



# Southland District Council

## Wastewater Drainage Bylaw 2017

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## Document Revision

Date	Amendment	Amended by	Approved by	Approval date
13/12/17			Council	13/12/17

## 1 Introduction

This bylaw may be cited as the Southland District Council Wastewater Drainage Bylaw 2017.

### 1.1 Title

This Bylaw may be cited as the Southland District Council Wastewater Drainage Bylaw 2017.

### 1.2 Commencement and Area of Application

This Bylaw shall come into force on the 13th day of December 2017 and shall apply throughout the District.

### 1.3 Repealed Bylaw

The Southland District Council Wastewater Drainage Bylaw 2008 is consequently repealed.

## 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.

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

**APPROVED CONTRACTOR** means a contractor approved by Council to undertake works on the water supply system.

**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 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 uses, or has obtained the right to use or direct the manner of use of, water supplied by 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.

**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 sewer 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 sewer from non-complying connections or other drain laying faults. It includes stormwater entering through illegal downpipe connections or from low gully

**PERSON** includes a natural person, the Crown, a corporation sole or a body of persons whether corporate or otherwise.

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

**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
- (a) A building or part of 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 (eg, reserve) for a particular purpose.

**PRIVATE SEWER** means that section of sewer between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of sewer is owned and maintained by the customer (or group of customers).

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

**PUBLIC NOTICE:**

- (a) Means a notice published in a newspaper circulating in the entire area likely to be affected by the matter to which the notice relates; and
- (b) May also include a notice published on the Council website.

**RISING MAIN** means a sewer through which wastewater is pumped.

**SCHEDULE OF 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 any pipe that conveys wastewater.

**SEWERAGE SYSTEMS** means infrastructure for the collection, treatment, disposal of wastewater and trade waste, including all public 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 wastewater.

**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 wastewater.

**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 Council's sewerage 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

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

Approval to connect to the sewerage system will only be given after full payment of the appropriate application fee.

### 3.2 Payment

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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; and/or
- (b) A development contribution charge determined in accordance with the Local Government Act 2002.

### 3.3 Flow Rate

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The maximum instantaneous flow rate for domestic wastewater 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 public sewer or sewerage system.

## 4 Approved Contractors

Any Person who undertakes repair or installation work for Wastewater services shall first obtain Approval by Council as an Approved Contractor. Council will grant this Approval only where it is fully satisfied that the Person has the necessary expertise and experience. Council shall maintain a register of Approved Contractors.

## 5 Point of Discharge

### 5.1 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 sewer shall not extend by pipe or any other means to serve another premises unless it is a common private sewer.

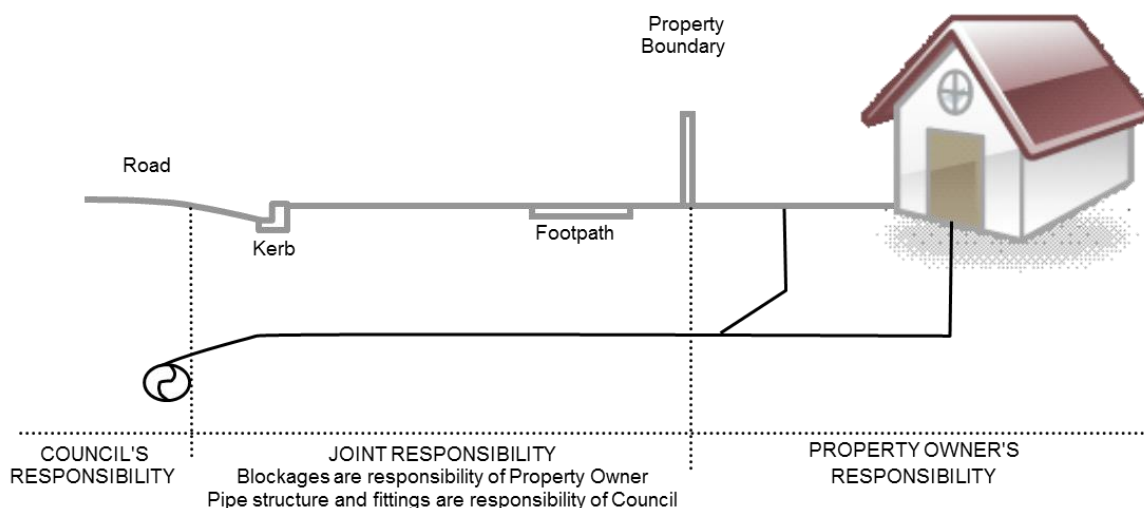


Figure 1 - Responsibility for laterals and sewer - Individual Customers

## 5.2 Layout

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

## 5.3 Single Ownership

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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 sewer discharges into a public sewer that runs in an easement 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.

## 5.4 Multiple Ownership

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### 5.4.1 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 sewer which shall be incorporated as an additional provision in the lease agreement in specific cases.

Other arrangements will be acceptable subject to individual approval.

### 5.4.2 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.

## 5.5 Common Private Sewer

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### 5.5.1 Point of Discharge for Shared Drain

Common private sewers 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 sewer shall be approved by the Council.

## 6 Blockages

A customer who has reason to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private sewer.



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 sewer, or that the customer has not been negligent in discharging 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.

## 7 Access

### 7.1 Access for Inspection

The Customer shall allow the Council, or its authorised officers, access to and about the point of discharge under the rights of entry provision of the Local Government Act under Section 171 to 174. The Council shall give 24 hours' notice to the customer of the intended entry. For the purposes of monitoring, testing and maintenance work, the customer shall allow Council free access to and about the point of discharge between 7.30 am and 6.00 pm on any day. Under emergency conditions, or for the purpose of ascertaining whether the sewers are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

### 7.2 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.

## 8 Prevention of Inflow and Infiltration

### 8.1 Customer Responsibilities

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.

### 8.2 Exclusion of Stormwater from Sewerage System

So that stormwater is excluded from the sewerage system, the customer shall ensure:

- (a) There is no direct connection of any stormwater pipe or drain to the sewerage system, unless the sewerage system has been specifically designed as a combined sewerage/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.

### 8.3 Maintenance Requirements for Private Sewers

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

## 9 Disconnection

### 9.1 Building Removal Notice

A customer shall give five working days' notice in writing of their 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.

### 9.2 Disconnection Requirements

A Customer shall give five working days' notice in writing to the Council of their requirement for disconnection of the discharge connections. Disconnection shall be done by an approved contractor.

## 10 Protection of Sewerage System

### 10.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in Clauses 10.2 to 10.4 shall apply. Other restrictions may be applied by the Council for the protection of the public sewerage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors.

### 10.2 Building over Buried Services

#### 10.2.1 Building over 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 centre line of the public sewer, plus the diameter of the public sewer, plus 0.2 metres from the centre of that public 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 sewer location and depth and to prove that the sewer 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 Sewer to meet the requirements of (i), (iii) and (vi);

- iii. bore piling the building 1.0 metre clear distance either side of the sewer to below the sewer invert to ensure that no building loads are transferred to the sewer and that it is possible to excavate down to the sewer without threat to the building;

## **10.3 Loading or Material over Public Sewers**

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### **10.3.1 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).

### **10.3.2 Covering of Service Openings**

Service openings shall not be covered in any way unless approved. Removal of any covering material or changes to any opening situated on private property shall be at the property owner's expense.

## **10.4 Excavation near Public Sewer**

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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 public Sewer.

## **10.5 Working around Buried Services**

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### **10.5.1 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 sewerage system. Where known the Council may mark out on the ground the estimated location of its services and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service. The responsibility for identifying the actual location of services remains with the person responsible for the excavation work.

### **10.5.2 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.

### **10.5.3 Reporting of 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. All repairs to the damaged service shall be undertaken by an approved contractor.

## 11 Protecting the Sewerage System from Hazardous Substances

### 11.1 Occupier's Responsibilities to Prevent Contamination

The occupier of any property 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 sewerage system or the health and safety of Council staff, contractors and the public and adversely affect the receiving environment.

### 11.2 Entry of Hazardous Substances into Sewer

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in 11.1.

## 12 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).

## 13 Breaches and Remedies

### 13.1 Defect Notices for Breach of Bylaw

In the event of a breach of any provision of this bylaw, the Council may serve a defect notice on the customer advising of 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 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, including a re-inspection fee.

### 13.2 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 connection 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 Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

### 13.3 Public Health and Safety and the Environment

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If the breach to public health, or safety considerations, or risk of consequential damage to Council assets or the environment, or previous discharge consent violations 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 12.

### 13.4 Penalties

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Any person who is in breach of this bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000.00 in accordance with Section 242(2) of the Local Government Act 2002.

## 14 Liability

The Council shall endeavour to provide an uninterrupted 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 sewerage system.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 13 December 2017.

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

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CHIEF EXECUTIVE