



## PAPAKURA DISTRICT COUNCIL WASTEWATER BYLAW 2008

### Explanatory Note

Water is a precious taonga. As such, Council supports and strives to utilise measures that ensure it remains or is regenerated to a waiora (pristine) state. In the spirit of partnership the views of Kaitiaki will continue to be sought in matters relating to the sustenance and protection of our waterways.

### **Urban: Wastewater Systems**

*This part of the Bylaw allows Council to:*

- (a) ensure the safe and efficient creation, operation, maintenance, and renewal of the public sewer network;*
- (b) ensure development proposals adhere to Council's wastewater management requirements;*
- (c) provide for the physical protection of the public sewer network;*
- (d) provide for the inspection, testing and approval of new connections to the public sewer network*
- (e) ensure that private wastewater drains operate in an acceptable way.*

*This part of the Bylaw is in addition to controls on wastewater imposed by Council under the Resource Management Act, including those contained in the Operative Papakura District Plan. Obtaining approval under this part of the Bylaw does not remove the need to obtain any consents required under the Resource Management Act 1991, the Building Act 2004, or any other Act, regulation or Bylaw.*

*Under this part of the Bylaw Council can grant consent to customers allowing them to:*

- (a) disconnect from or connect to the public sewer network;*
- (b) discharge domestic wastewater; and*
- (c) excavate or develop close to and in some cases over the public sewer network.*

### **Rural: Onsite treatment**

*This Part of the Bylaw seeks to ensure that:*

- septic tanks and foulwater disposal systems are installed and maintained in a manner to prevent the failure of the system to operate effectively;*
- sufficient detail is provided with a building consent application so that the Council can determine whether or not the disposal system will operate in a satisfactory manner; and*
- property owners to have their septic tanks pumped out once every three years. The purpose of this is to remove the build-up of settled solids from the tank which can reduce the efficiency of the tank's operation.*

*The Bylaw also allows the Council to make the necessary inspections and investigations to determine the location and condition of foulwater disposal systems and to determine whether the disposal system is operating correctly.*

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## 1 Interpretation

1.1 In this Part of the Bylaw unless the context otherwise requires:

**acceptable discharge** when referring to wastewater means:

- a) wastewater discharge from domestic premises; and / or
- b) trade waste discharge approved in accordance with the requirements of Councils Trade Waste Bylaw.

**allotment or lot** means a piece of land held under a single certificate of title (freehold ownership).

**approval** or **approved** means officially sanctioned in writing by an officer of the Council authorised to grant such approvals, or by resolution of the Council.

**approved drainage contractor** (ADC) means companies or contractors that are authorised by WWA to perform physical works, of the category for which they have been approved, on wastewater and stormwater assets owned by Council.

**authorised officer** means a person or agent appointed by the Council irrespective of the designation given to that officer or agent and includes any officer for the time being appointed by the Council responsible for any function related to the inspection, operation or maintenance of the public sewer network.

**building consent** means consent to carry out building work granted under the powers of the Building Act 2004.

**building site** means:

- a) A unit held under the Unit Title Act 1972, or
- b) A piece of land leased under a cross lease registered pursuant to the Land Transfer Act 1952, or
- c) A piece of land or buildings leased under a company lease registered pursuant to the Land Transfer Act 1952, or
- d) A piece of land which holds one premises, or
- e) Each premises, where there is more than one premises on the land.

**certificate of title** means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

**characteristic** means any constituent of a trade waste referred to in Watercare's Trade Waste Bylaw.

**common drain** means a wastewater drain which is private and that serves two or more dwellings or units on a single allotment. This drain may pass through other building sites in separate ownership, but which is not owned by the Council.

**condensing water** means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

**consent** means approval given in writing by an appropriate or authorised person, or Council as the case may require.

**council** means Papakura District Council.

**customer** means any person who discharges or who has obtained consent to direct acceptable discharge from premises to the public sewer network.

**disconnection** means the physical cutting or sealing of the private wastewater drain from the public sewer network.

**domestic wastewater** means either wastewater that 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. Such activities shall include the draining of domestic swimming and spa pools subject to clause 6.9.

**illegal connections** means any connection made without the consent of the WWA, or any connection that does not comply with the WWAs requirements under this Bylaw.

**infiltration** means groundwater entering a public sewer or private drain from groundwater through defective or damaged installations or apparatus. It does not include inflow.

**inflow** means a flow of water into a public sewer or private drain from illegal or non-complying connections including incorrectly directed downpipes, faulty drains and low or damaged gully traps.

**lot**, see **allotment**

**occupier** means the person by whom or on whose behalf any building site is for the time being occupied, or in the case of unoccupied building sites it includes the owner.

**onsite wastewater system** means any system that utilises chemical and/or biological processes to break down wastewater into less harmful constituents. A onsite wastewater system may include a septic tank or a secondary and/or tertiary treatment plant and its associated soakage field or land application area.

**person** includes the Crown, a corporation sole and also a body of persons whether corporate or unincorporated, and any successor.

**point of discharge** or **discharge point** means the boundary between the private wastewater drain and publicly owned sewer network.

**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 of 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, or
- d) Individual units in buildings, which are separately leased.

**private wastewater drain** means the section of private drain of any size that connects one or more premises on an allotment to the public sewer network and includes any inspection points located on private land. A private wastewater drain can continue on neighbouring private allotments before it becomes public.

**public sewer** means the publicly owned wastewater network downstream of the discharge point and any other drain declared by Council to be a public sewer under section 462 of the Local Government Act 1974 that is intended to carry away the wastewater for treatment and disposal and includes: all pipes, fittings, manholes, pumps, pump stations and other appurtenances; and any land, buildings, treatment works which are under the control of the Council for the purpose of providing a wastewater service.

**rising main** means a pipe through which wastewater is pumped.

**schedule of rates and charges** means the list of items, terms and prices for services associated with connecting to the public sewer network and the discharge of wastewater.

**septic tank system** means any fixed receptacle installed outside of a building for the collection and breakdown by biological or chemical processes of the solid matter in wastewater by methods which may not involve mechanical processes.

**service opening** means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

**sewer**, see **public sewer**.

**site**, see **building site**.

**stormwater** means surface water resulting from climatic precipitation and includes run-off from higher land.

**trade waste** means any liquid with or without matter in suspension or solution therein, that is or may be discharged into the wastewater system from batch discharge, or trade premises, in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like manner, but does not include condensing water and stormwater, and can include personal ablutions.

**treatment plant** means any plant or equipment not being a septic tank used for the breakdown of wastewater using mechanical and/or hydraulic methods.

**trunk sewer** means a sewer, generally 295 mm and greater in diameter, which forms part of the principal sewer network of Council as shown on the Council's Geographical Information System (GIS) from time to time.

**wastewater** means foulwater as defined in the Building Regulations 1992.

**wastewater authority (WWA)** means any agent given the due delegation to take responsibility for the collection, treatment and disposal of wastewater, and management of the wastewater assets.

**wastewater discharge point** means the boundary between the public sewer and a private wastewater drain.

## **2 Roles of United Water and Papakura District Council**

- 2.1 Papakura District Council owns the potable water distribution system and the wastewater reticulation, treatment and disposal system. Both of these are operated under a Franchise Agreement which came into effect in April 1997 and is for an initial period of 30 years with a 20 year right of renewal. The franchise holder is responsible for supplying water and wastewater services to residents within urban areas of the Papakura District. The current franchise holder is published annually in the Long Term Council Community Plan (LTCCP).

The franchise agreement is a document which sets performance standards including water and wastewater system performance, commercial fairness, insurances, forward planning and reporting.

### **3 Urban: Acceptance of Discharge**

#### *Domestic wastewater*

- 3.1 Every domestic premise shall be entitled to have its wastewater accepted by the WWA subject to:
- (a) The premises lying within an area which is served by public sewers, and
  - (b) The premises lying within a "drainage district" if such an area has been designated by the WWA under the Local Government Act 1974 (LGA), and
  - (c) Payment of the scheduled rates and charges in respect of that premises in general and wastewater services in particular, and
  - (d) Fulfilment of the requirements of this bylaw.

#### *Trade waste*

- 3.2 The acceptance of trade wastes is the subject of a separate bylaw (Watercare Services Limited Trade Waste Bylaw).

### **4 Urban: Approval to connect**

- 4.1 No person, shall without approval, make any connection to or otherwise interfere with any part of the WWA's wastewater drainage system.

### **5 Urban: Continuity of discharge**

- 5.1 The WWA does not guarantee to receive wastewater without interruption, however the WWA will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

### **6 Urban: Private Drainage Systems**

#### *Flow rate*

- 6.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. The WWA may also set a maximum daily flow rate discharged from a domestic premise.

#### *Prohibited characteristics*

- 6.2 No wastewater with prohibited characteristics (as scheduled in Watercare's Trade Waste Bylaw) shall be discharged into the WWA system.

#### *Maintenance of private system*

- 6.3 Every owner must:
- (a) repair any defect in any private stormwater or wastewater system on their premises that may have a harmful effect as soon as possible, but in any event no later than 60 days after delivery of a written notice from the WWA to the premises requiring such repair;
  - (b) allow the WWA or its authorised agents access during working hours to inspect and maintain the public and private stormwater systems, and
  - (c) ensure manhole covers and other structures are kept visible and accessible.

*Costs may be recovered by the WWA*

- 6.4 If the owner fails to undertake any repairs required in terms of a notice given in terms of clause 6.3(a) within the period specified in that notice, the WWA or its agents may undertake the work, recover the cost from the owner, and exercise any other powers conferred upon a Council under the Local Government Act 2002 and other relevant legislation.

*Prevention of inflow and infiltration*

- 6.5 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system by ensuring that (this includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage):
- (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 G13), or secondary overland flow path flood levels;
  - (c) Inspection covers are in place and are appropriately sealed.

For trade premises where stormwater cannot be separated from wastewater refer to the Trade Waste Bylaw.

*Blockages*

- 6.6 A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall:
- (a) first call a drainlayer to clear and remove any blockage in their private drain.
  - (b) if the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the WWA 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 WWA shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the WWA shall recover the costs of the unblocking work from the customer.

*Access for inspection*

- 6.7 The WWA or its agent will provide 24 hours notice to the owner of the requirement to undertake any inspection or maintenance of the systems, unless the inspection or repairs are required as an emergency.

*Trees*

- 6.8 In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, the procedure the Council will follow is set out in s468 of the Local Government Act (1974).

Note that the law does not differentiate between a public sewer on private or public land, i.e. the occupier or owner cuts down or removes the tree at their expense with no **compensation payable**.

*Swimming pools*

- 6.9 Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.

**7 Urban: Disconnection**

*Building demolition*

- 7.1 A customer shall give 7 working days notice in writing to the WWA 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 WWA.

*Relaying of private drain*

- 7.2 A customer shall give 2 working days notice in writing to the WWA of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

**8.1 Urban: Public Drainage Systems**

*Protection of public drainage system*

- 8.2 No person shall:

- (a) cause, permit or suffer any soil, stones, sand, refuse or other matter not normally discharged through a wastewater drain, to enter the public sewer network or any private wastewater drain that is connected to the public sewer network.
- (b) damage, interfere with or cause to be inoperative any part of the public sewer network.
- (c) break, damage or interfere with any part of the public sewer network by excavation or otherwise or take any other action prejudicial to the proper and efficient functioning of the public sewer network, or the economic life of its components.
- (d) enter any public sewer, manhole, pump station or any other part of the public sewer network without the prior approval of the WWA.
- (e) obstruct or impede the flow in any public sewer or the ventilation of the network without the prior approval of the WWA.
- (f) place any additional material over or near, or place any structure over or near the public sewer network.
- (g) without the prior approval of the WWA, lay any utility service or private drain across or along the line of a public sewer or within a parallel distance closer than what is permitted in terms of the requirements of the Council's Development Code.
- (h) 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 without an overload permit).
- (i) bury, cover, cause to be covered or allow to remain covered any public manhole, inspection chamber or similar structure with soil, paving or other material, or with any structure. If the level of the ground adjacent to a manhole is raised above the level of the manhole top and in the opinion of the WWA, access to the manhole or its use is thereby impeded, WWA may serve notice on the owner or occupier of the premises requiring the engagement of a WWA approved drainage

contractor to either raise the manhole to the new ground level or effect such other alterations as may be required by the WWA. All costs associated with such work will be borne by the owner or occupier of the premises.

- (j) remove or reduce the depth of any covering of soil or other overlying protective material from a public sewer without written approval of the WWA.
- (k) plant any tree, shrub or other plant over the public drain or in such a position that the roots can invade the public sewer network or detrimentally affect its operation.
- (l) store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the WWA wastewater network or the health and safety of WWA staff and the public, without taking all reasonable steps to prevent entry into the public sewer network from leakage, spillage or other mishap.

*Excavation, building or other work near or over public sewers*

- 8.3 No building, retaining wall or other structure shall be placed, constructed or be re-built or extended over a public rising main or trunk sewer, or closer than 2.0 metres from the outer pipe edge of any rising main or trunk sewer unless approved otherwise in writing by an authorised officer.

*Working around buried services*

- 8.4 Any person who intends to undertake excavation work in the WWAs wastewater drainage area must first consult with the WWA to determine whether or not such excavation work will be in close proximity of the public sewer network.

*Excavation within 5m of public sewer*

- 8.5 Where excavation or other work is carried out within 5 metres of the public sewer network then:-
- (a) due care must be taken to ensure the public sewer network is not damaged; and
  - (b) bedding and backfilling must be reinstated in accordance with the requirements of Council's Development Code; and
  - (c) the WWA must be notified immediately where the public sewer network was, or could have been damaged.

*Excavation of piling distances*

- 8.6 No person shall excavate, build or carry out piling closer than:
- (a) 10 metres from the centre line of any rising main or trunk sewer without having obtained prior consent from the WWA in terms of clause 9 of this Bylaw, or
  - (b) 2 metres clear from the outside of any other public sewer without obtaining prior approval of an authorised officer where such work does not require a building consent approval.

*Construction near manholes*

- 8.7 No building shall be constructed or be placed closer than 2 metres from the centre line of the lid of any public manhole or other access point.

*Building close to or over sewers*

- 8.8 Approval for building close to or over sewers other than those described in Clause 8.3, may be given by an authorised officer where a public sewer lies in a straight line and without any connections or access points under the proposed building footprint, subject to the following conditions:

Approval for building within 2 metres of the centre line of a public sewer or over any public sewer, other than building work described in Clause 8.3, must be given by the WWA before any such building commences. Any building work of this nature shall be carried out in accordance with any terms issued by the WWA.

*Limited discharges during emergencies*

- 8.9 The WWA may require customers to limit their discharges to the wastewater network in emergency situations such as pump failure or to allow access to the public network to address infiltration.

**9 Rural: Disposal Within The Confines Of Each Property**

*On-site disposal*

- 9.1 All wastewater generated on an allotment shall be disposed of within the confines of that allotment unless otherwise approved by the Council and the Auckland Regional Council.

**10.2 Rural: Building Consent Applications For Disposal Facilities**

- 10.1 Owners of properties who wish to install a wastewater disposal facility on their property shall apply for a building consent in terms of the Building Act 2004.

*Application for building consent*

- 10.2 A building consent application to install a wastewater disposal facility shall include such details as may be required by the Council to assess its compliance with the Building Code including but not limited to:

- (a) The procedures for the testing, commissioning, operation and maintenance of the facility
- (b) The size and contours and intended use of the site;
- (c) Soil conditions including permeability and stability;
- (d) Vegetative cover;
- (e) Ground water and surface water conditions;
- (f) Location of existing and future buildings, parking areas and driveways;
- (g) Access for maintenance of septic tanks and disposal areas;
- (h) The position of adjacent streams and waterways;
- (i) Porosity tests on soils of the site.

*Further information*

- 10.3 The Council may within the period prescribed by the Building Act (2004) require the owner to provide more information to determine whether or not the wastewater disposal system will meet the requirements of the Building Code.

*Granting of consent*

- 10.4 After considering an application for a building consent, the Council shall grant the consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the work on the wastewater disposal system was completed in accordance with the plans and specifications submitted with the application.

*TP 58*

- 10.5 Foulwater disposal systems designed in accordance with Technical Publication No. 58, entitled "On-Site Disposal From Households and Institutions" (TP 58) as issued by ARC in 1989 including its latest amendments and issues shall be accepted by the Council as one acceptable solution to the requirements of the Building Code.

*Producer statements*

- 10.6 The Council may accept producer statements from approved persons for the design and construction of foulwater disposal systems.

*As-built plans*

- 10.7 The Council shall not provide a Code Compliance Certificate for the drainage work until the owner has provided the Council with a copy of the as-built plans of the completed installation.

**11 Rural: Installation Of Foulwater Disposal Systems**

- 11.1 The installation, alteration or repair of all foulwater disposal systems involving septic tanks and underground pipelines shall be undertaken by a Registered Drainlayer.

*Notifying Council*

- 11.2 All foulwater disposal installations shall be inspected by a Council officer before being covered up. The owner or the person undertaking the installation of a foulwater disposal system shall give the Council the required notification as set out in Regulation 7 of the Building Regulations 1992.

**12 Rural: Testing And Commissioning**

- 12.1 New foulwater disposal facilities shall be tested and commissioned according to any conditions that the Council may include in a building consent.

**13 Rural: Maintenance Of Septic Tanks And Disposal Facilities**

- 13.1 The owner of any property which contains a foulwater disposal system shall ensure that at all times access is available:
- (a) To the treatment plant or septic tank so that it can be easily opened for the purposes of cleaning, removal of settled solids and maintenance;
  - (b) To any disposal field or disposal system so that it can be maintained in good working order.

- 13.2 Foulwater disposal systems shall be maintained and operated in such a manner to prevent any discharge of foulwater onto the surface of any land or into any water body.

*Pump out required*

- 13.3 Except as otherwise provided in Clause 13.6 all property owners whose property contains a septic tank shall have that tank pumped out to remove all settled solids at least once every 36 months. The property owner shall provide a copy of the receipt for having this work done to Papakura District Council within 14 days of the tank being pumped out.

- 13.4 Every person undertaking the removal of settled solids from septic tanks shall comply with the provisions of Section 54 of the Health Act 1956.

- 13.5 An authorised officer of the Council may enter any property and inspect any septic tank to check the condition of the tank and to determine whether it has been pumped out in a satisfactory manner.

*Exemptions*

- 13.6 Property owners may apply to the Council for an exemption from the requirement of Clause 13.3. The Council may require from the owner such information as is necessary to determine whether or not to grant an exemption. In granting an exemption the Council may set such conditions as it shall think fit.

- 13.7 The owner of any property which contains a foulwater disposal system shall comply with all consent conditions.

**14 Rural: Investigation**

- 14.1 An authorised officer of the Council may undertake such inspections and investigations as are reasonably necessary to establish the dimensions, location and condition of any foulwater disposal installation.

*Remedial work*

- 14.2 Where a foulwater disposal installation is found to be in such a condition that the Council considers that it is unlikely to be operating in compliance with the requirements of the Building Code, or the conditions of a building consent, or in a sanitary and efficient manner, or it is likely to be contaminating a water source, then the Council may require the owner to:
- (a) Clean the septic tank or pump out any settled solids in the septic tank; or
  - (b) Repair or maintain any treatment plant and make the necessary repairs to the foulwater disposal system to the satisfaction of the Council.

## **15 Rural: Trade waste**

### *Connection to wastewater network*

- 15.1 All rural trade waste discharges outside the Metropolitan Urban Limits (MUL) requiring connection to the publicly owned wastewater network, require written approval from Council, the WWA and the ARC to confirm the most appropriate disposal option and potential volumes to be discharged to the network.

### *On-site treatment of trade waste*

- 15.2 Applications for on-site treatment of rural trade waste discharges shall be made in writing to Council.

The owner shall also comply with all consent conditions.

### *Maintenance of on-site treatment systems*

- 15.3 The owner of any rural property which contains on-site disposal system for trade waste shall maintain and operate the system in such a manner as to prevent any discharge of trade waste onto the surface of any land or into any water body.

## **16 Breaches and Remedies**

### *Defect Notices*

- 16.1 In the event of a breach of statutory or legal obligations, the WWA 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 WWA may charge a re-inspection fee.

If however the breach is such that public health, or safety considerations, or risk of consequential damage to WWA assets is such that delay would create unacceptable results, the WWA may take immediate action to rectify the defect, and recover all reasonable costs as set out in 16.2

### *Remedial Work*

- 16.2 At any time after the specified period of 16.1 has elapsed, the WWA may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.