

SELWYN DISTRICT COUNCIL WASTEWATER DRAINAGE BYLAW 2016

(as reviewed and amended in 2021)

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*
- *protect 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.*

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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.
- 2.2 This bylaw was reviewed and amended in 2021 and comes into effect in its amended form on 15 November 2021.

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.
- 3.3 **Compliance with other Acts:** The provision of Wastewater services by the Selwyn District 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 References to a repealed enactment include its replacement.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 and Building Act:** The Council will only provide Wastewater services to a Drain or Approved Sewer that complies with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

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) **Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial Wastewater treatment plants;
 - (c) **Buried Services** means all public Sewers, Rising Mains, Trunk Sewers and other underground utilities owned or managed by the Council;
 - (d) **Certifying Drainlayer** means a fully qualified and experienced registered drainlayer or such other qualified Approved Person;
 - (e) **Code of Practice** means the Selwyn District Council Engineering Code of Practice;
 - (f) **Common Drain** means a Drain serving more than one premise;

- (g) **Council** means the Selwyn District Council or any officer authorised to exercise the authority of the Council;
- (h) **Customer(s)** means a Person who Discharges or has the right to Discharge Wastewater to the Wastewater System with the consent of Council;
- (i) **Discharge or Discharged** means Discharge of Wastewater into the Wastewater System whether directly or indirectly;
- (j) **Disconnection** means the physical cutting and sealing of the Drain from a premise;
- (k) **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;
- (l) **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;
- (m) **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;
- (n) **Excavation** means any works including tunnelling, thrust boring, cultivation, post driving or any disturbance of land;
- (o) **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;
- (p) **Good Industry Practice** means the procedures, methods, specifications and Standards followed when works are carried out:
 - (i) in a sound and workmanlike manner;
 - (ii) with due care, skill and foresight;
 - (iii) in a safe and prudent manner;
 - (iv) in compliance with all applicable legislation, laws, licences and Standards; and
 - (v) to the standard of diligence, prudence and foresight that would reasonably be expected to be observed by a highly skilled and highly experienced contractor engaged in carrying out such activities;
- (q) **Infiltration** means groundwater entering the Wastewater System or Drain through defects such as poor joints, and cracks in pipes or manholes;
- (r) **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;

- (s) **Person(s)** means a natural Person, corporation or a body of Persons whether corporate or otherwise;
- (t) **Point of Discharge** is the boundary between the Wastewater System and a Drain;
- (u) **Pressure Drain** means a Drain through which Wastewater is pumped from a premise into the Wastewater System;
- (v) **Pressure Drain System** means a system comprising a pumping station and Pressure Drain that conveys Wastewater from a premise to the Wastewater System;
- (w) **Prohibited Characteristics** means the characteristics set out in Schedule 1;
- (x) **Prohibited Waste** means waste that has, or is likely to have, any of the Prohibited Characteristics set out in Schedule 1;
- (y) **Public Notice** has the same meaning as in the Local Government Act 2002;
- (z) **Rising Main** means a Sewer through which Wastewater is pumped;
- (aa) **Sanitary Appliance** means any appliance used for sanitation, including machines for washing dishes and clothes;
- (bb) **Sanitary Fixture** means any fixture which is intended to be used for sanitation, including but not limited to fixtures used for washing and/or excretion;
- (cc) **Service Opening** means a manhole, inspection chamber, rodding eye or similar means for gaining access for inspection, cleaning or maintenance, to the Wastewater System;
- (dd) **Sewage** means a Discharge from any Sanitary Fixture or Sanitary Appliance;
- (ee) **Sewage Sludge** means the material settled out and removed from Sewage during treatment;
- (ff) **Sewer** means the public Sewer Main and public Sewer Laterals that carry away Wastewater from the Point of Discharge;
- (gg) **Sewer Lateral** means that section of the Sewer between the Sewer Main and a Drain;
- (hh) **Sewer Main** means that section of the Sewer that carries away Wastewater from the Sewer Lateral;
- (ii) **Standards** means the relevant standards or codes specified in or reasonably inferred from this bylaw or, if this bylaw is silent as to the standard or code to apply, those relevant standards and/or codes published by Standards New Zealand. Where no applicable New Zealand Standard exists, those relevant standards and/or codes published by Standards Australia;
- (jj) **Stormwater** means all surface water run-offs resulting from precipitation;
- (kk) **Trade Waste** has the same meaning as in the Trade Waste Bylaw;
- (ll) **Trade Waste Bylaw** means the Selwyn District Council Trade Waste Bylaw 2016;
- (mm) **Trunk Sewer** means a Sewer, having a diameter of 150mm or greater, which forms part of the principal drainage network of the Wastewater System;

- (nn) **Wastewater** means water or other liquid, including waste matter in solution or suspension, Discharged into the Sewer;
- (oo) **Wastewater System** means the system operated by the Council and all its component parts, through which Wastewater is conveyed; and
- (pp) **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, Matariki, 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 Approved Persons.

- 5.2 **No Person to connect to or interfere with a Wastewater System without Council Approval:** No Person may:

- (a) make any connection to, or otherwise interfere with, any part of the Wastewater System;
 - (b) cause or allow Inflow or Infiltration into the Wastewater System;
 - (c) Discharge more than 2.0 litres/second of Wastewater into the Wastewater System;
 - (d) Discharge more than 5m³ of Wastewater into the Wastewater System in any 24 hour period; and
 - (e) Discharge Prohibited Waste,
- except when Approved.

- 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.

- (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 through a Certifying Drainlayer in accordance with the Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (b) All Drains shall be designed and constructed and repaired by a qualified Person, at the owner's expense in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) All Drains shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

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) All Pressure Drain Systems shall be designed, constructed and repaired by a qualified person at the Customer's expense in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) Every Person shall repair a damaged or broken Pressure Drain Systems on his, her or its property through a Certifying Drainlayer in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (d) All Pressure Drain Systems shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.
- (e) 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 5m³ per day unless otherwise Approved.

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;
- (c) a development contribution charge determined in accordance with the Local Government Act 2002; and
- (d) any other Fees and Charges.

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 other premises except where the premises are served by an existing Common 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 Sewer Lateral 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.
- (c) There shall be no new connections to existing Common Drains without Council Approval.

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 and recorded on the drainage plan.

7.8 Swimming Pools: Unless Approved by the Council, 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 1 in 50 year ARI 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 Wastewater System, by discharging Prohibited Waste, or by forcing a blockage downstream into the Wastewater System 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 which 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 or obstructed 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 or gully trap 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 maintenance or repair 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 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.

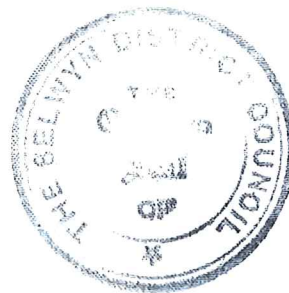
7.18 **Disconnection at the Customer's Request:** A Customer must give seven (7) Working Days' notice in writing to the Council of a requirement for Disconnection, whether permanent or temporary, from the Wastewater System. Disconnection is at the Customer's cost.

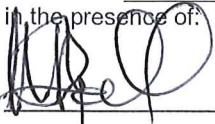

8. **BREACHES AND INFRINGEMENT OFFENCES**

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 _____
in the presence of:

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Mayor
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;
 - (b) damage any part of the Wastewater System;
 - (c) 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 resource consent, water right, permit or other governing legislation;
 - (d) pose a risk to the health and safety of any Person;
 - (e) after treatment be toxic to fish, animal or plant life in the receiving waters;
 - (f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
 - (g) have a colour or colouring substance that causes the Discharge of any Wastewater treatment plant to receiving waters to be coloured; or
 - (h) after treatment be potentially harmful to human health in the receiving waters.
2. The following are Prohibited Characteristics:
 - (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) liquid, solid or gas which might 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;
 - (c) asbestos;
 - (d) tin (as tributyl and other organotin compounds);
 - (e) any organochlorine pesticides;
 - (f) waste that contains or is likely to contain material from a genetically modified organism other than those approved under the Hazardous Substances and New Organisms Act 1996;
 - (g) any health care waste prohibited for Discharge to Wastewater Systems under NZS 4304 and any pathological or histological wastes;

- (h) any pharmaceutical liquid waste containing Cytotoxic Waste; and
- (i) Radioactivity levels not compliant with the Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material.