

SELWYN DISTRICT COUNCIL WASTEWATER DRAINAGE BYLAW 2016

The Selwyn District Council makes the following bylaw regulating Wastewater Drainage pursuant to sections 145(a) and (b) and 146(b)(iii) of the Local Government Act 2002.

Explanatory Notes

These explanatory notes do not form part of this bylaw, but are intended to indicate the general effect of the provisions contained in the bylaw.

Purpose

The purpose of this bylaw is to control and monitor Wastewater Drainage into the public Wastewater System in order to:

- protect public health and the environment;*
- manage, regulate and protect the Council's water supply from misuse or damage;*
- protect the Stormwater System infrastructure;*
- protect the Wastewater System infrastructure;*
- provide a basis for monitoring Wastewater Discharge from Dwellings;*
- ensure compliance with Consent conditions; and*
- prevent the use of land, structures and infrastructure associated with Wastewater drainage.*

Scope

This bylaw provides for the:

- conditions of Discharge of Wastewater from any Dwelling;*
- liability of Persons who are in breach of this bylaw; and*
- administrative mechanisms for the operation of the bylaw.*

CONTENTS

1. TITLE	3
2. DATE OF COMMENCEMENT	3
3. APPLICATION OF BYLAW	3
4. DEFINITIONS	3
5. PROTECTION OF WASTEWATER SYSTEM	5
6. WASTEWATER DRAINS AND PRESSURE MAIN SYSTEMS	6
7. CONDITIONS OF DISCHARGE	7
8. BREACHES AND INFRINGEMENT OFFENCES	11
SCHEDULE 1 – PROHIBITED WASTE	12

1. TITLE

- 1.1 This bylaw shall be known as the Selwyn District Council Wastewater Drainage Bylaw 2016.

2. DATE OF COMMENCEMENT

- 2.1 This bylaw comes into force on 1 September 2016.

3. APPLICATION OF BYLAW

- 3.1 This bylaw applies in respect of the Wastewater System maintained by the Selwyn District Council and to the Discharge of Wastewater and other substances into that system.
- 3.2 Nothing in this bylaw authorises the Discharge of Trade Waste that is subject to the Trade Waste Bylaw 2016.
- 3.3 **Compliance with other Acts:** The provision of Wastewater services by the Council is subject to statute and regulation and nothing in this bylaw derogates from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and any regulations made pursuant to those Acts and any other relevant statutory or regulatory requirements. References to a repealed enactment include its replacement. In the event of any inconsistency between this bylaw and the legislation the more stringent applies.
- 3.4 **Compliance with Selwyn District Council Engineering Code of Practice:** The Council will only provide Wastewater services to a Drain if that Drain complies with the Code of Practice.

4. DEFINITIONS

- 4.1 In this bylaw, unless the context otherwise requires:
- (a) **"Approve or Approved"** means approval in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
 - (b) **"Buried Services"** means all Public Sewers, Rising Mains, Trunk Sewers and other underground utilities owned or managed by the Council;
 - (c) **"Characteristic(s)"** has the same meaning as in the Trade Waste Bylaw 2016;
 - (d) **"Code of Practice"** means the Selwyn District Council Engineering Code of Practice;
 - (e) **"Common Drain"** means a Drain serving more than one premise;
 - (f) **"Council"** means the Selwyn District Council or any officer authorised to exercise the authority of the Council;
 - (g) **"Customer(s)"** means a Person who Discharges or has the right to Discharge Wastewater to the Wastewater System with the consent of Council;
 - (h) **"Discharge or Discharged"** means Discharge of Wastewater into the Wastewater System whether directly or indirectly;
 - (i) **"Disconnection"** means the physical cutting and sealing of the drain from a premise;

- (j) **"Drain"** means that section of private drain between the Customer's premises and the Point of Discharge through which wastewater is conveyed from the premises;
- (k) **"Dwelling"** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more Persons. A Dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site unless that building or part of a building is being used for overnight accommodation;
- (l) **"Enforcement Officer"** means any officer appointed by the Council as an enforcement officer under section 177 of the Act, as an enforcement officer with powers of entry as prescribed in sections 171-174 of that Act;
- (m) **"Excavation"** means any works including tunnelling, thrust boring, cultivation, post driving or any disturbance of land;
- (n) **"Fees and Charges"** means the Fees and Charges determined by the Council from time to time in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002 for services provided by the Council associated with the Discharge of Wastewater;
- (o) **"Foul Water"** means a Discharge from any Sanitary Fixture or Sanitary Appliance;
- (p) **"Infiltration"** means groundwater entering the Wastewater System or Drain through defects such as poor joints, and cracks in pipes or manholes;
- (q) **"Inflow"** means water Discharged into a Drain or the Wastewater system from unauthorised connections or drain laying faults and includes Stormwater entering through unauthorised down pipe connections or from low gully traps;
- (r) **"Person(s)"** means a natural Person, corporation or a body of Persons whether corporate or otherwise;
- (s) **"Point of Discharge"** is the boundary between the Wastewater System and a Drain;
- (t) **"Pressure Drain"** means a Drain through which Wastewater is pumped from a Premises into the Wastewater System;
- (u) **"Pressure Drain System"** means a system comprising a pumping station and Pressure Drain that conveys Wastewater from a Premises to the Wastewater System;
- (v) **"Prohibited Characteristics"** has the same meaning as in the Trade Waste Bylaw 2009;
- (w) **"Prohibited Waste"** means waste that has, or is likely to have, any of the Prohibited Characteristics set out in Schedule 1;
- (x) **"Public Notice"** has the same meaning as in the Local Government Act 2002;
- (y) **"Rising Main"** means a sewer through which Wastewater is pumped;
- (z) **"Service Opening"** means a manhole, inspection chamber, rodding eye or similar means for gaining access for inspection, cleaning or maintenance, to the Wastewater System;

- (aa) "**Sewer**" means the Public Sewer Main and Public Sewer Laterals that carry away Wastewater from the Point of Discharge;
- (bb) "**Sewer Lateral**" means that section of the sewer between the Sewer Main and a Drain;
- (cc) "**Sewer Main**" means that section of the sewer that carries away Wastewater from the Sewer Lateral;
- (dd) "**Sewage**" means Foul Water;
- (ee) "**Stormwater**" means all surface water run-offs resulting from precipitation;
- (ff) "**Trade Waste**" has the same meaning as in the Trade Waste Bylaw 2016;
- (gg) "**Trade Waste Bylaw**" means the Selwyn District Council Trade Waste Bylaw 2016;
- (hh) "**Trunk Sewer**" means a sewer, having a diameter of 150mm or greater, which forms part of the principal drainage network of the Wastewater System;
- (ii) "**Wastewater**" means water or other liquid, including waste matter in solution or suspension, Discharged into the Sewer;
- (jj) "**Wastewater System**" means the system operated by the Council and all its component parts, through which Wastewater is conveyed; and
- (kk) "**Working Day**" means any day of the week other than:
 - (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day, Canterbury Anniversary Day;
 - (ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
 - (iii) if 1 January falls on a Friday, the following Monday;
 - (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5. PROTECTION OF WASTEWATER SYSTEM

5.1 **Access to system:** No Person other than the Council and its authorised agents may access any part of a Wastewater System, except to:

- (a) make Approved connections to the Point of Discharge; and
- (b) to clear blockages,

provided that such work is undertaken by Persons Approved by the Council.

5.2 **No Person to connect to or interfere with a Wastewater System:** No Person may:

- (a) make any connection to, or otherwise interfere with, any part of the Wastewater System;
- (b) cause or allow inflow into the Wastewater System; and

- (c) discharge more than 2.0 litres/second of Wastewater to the Wastewater System without the Council's Approval,

except when Approved by the Council.

5.3 Temporary use restrictions or prohibitions: All Persons must comply with any temporary use restrictions or prohibitions imposed by the Council on the use of the Wastewater System.

5.4 Working around Buried Services:

- (a) Any Person causing damage or disruption to the Wastewater System is liable for the cost of repairs and any other costs incurred as a result of the damage or disruption.
- (b) No Person may make any connection to, or otherwise interfere with, any part of the Wastewater System except when Approved by the Council.
- (c) Any damage or disruption to the Wastewater System must be reported to the Council immediately.
- (d) No Person may undertake any Excavation work within 2 metres of any part of the Wastewater System, except with the prior written approval of the Council.
- (e) When granting approval for Excavation work near the Wastewater System, the Council may impose such conditions as it considers necessary.

5.5 Building over or diversion of Wastewater System:

- (a) No Person may build over or divert any part of the Wastewater System except with the prior approval of the Council.
- (b) The Council may grant such approval subject to any conditions it considers necessary.
- (c) All costs arising from such work must be met by the Person seeking to undertake the building work or diversion.

5.6 Spillages and adverse events: The occupier of premises at which Sewage is spilt, or where any other event occurs which may have an adverse effect on the Wastewater System, must notify the Council immediately.

5.7 Design, construction, repairs and maintenance:

- (a) Every person shall repair a damaged or broken Drain on his, her or its property.
- (b) All Drains shall be designed and constructed by the owner, at the owner's expense or by some other arrangement acceptable to the Council.
- (c) All Drains shall be managed and maintained at the expense of, the owner.

6. WASTEWATER SYSTEM AND PRESSURE DRAIN SYSTEMS

6.1 Unless authorised by the Council no Person may:

- (a) cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter

the Wastewater System, or a Drain or Pressure Main connected with the Wastewater System;

- (b) cause or allow any water which may contain fat, sediment or other extraneous matter to be Discharged from a butcher's shop, fish shop, restaurant or other Premises (except a Dwelling) where food is prepared, processed or served, directly to the Wastewater System, or a Drain or Pressure Main connected with the Wastewater System;
- (c) use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste; or
- (d) cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any Drain or Pressure Main connected to the Wastewater System.

6.2 Pressure Drain System:

- (a) Customers shall only use a Pressure Drain System with the written approval of the Council.
- (b) The design and construction of Pressure Drain System shall be in accordance with the requirements of the Code of Practice.
- (c) Design, construction, repairs and maintenance of a Pressure Drain System that connects to the Wastewater System.
 - (i) Every person shall repair a damaged or broken Pressure Drain Systems on his, her or its property.
 - (ii) All Pressure Drain Systems shall be designed and constructed by the owner, at the owner's expense or by some other arrangement acceptable to the Council.
 - (iii) All Pressure Drain Systems shall be managed and maintained at the expense of, the owner.
- (d) Customers with a Pressure Drain System, or any other system that is connected to Wastewater System, shall use that system in accordance with any operating manual or guidelines for that system.

7. CONDITIONS OF DISCHARGE

7.1 Flow Rate:

- (a) The maximum instantaneous flow rate of Wastewater Discharged from any premises must not exceed 2.0 litres per second unless otherwise Approved.
- (b) The maximum daily flow rate of Wastewater Discharged from any premises must not exceed any amount the Council notifies the occupier or owner is the maximum for those premises.

7.2 Prescribed charges: Charges applicable at the time of connection may include:

- (a) an application fee;

- (b) a charge for providing the connection as detailed in the schedule of the fees; and
- (c) a development contribution charge determined in accordance with the Local Government Act 2002.

7.3 Responsibility for maintenance:

- (a) The Council owns and is responsible for the maintenance of the Wastewater System including the pipe and fittings up to the Point of Discharge.
- (b) The Customer owns and is responsible for the maintenance of the Drain connecting the premises to the Point of Discharge.
- (c) No Person may extend a Drain, by a pipe or any other means, to serve another premises except where the premises are served by a common property drain or easement.

7.4 Point of Discharge:

- (a) There shall be only one Point of Discharge for each premises unless otherwise Approved.
- (b) Where a Point of Discharge is located on private land, such as in a right of way, a lateral and sewer within that private land shall be part of the Wastewater System.
- (c) For individual Customers, the Point of Discharge shall be located generally in accordance with the Code of Practice.

7.5 Common Drains:

- (a) New Common Drains are prohibited.
- (b) Existing Common Drains shall serve a maximum of five single Dwelling units, shall have one common Point of Discharge and shall be located in accordance with the Code of Practice drawing SW1.0B "Common Private Drain".

7.6 Multiple ownership: The point of discharge for different forms of multiple ownership premises shall be as follows, and in accordance with the Code of Practice , unless the Council Approves alternative arrangements:

- (a) premises that have multiple owners but only one valuation number may have a single Point of Discharge;
- (b) new premises that have multiple owners and multiple valuation numbers shall have one Point of Discharge per valuation number; and
- (c) premises that have multiple owners, where the Discharge existed prior to the commencement of this bylaw, may have a Point of Discharge in accordance with the arrangement existing at that time, or as determined by agreement with the Council in any individual case.

7.7 Approval of Point of Discharge: Each Point of Discharge shall be Approved by the Council and recorded on the drainage plan.

7.8 Swimming Pools: Swimming pool drains must be fitted with a flow limiting device to ensure the Discharge does not exceed a maximum instantaneous flow of 2.0 litres/second.

7.9 Prevention of Inflow and Infiltration:

- (a) All reasonable steps must be taken to prevent Stormwater and groundwater from entering the Wastewater System. To ensure that Stormwater is excluded from the Wastewater System:
 - (i) no Stormwater pipe or drain may be connected to the Wastewater System;
 - (ii) gully trap surrounds must be set above Stormwater ponding levels and above flood levels; and
 - (iii) inspection covers must not be permanently removed and must be appropriately sealed.
- (b) Large impervious areas greater than 10m² (such as stock yards or truck washing facilities), must be managed to prevent water from outside the facility entering the Wastewater System, by the installation of a nib wall, speed humps, appropriately graded surrounds or using other appropriate methods subject to Approval.
- (c) Drains must be maintained in a good state of repair and free from cracks and other defects which may allow for Infiltration.

7.10 Blockages:

- (a) Gully traps must be kept clear and free of obstructions.
- (b) Any Person who causes a blockage in the Public Sewer, by discharging non-acceptable Wastewater, or by forcing a blockage downstream into the Public Sewer in the course of clearing a Drain is liable for the cost of unblocking the Wastewater System.

7.11 Loading of Material over Wastewater System:

- (a) No Person may place material or objects over the Wastewater System whose weight causes or may cause damage to the Wastewater System.
- (b) No Person may place any additional material over or near the Wastewater System without approval.
- (c) Service Openings must not be covered except with Approval. The owner of the premises is liable for removal of any unauthorised covering material or repair of a Service Opening that the Council determines is necessary.

7.12 Access to, and about Point of Discharge:

- (a) In accordance with Section 171 of the Local Government Act 2002, an Enforcement Officer may go onto a property to access a Point of Discharge for the purpose of checking, testing, and maintenance work including repair, replacement and capital works.
- (b) If the Enforcement Officer is prevented from having access to the property and a return visit is required, the Council may charge a fee for that visit.

7.13 Restrictions for repair or in 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, subject to the provisions of the Local Government Act 2002. Such restrictions will be advised by Public Notice.

7.14 **Disruption:** The Council does not guarantee to receive Wastewater without interruption, however the Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

7.15 **Emergencies:**

- (a) 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.
- (b) 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.
- (c) Where emergency restrictions have been imposed, such restrictions shall be publicly notified.
- (d) The Council may enact penalties over and above those contained in these conditions to enforce these restrictions.
- (e) The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the officer of the Council authorised for that purpose, subject to subsequent Council ratification.

7.16 **Maintenance and repair:** 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.

7.17 **Payment:**

- (a) The Customer is liable to pay for the Discharge of Wastewater and related services in accordance with the Council Fees and Charges prevailing at the time.
- (b) The Council may recover all unpaid Wastewater charges in accordance with sections 57 to 82 of the Local Government (Rating) Act 2002.

7.18 **Disconnection at the Customer's Request:** A Customer must give seven (7) Working Days' notice in writing to the Council of a requirement for Disconnection, whether permanent or temporary, from the Wastewater System. Disconnection is at the Customer's cost.

8. BREACHES AND INFRINGEMENT OFFENCES

- 8.1 Every Person who fails to comply with this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 or as set out in section 242 of the Local Government Act 2002.

The **COMMON SEAL** of the
SELWYN DISTRICT COUNCIL
was hereunto affixed, in accordance
with the Special Order made by the
Council on 24 August 2016
in the presence of:

[Signature] Mayor

[Signature] Chief Executive



SCHEDULE 1 – PROHIBITED WASTE

Prohibited Waste is waste that has, or is likely to have, any of the Prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the water supply network serving the premises, or in any other water supply that is Approved by the Council for the purpose of discharging waste.

Prohibited Characteristics

1. Any Discharge has Prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - (a) interfere with the free flow of Wastewater in the Wastewater network, or damage any part of the Wastewater network;
 - (b) in any way, directly or indirectly, cause the quality of the effluent or biosolids and other solids from any Wastewater treatment plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
 - (c) prejudice the occupational health and safety of any Person or people;
 - (d) after treatment be toxic to fish, animal or plant life in the receiving waters;
 - (e) cause malodorous gases or substances that causes the Discharge of any Wastewater treatment plant to receiving waters to be coloured; or
 - (f) after treatment be potentially harmful to human health in the receiving waters.
2. A Discharge has a Prohibited Characteristic if it has any amount of:
 - (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) dry solids, solids longer than 30mm, heavy solids which settle faster than 50mm/minute, fibrous material, sheet films, and anything which may react to form a solid mass;
 - (c) except as allowed for in Schedule 1, liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Sewage;
 - (d) asbestos;
 - (e) the following organo-metal compounds:
 - (i) tin (as tributyl and other organotin compounds); or
 - (ii) chromium (as organic compounds);
 - (f) genetic wastes, being all wastes that contain or are likely to contain genetically altered material from premises where the genetic alteration of any material is conducted;

- (g) any health care wastes covered by NZS 4304 or any pathological or histological wastes;
- (h) radioactivity levels in excess of National Centre for Radiation Science (NCRS) guidelines; or
- (i) any pharmaceutical liquid waste containing cytotoxic ingredients.