five single dwelling units, and may also have one point of discharge only (in common). All connections to a common private drain shall be approved by the Council.

5 Blockages

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.

If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the Council who shall 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 costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

6 Access

6.1 Access for inspection

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 between 7.30 am and 6.00 pm on any day. The 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 the Council free access to and about the point of discharge at any hour without notice.

6.2 Non-complying connections

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 Prevention of inflow and infiltration

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

7.1 Exclusion of Stormwater from Sewerage System

Stormwater shall be excluded from the sewerage system by ensuring that:

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

7.2 Maintenance Requirements for Private Drains

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

8 Disconnection

8.1 Building Removal Notice

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.

8.2 Disconnection Requirement Notice

A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections.

9 Protection of Sewerage System

9.1 General

With respect to building or loading over Buried Services, or excavation near public sewers, the restrictions described in Clauses 7.2 to 7.4 shall apply. Other restrictions may be applied by the 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.

9.2 Building over Buried Services

9.2.1 *Rising mains and trunk sewers*

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 Clause 3.1 of NZS 3604.

9.2.2 *Other public sewers*

- (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 Clause 3.1 of NZS 3604.
- (c) Where (a) above is 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 subject to the property owner:
 - (i) Carrying out sufficient investigations to accurately determine the stormwater drains location and depth, and to prove that the stormwater drain is in such a condition that it has a remaining life of at least 50 years;
 - (ii) Or if (i) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (i), (iii) and (vi);
 - (iii) Bore piling the building 1.0 metre clear distance either side of the stormwater drain to below the stormwater drain invert to ensure that no building loads are transferred to the stormwater drain and that it is possible to excavate down to the stormwater drain without threat to the building;
 - (iv) Providing two additional manholes into the stormwater drain 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 10.0 metres), provided that the stormwater drain lies in a straight line and that there are no other connections between these two manholes;
 - (v) Carrying out all work on and around the stormwater drain in accordance with Council engineering standards;
 - (vi) Registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey and drain stormwater.

9.3 Loading or material over public sewers

9.3.1 Loading limits

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 Transit New Zealand Bridge Manual 1994).

9.3.2 Additional material

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

9.3.3 Covering of service openings

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.

9.4 Excavation near public sewers

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

- (a) 5.0 metres from the centre line of any rising main or trunk sewer, or
- (b) 2.0 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.

9.5 Working around Buried Services

9.5.1 Protection of Council services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any Buried Services is located in the vicinity. At least five working days notice in writing shall be given to Council of an intention to excavate in the vicinity of any part of a water supply system. Where appropriate the Council may mark out to within ± 1 m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

9.5.2 Standard of excavation work

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

9.5.3 Reporting and any damage to services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

10 Storage of hazardous materials

10.1 Occupier's responsibilities

The occupier of any premises shall take all reasonable steps to prevent entry into the sewerage system from leakage, spillage or other mishap of any raw material products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials or any material which, by itself or when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council wastewater system or the health and safety of Council staff, contractors and the public and adversely effect the receiving environment.

10.2 Entry of hazardous substances into sewer

The Occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in 10.1.

11 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

12 Breaches and Remedies

12.1 Breaches of Conditions of providing a Wastewater Service Connection

The following are deemed breaches of the conditions to provide a wastewater service connection:

- (a) An incorrect application for supply which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under this Bylaw.
- (d) Frustration of the Southland District Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to undertake 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.

12.2 Defect Notices

In the event of a breach of any provision of this Bylaw, 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.

12.3 Public Health and Safety

If the breach to public health, or safety considerations, or 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 Clause 9.3.

12.4 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(2) of the Local Government Act 2002.

13 Liability

The Southland District Council shall endeavour to provide an uninterrupted supply 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.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

**THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:**

}

MAYOR

CHIEF EXECUTIVE