

New Zealand Standard

Model General Bylaws

Part 22 – Wastewater Drainage

Superseding NZS 9201:Chapter 22(Int):1995

NZS 9201:Part 22:1999

NZS 9201:Part 22:1999

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Consideration of public comment and preparation of the Standard was undertaken by Technical Committee P 9201.22 consisting of representatives of the following organizations:

Association of Local Government Engineers New Zealand
Department of Internal Affairs
Institution of Professional Engineers New Zealand
New Zealand Chemical Industry Council
New Zealand Local Government Association
New Zealand Manufacturers Federation
New Zealand Ministry of Health
New Zealand Society of Local Government Managers
New Zealand Water and Wastes Association

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RELATED DOCUMENTS

Reference is made in this document to the following:

NEW ZEALAND STANDARDS

NZS 3604:1999 Timber framed buildings

NZS 9201:- - - Model general bylaws
Part 23:1999 Trade waste

NEW ZEALAND LEGISLATION

Building Act 1991

Building Regulations 1992 (including the New Zealand Building Code)

Dangerous Goods Act 1974

Dangerous Goods Regulation 1980 and 1985

Health Act 1956

Land Transfer Act 1952

Local Government Act 1974

Property Law Act 1952

Rating Powers Act 1988

Resource Management Act 1991

OTHER PUBLICATIONS

Transit New Zealand Bridge Manual, 1994

The users of this Standard should ensure that their copies of the above-mentioned New Zealand Standards and referenced overseas Standards are the latest revisions or include the latest amendments. Such amendments are listed in the annual New Zealand Standards *Catalogue* which is supplemented by lists contained in the monthly magazine *Standards Update* issued free of charge to committee and subscribing members of Standards New Zealand.

REVIEW OF STANDARDS

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FOREWORD

The NZS 9201 series consist of model bylaws covering various matters under territorial authority jurisdiction. Territorial authorities are empowered under the Local Government Act 1974 to make bylaws.

Most territorial authorities have bylaws covering wastewater, particularly trade wastes. Many of these bylaws require revision to reflect legislative changes (particularly the Building Act 1991 and the Resource Management Act 1991), the repeal of some regulations in the building field, as well as trends and current practice in the utilities industry. This document has been produced to meet the need for a "wastewater drainage" bylaw for territorial authorities and is a new Part in the NZS 9201 series.

This Standard Model Bylaw was originally published as an Interim Standard. This was because it was anticipated a government "Review of Local Authorities' Powers and Responsibilities to provide Water and Wastewater Services", and also a rewriting of the Local Government Act would address the difficulties with the current legislation in regard to wastewater issues. No substantive progress was made in this review. In 1998 another review team was established by government to investigate institutional reform of the water and wastewater industry. As Standards New Zealand's policy allows an Interim Standard to run for a fixed length of time before being made a full standard or being withdrawn, it was decided to publish this as a full standard. This is done in the knowledge that once government reform of the water and wastewater industry is completed a major review of this Standard may be necessary.

During the drafting of the Standard Model Bylaw some difficulties with existing legislation were noted. These difficulties relate to the ability for territorial authorities to adequately protect their infrastructure and efficiently manage the provision of wastewater drainage services. There are also problems relating to a Council's ability to achieve waste minimization.

These problems will now not be addressed until completion of the government reform of the water and wastewater industry.

The concept of a "Wastewater Authority" is introduced. It was intended that the Standard Model Bylaw should apply to the various options for the delivery of a wastewater service including situations where the responsibility for the total wastewater system may be shared or split between two or more organizations, including Local Authority Trading Enterprises.

However, current legislation does not enable Local Authority Trading Enterprises to make bylaws, so for the purposes of the Standard Model Bylaw a "Wastewater Authority" is restricted to that entity of a territorial authority responsible for the collection, treatment and disposal of wastewater for the community.

Note however that section 690 of the Local Government Act allows Councils to join together to make bylaws to cover the joint districts and this may address current situations where collection and treatment are split between authorities.

The structure of NZS 9201:Part 22 is as follows:

Chapter 1 Model wastewater drainage bylaw
Chapter 2 Model wastewater drainage policy

Trade waste is the subject of a separate model bylaw, Part 23.

The purpose of this document can be briefly described as follows:

- (a) To provide a suitable model for all territorial authorities.
- (b) To provide guidance for relatively small territorial authorities with limited resources.
- (c) To ensure the protection of wastewater authority personnel and the general public.
- (d) To protect the ability of the wastewater authority to meet the requirements of the Resource Management Act.
- (e) To protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.

The model bylaw covers the use of existing practices from throughout New Zealand. It has been drafted to provide a general model so that by means of specific modifications each territorial authority may meet their individual requirements. Small territorial authorities should be able to use the document with minimal modification without spending valuable resources undertaking substantial investigations.

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NOTES

NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 22

WASTEWATER DRAINAGE

GENERAL

101 SCOPE AND GENERAL

101.1

Chapter 1 is a model bylaw for wastewater drainage from both domestic and trade premises to a Wastewater Authority. In general, only matters which are not covered by existing legislation or regulations are included. It is intended to give the additional powers which the wastewater authority may require.

101.2

Chapter 2 is a model policy for how a wastewater authority may interpret the legislation and the bylaw in its day to day operation of the wastewater authority wastewater system for domestic customers, and also the domestic wastewater aspects of trade premises. Both Chapter 1 and Chapter 2 are designed to be a standard model, yet flexible enough to cater for the diversity of wastewater drainage around New Zealand.

101.3

The models have been standardized as much as possible given the range of practices within New Zealand. Each territorial authority will need to tailor the text to suit its individual requirements. As a minimum, these will include:

- (a) Filling gaps provided in the text with appropriate wording;
- (b) Deleting unwanted text in the either/or choices provided;
- (c) Inserting any figures, items, terms and other wording from the Schedules or elsewhere into the text in the places provided;
- (d) Altering clause numbering (and any cross references) to match the territorial authority's own bylaw system.

101.4

Any territorial authority proposing to introduce wastewater drainage bylaws should ensure that such are appropriate for its own particular requirements.

CHAPTER 1 MODEL WASTEWATER DRAINAGE BYLAW

1.1 Introduction

This bylaw is for wastewater drainage from both domestic and trade premises to a Wastewater Authority. The quality and quantity limits that separate domestic wastewater from trade waste are to be found in the Wastewater Authority's Trade Waste Bylaw.

1.2 Definitions

For the purposes of this bylaw the following definitions shall apply:

ACCEPTABLE DISCHARGE means a wastewater with physical and chemical characteristics which comply with the requirements of the wastewater authority as scheduled in the Trade Waste Bylaw.

APPROVAL means approved in writing by the wastewater authority, either by resolution of the Council or by an officer of the wastewater authority authorized for that purpose.

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

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

COUNCIL means the Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the wastewater authority.

DEED OF COVENANT means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

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

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. Such activities shall include the draining of domestic swimming and spa pools subject to 1.6.1.

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. This section of drain is owned and maintained by the customer (or group of customers).

DRAINAGE DISTRICT means the district or part thereof of the territorial authority for which the Council may provide a drainage system, including, with the consent of the territorial authority, any area within that district.

INFILTRATION means water entering a public sewer or private drain from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

LEVEL OF SERVICE means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.

MEMORANDUM OF ENCUMBRANCE means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rentcharge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.

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

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

PREMISES means either:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued, or
- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available, or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PROHIBITED CHARACTERISTICS means a wastewater which shall not be discharged into the wastewater authority system, as scheduled in the Trade Waste Bylaw.

PUBLICLY NOTIFIED means published on at least one occasion in a newspaper circulating in the wastewater authority wastewater drainage area, or, under emergency conditions, by the most practical means available at that time.

RISING MAIN means a sewer through which wastewater is pumped.

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

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

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

STORMWATER means all surface water run-off resulting from precipitation.

TERRITORIAL AUTHORITY (TA) means a city council or a district council.

TRADE PREMISES means any premises used or intended to be used for carrying on any trade or industry, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE means any liquid, with or without matter in suspension or solution, that is or may be discharged from a 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 nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters, and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE BYLAW means the bylaw of the wastewater authority regulating wastewater discharges from trade premises to a sewer.

NZS 9201:Part 22:1999

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

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

WASTEWATER AUTHORITY (WWA) means the unit of a territorial authority including its authorized agents, responsible for the collection, treatment and disposal of wastewater.

1.3 Acceptance of discharge

1.3.1 Domestic wastewater

Every domestic premise shall be entitled to have its wastewater accepted by the WWA subject to:

- (a) 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
- (b) The premises lying within an area which is served by public sewers, and
- (c) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular, and
- (d) Fulfilment of the requirements of this bylaw.

1.3.2 Trade waste

The acceptance of trade wastes is the subject of a separate bylaw.

1.4 Approval to connect

1.4.1

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

1.5 Continuity of discharge

1.5.1

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.

1.6 Premises

1.6.1 Flow rate

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.

1.6.2 Prohibited characteristics

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

1.6.3 Waste minimization

In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991 (RMA), the WWA recommends a customer fits the devices contained in table 1.1 on all new installations.

Table 1.1 – Waste minimization devices

Device	Value
Insert devices, e.g.: Dual flush toilet cistern	Flush 1 litres Flush 2 litres
Low flow shower heads	Max. litres/min
Urinal flushing control	On-Demand Controller

1.6.4 Access**1.6.4.1 Access for inspection**

The customer shall allow the WWA, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. The WWA shall give 24 hours previous notice to the customer of the intended entry.

Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the WWA free access to and about the point of discharge at any hour.

1.6.4.2 Non-complying connections

The customer shall allow the WWA with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

1.6.5 Prevention of inflow and infiltration

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

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

1.7 Disconnection**1.7.1**

A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the WWA.

1.7.2

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.

1.8 Public drainage system**1.8.1 General**

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in 1.8.2 to 1.8.4 shall apply. Other restrictions may be applied by the WWA for the protection of the public drainage system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

1.8.2 Building over buried services

[Where building is allowed over, or adjacent to, a public sewer the WWA should protect its interests by a Memorandum of Encumbrance – refer Schedule A for an example. No liability should be accepted for damage which may be sustained by the building in the event of a partial or total

collapse of that sewer – a clause is included in the Deed of Covenant – refer Schedule B for an example.

Different approaches may be taken by the individual WWA, who therefore may adopt or modify the following clauses as appropriate. Note that this matter is covered in a more general way by s.451 of the LGA.]

1.8.2.1 Rising mains and trunk sewers

No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- (a) 1.5 metres from the centre of any main or sewer, or
- (b) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

1.8.2.2 Other public sewers

[There are primarily two different approaches by territorial authorities to the issue of building over public sewers. A TA should insert either the first or second choice below depending upon their historical practice, or modify the clauses as appropriate.

Insert either :]

- (a) No building shall be built over a public sewer, whether on public or private land;
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public sewer, or
 - (ii) the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.
- (c) Subject to approval, a building developer may meet the cost of diverting the public sewer (including any manholes) in accordance with WWA standards;
- (d) Where (a) (b) and (c) above are 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 building developer meeting the cost of any specific requirements. These may include the provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and relocatable construction.

[or :]

Buildings may be built over public sewers subject to the building developer:

- (a) Carrying out sufficient investigations to accurately determine the sewer's location and depth, and to prove that the sewer is in a condition where it has a remaining life of at least 50 years;
- (b) Or if (a) cannot be satisfied, carrying out remedial work or relaying the sewer to meet the requirements of (c) and (d);
- (c) 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;
- (d) Providing two additional manholes into the sewer between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10 metres), provided that the sewer lies in a straight line and that there are no other connections between these two manholes;

- (e) Carrying out all work on and around the sewer in accordance with WWA engineering standards;
- (f) Registering the public sewer by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title.

1.8.3 Loading or material over public sewers

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).

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

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

1.8.4 Excavation near public sewers

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

- (a) 5 metres from the centre line of any rising main or trunk sewer, or
- (b) 2 metres from the centre line of any public sewer,

without approval. Such approval may impose conditions on the carrying out of any work near the sewer.

1.9 Storage of hazardous materials

1.9.1

The occupier shall not 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 system or the health and safety of WWA staff and the public, without taking all reasonable steps to prevent entry into the WWA sewer from leakage, spillage or other mishap.

1.9.2

The occupier shall comply with the requirements of the Dangerous Goods Act and Regulations.

1.10 Breaches and remedies

1.10.1 Defect notices

In the event of a breach of statutory or other legal requirements, 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 reinspection 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 1.10.2.

1.10.2 Remedial work

At any time after the specified period of 1.10.1 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.

CHAPTER 2 MODEL WASTEWATER DRAINAGE POLICY

POLICY FOR THE DISCHARGE AND ACCEPTANCE OF WASTEWATER

2.1 Introduction

2.1.1

The discharge and acceptance of wastewater is subject to a number of Acts, Regulations, Bylaws, Codes and Standards the most relevant of which are listed below. The annotations made in the right hand column reference back to the source of the corresponding legal requirement.

(a) Statutory Acts and Regulations

Building Act 1991 [BA]
Building Regulations 1992 (including the New Zealand Building Code)
Dangerous Goods Act 1974
Dangerous Goods Regulations 1980 & 1985
Health Act 1956 [HA]
Health and Safety in Employment Act 1992
Land Transfer Act 1952
Local Government Act 1974 [LGA]
Plumbers, Gasfitters and Drainlayers Act 1976
Property Law Act 1952
Rating Powers Act 1988 [RPA]
Resource Management Act 1991 [RMA]
Water Supply Protection Regulations 1961

(b) Codes and Standards

New Zealand Building Code [NZBC]
NZS 9201 Model General Bylaws, Part 22:1999, Wastewater Drainage [WDB]
NZS 9201, Model General Bylaws, Part 23:1999, Trade Waste [TWB]
NZS 9201, Model General Bylaws, Chapter 7:1994, Water Supply, Part 2 Water Supply Bylaw
[Insert relevant territorial authority codes of practice]

2.2 Domestic wastewater

2.2.1

"Domestic" wastewater is defined in the Bylaw as that discharged from premises used solely for domestic 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 a maximum discharge restriction (refer 2.13.4) and 1.6.1 of the Wastewater Drainage Bylaw.

No domestic wastewaters shall:

- (a) Exceed the substance limits scheduled in the WWA Trade Waste Bylaw;
- (b) Contain the substances prohibited in the WWA Trade Waste Bylaw.

2.2.2

Where part of domestic premises is used as an office or other trade related activity

WDB 1.2
LGA s. 489

WDB 1.6.1

TWB Sch A

TWB Sch B

from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

2.3 Acceptance and duration

2.3.1 General

The WWA shall continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made. Disconnection of the sewer, or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaws by the customer. Refer to 2.15 for remedies which are available.

For the customer's obligations refer to 2.13.

2.3.2 Change of ownership

In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

2.3.3 Trade wastes

Refer to the WWA Trade Waste Bylaw.

2.4 Application to connect

2.4.1 Application

2.4.1.1 Domestic wastewater

Every application for a wastewater service connection shall be made in writing on the form provided in Schedule C together with the prescribed charges. The applicant shall provide all the details required by the WWA. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

2.4.1.2 Trade waste

Refer to the WWA Trade Waste Bylaw.

2.4.1.3 Domestic wastewater and trade waste

Where an application has been accepted by the WWA which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such charges as fixed by the WWA for this work. The WWA shall supply and install the public sewer up to the point of discharge except as provided for in 2.4.2.

2.4.1.4

Refer 2.14 for payment of connection charges.

2.4.2 Subdivision

Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the approval of the design and construction of the works. These will be covered by Transitional Provisions of the Resource Management Act, or by way of Rules in the District Plan.

[Insert reference to relevant Rules]

[Note that under the RMA there needs to be provision made in the District Plan if financial contributions are required].

HA s. 23, s. 25,
s. 29 & s. 42
LGA s. 595

TWB

WDB 1.4

RMA s. 108 & s. 109

NZS 9201:Part 22:1999

2.5 Point of discharge

2.5.1 General

The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and the WWA, irrespective of property boundaries.

Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

2.5.2 Single ownership

[Insert either:]

For single dwelling units the point of discharge shall be located at the boundary as shown in figure 2.1 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 WWA and recorded on the drainage plan.

Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

[or:]

For single dwelling units the point of discharge shall be located at the point of physical connection to the public sewer, whether it be within a road, other public lands, or private land.

The approval of more than one point of discharge must be by the WWA and also recorded on the drainage plan.

LGA s. 444

[Insert appropriate figure(s) from Schedule D or other such appropriate figure showing the local practice of the WWA]

Figure 2.1 – Point of discharge location – single dwelling units

2.5.3 Layout

The typical layout at a point of discharge is shown in figure 2.2.

[Insert appropriate figure(s) - refer Schedule E for examples of domestic wastewater and trade waste layouts]

Figure 2.2 – Typical layout at point of discharge

2.5.4 Multiple ownership

2.5.4.1

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;
- (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 WWA. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

2.5.4.2

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

LGA s. 444

● 2.5.4.3

For multiple ownership connections prior to 1995 refer *[Insert relevant document in force prior to 1995]*. If no arrangement is recorded then treat as for new connections.

● 2.5.5 Common private drains

2.5.5.1

Common private drains shall serve a maximum of *[insert appropriate number – as a guideline 7 is a typical maximum]* single dwelling units, and may also have one point of discharge only (in common).

LGA s. 461

2.5.5.2

Common drains shall be covered by a certificate from the WWA recording the rights of each party, which is registered against the certificate of title.

● 2.6 Level of service

The WWA shall provide wastewater services in accordance with the level of service contained in the annual plan of the Council. For those periods where the level of service allows non-compliance with the specified value(s), the WWA will make every reasonable attempt to achieve the specified value(s). Examples of the levels of service are shown in table 2.1.

Table 2.1 – Level of service

Criterion	Guideline values
<i>[Insert required service criteria and values from Schedule F]</i>	

2.7 Liability

The WWA shall endeavour to meet the level of service requirements of 2.6, but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.

2.8 Emergency

2.8.1

Natural hazards (such as floods or earthquakes) or accidents beyond the control of the WWA which result in disruptions to the ability of the WWA to receive wastewater, will be deemed an emergency, and exempted from the levels of service requirements of 2.6.

2.8.2

During an emergency the WWA may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required the officer of the WWA authorized for that purpose subject to subsequent Council ratification.

2.9 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 WWA may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

2.10 Blockages

A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall

[Insert either:]

contact the WWA immediately. The WWA will arrange to check the public sewer, and to clear and remove the blockage, and clean up all affected areas. If the blockage is within the customer's private drain the customer shall be charged in accordance with the WWA current schedule of rates and charges.

If the blockage is found to be within the public sewer, then provided that the blockage has not been forced downstream into the public sewer in an 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 cover all costs. If otherwise, the WWA shall recover the costs of the unblocking work from the customer.

[or:]

first call a drainlayer to clear and remove any blockage in their private drain.

If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the 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.

LGA s. 468

NZS 9201:Part 22:1999

2.11 Trees

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 WWA procedure, shall follow that set out in LGA s.468.

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**.

LGA s. 468

2.12 Working around buried services

2.12.1

The WWA shall keep and maintain drainage plans of the location of its buried services. This information shall be available for inspection during normal business hours at no cost to the user. Reasonable charges may be levied to cover the costs of making copies available.

LGA s. 444

2.12.2

Any person proposing to carry out excavation work shall view the as-built information to establish whether or not WWA services are located in the vicinity. At least 3 days notice in writing shall be given to the WWA of an intention to excavate in the vicinity of its services. Where appropriate the WWA may mark out to within ± 1.0 m on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.

2.12.3

When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate WWA specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

2.12.4

Any damage which occurs to a WWA service shall be reported to the WWA immediately. Repair costs may be charged for.

2.13 Customer's drainage system

2.13.1 General

2.13.1.1

The customer's drainage system is governed by the Building Act from inside the building to the point of discharge. The WWA may not impose anything on the customer which is more onerous than is contained in the New Zealand Building Code.

BA s. 7

2.13.1.2

The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

2.13.1.3

Drainage from premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act, does not need to be upgraded to

BA s. 8

meet the requirements of the New Zealand Building Code. If however any work is required on the customer's drainage system, arising from:

- (a) The issuing of a defect notice;
- (b) Alteration to the premises;
- (c) Change of use of the premises;

WDB 1.10
BA s. 38
BA s. 46

then any such work shall meet the requirements of the New Zealand Building Code.

2.13.1.4

Customers with discharges from premises not covered by the Building Act and the New Zealand Building Code shall nevertheless have a drainage system which complies with the Building Act and Code.

2.13.2 Inflow and infiltration

2.13.2.1

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

WDB 1.6.5

- (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.

NZBC G13

TWB

2.13.2.2

Stormwater which is contaminated may be accepted as a trade waste discharge. Refer to the Trade Waste Bylaw.

2.13.2.3

For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made for a permanent barrier which will prevent water from outside the confines of the facility from entering the wastewater system. This could be by way of a nib wall, speed humps, or appropriately graded surrounds.

2.13.2.4

Where it is impractical to cover a large impervious area, consideration shall be given to a system which detains run-off from the "first foul flush" for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.

2.13.2.5

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

LGA s. 459

2.13.3 Pump stations

2.13.3.1 General

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

NZS 9201:Part 22:1999

2.13.3.2 *Single ownership*

A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

BA s. 17

2.13.3.3 *Multiple ownership*

A private wastewater pump station serving more than one residential dwelling unit requires a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act.

BA s. 44 &
s. 45

A "Common Pump Station Agreement" shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

The combined rate of discharge to the public sewer shall not exceed the rate specified by the WWA.

2.13.4 *Swimming pools*

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.

WDB 1.6.1

2.14 **Payment**

2.14.1

Payment for the discharge of wastewater and related services shall be in accordance with the WWA schedule of rates and charges.

2.14.2

Because of the procedures involved in setting charges as part of a bylaw, the items included in the schedule of rates and charges, and the terms on which they will be charged shall be made by resolution under the annual plan of the Council. Refer to Schedule G for an example list of payment items and terms.

LGA s. 690A

2.15 **Breaches and remedies**

2.15.1 *Powers*

2.15.1.1

Powers to enforce penalties relating to the discharging of wastewater by customers are given to the WWA by a number of acts. The Local Government Act deals specifically with trade wastes. Other relevant pieces of legislation are more indirect in application. The Rating Powers Act allows for action to be taken when rates are unpaid, and payment for discharge can be treated as a rate.

2.15.1.2

The relevant legislation includes:

Local Government Act 1974

Rating Powers Act 1988

Health Act 1956

Building Act 1991

Section 493, Part XLIV

Part VIII

Part II

Part XI

LGA s. 493

RPA

HA

BA

2.15.2 Failure to pay

Any money owing for charges and rates for wastewater services becomes a charge on the land. An example of a Memorandum of Encumbrance and Deed of Covenant is given in Schedule A and Schedule B. The memorandum, once registered, will run with the land, and will bind successive landowners. Further, the memorandum specifically provides that when a person, bound by it, transfers the land, then that person ceases to have any liability or obligations under the memorandum.

RPA s. 136

**SCHEDULE A
EXAMPLE OF A MEMORANDUM OF ENCUMBRANCE**

MEMORANDUM OF ENCUMBRANCE FOR SECURING A SUM OF MONEY

..... of (hereinafter together with his/her successors, assigns and personal representatives called "**the Owner**") being registered as proprietor of an estate in fee simple subject however to such encumbrances, liens and interest as are notified by Memorandum underwritten in that parcel of land containing by admeasurement square metres more or less being Lot Deposited Plan and being all the land comprised and described in Certificate of Title

AND desiring to render the land available for the purpose of securing to and for the benefit of the **COUNCIL** the rentcharge hereinafter mentioned does hereby encumber the land for the benefit of the **COUNCIL** with the annual rentcharge of **TEN THOUSAND DOLLARS** (\$10,000) (plus GST) to be raised and paid at the times and in the manner following, that is to say in one (1) annual sum on the 1st day of 199..... and on the 1st day of in every year thereafter **PROVIDED ALWAYS** that if during the twelve (12) months immediately preceding the 1st day of in any year there shall have been no breach of any of the obligations of the Owner under the Deed, a copy of which is attached hereto, then the annual rentcharge payable on such 1st day of shall be reduced to **ONE DOLLAR** (\$1.00) **AND** the Owner covenants that he/she shall at all times perform and observe all the obligations and covenants as set out in the Deed.

AND PROVIDED ALSO that if and whenever the obligations of the Owner under the Deed shall have been duly and wholly complied with or shall by effluxion of time or otherwise become no longer enforceable then this Memorandum of Encumbrance shall be wholly discharged by the **COUNCIL**.

AND PROVIDED ALWAYS that if and when the said or the registered proprietor for the time being of the land sells, transfers or transmits their interest in the land or any part thereof, then all liability of the said or the said registered proprietor thereof for the time being shall immediately cease and he/she or they shall be released as from the date of the said sale, transfer or transmission **TO THE INTENT** that the liability under this Memorandum of Encumbrance and Deed is only to run with the registered proprietor for the time being of the said land or part thereof.

AND SUBJECT AS AFORESAID the **COUNCIL** shall be entitled to all the powers and remedies given to Mortgagees and rentchargees by the Land Transfer Act 1952 and the Property Law Act 1952.

SCHEDULE B

EXAMPLE OF A DEED OF COVENANT

THIS DEED made the day of 199...

BETWEENof
(hereinafter together with his/her successors, assigns and personal representatives called "**the Owner**") of the first part

AND THE **COUNCIL** (hereinafter with its successors and assigns called "**the Council**") of the second part

WHEREAS

- A The Owner is the registered proprietor of an estate in fee-simple in the land described in the Schedule hereto ("**the land**") and
- B A carport has been erected on part of the land and
- C A stormwater sewer and a foul sewer of the Council runs through the land and partly under the area over which the carport has been erected
- D The carport's position partly over the said sewers is a contravention of and constitutes a continuing breach of the bylaws of the Council as the Owner does hereby admit and by reason thereof the Council would not ordinarily agree for the carport to remain in its present position but has nevertheless agreed for the carport to remain in consideration of the Owner entering into these premises in manner hereinafter appearing.

NOW THIS DEED WITNESSES that in consideration of the aforesaid premises the Owner hereby agrees with the Council as follows:

- 1 **THE** carport covering the said sewers shall remain in its present position and shall not at any time be covered in. The Owner shall not make any alterations or modifications to the said carport except pursuant to this Deed or in accordance with a permit issued by the Council.
- 2 **EXCEPT** in the case of an emergency (as determined in the sole and absolute discretion of the Council), any work carried out by the Council pursuant to this Deed will be carried out during the normal working hours of employees of the Council.
- 3 **THE** granting of the permission by the Council for the said carport to remain in its position is on the strict condition that all the agreements and provisions hereof on the part of the Owner shall be complied with faithfully in all respects and is without prejudice (in the event of any default by the Owner hereunder) to the right of the Council to exercise all or any of the rights, powers and remedies whether civil or criminal conferred upon the Council by the Council's bylaws or by statute or otherwise.
- 4 **THE** Owner hereby agrees to indemnify the Council from and against all costs (including costs as between Solicitor and client), damages and expenses, claims, actions and proceedings of or against the Council in consequence of or arising out of any breach by the Owner of the agreements and provisions hereof and/or the exercise by the Council of any rights, powers and remedies available under this Deed.

NZS 9201:Part 22:1999

- 5 **IN** addition to clause 4 hereof the Owner accepts that the Council will not be liable for any damage to the said carport arising directly or indirectly from a partial or total collapse of either or both the sewers, and will be responsible for the removal of the carport or parts thereof in the event of any such damage as requested by the Council.
- 6 **ALL** costs (including costs as between solicitor and client) of and incidental to this Deed (including the preparation thereof) and the Memorandum of Encumbrance aforesaid (including the preparation and registration thereof against the Title of the land) shall be borne by the Owner and shall be paid prior to and as a condition of the Council's granting of the permit aforesaid.
- 7 **IT** is hereby acknowledged and declared by the Council that if and when the said or the registered proprietor for the time being sell, transfer or transmit their interest in the land or any part thereof, then all liability of the said or the said registered proprietor thereof for the time being shall immediately cease and he/she or they shall be released as from the date of the said sale, transfer or transmission **TO THE INTENT** that the liability under this Deed of Covenant and Memorandum of Encumbrance made in pursuance thereof is only to run with the Owner for the time being of the said land or part thereof.

IN WITNESS WHEREOF these presents have been executed the day and year first before written.

SIGNED BY)

in the presence of)

THE COMMON SEAL of)

THE COUNCIL)

was hereto affixed in the presence of)

SCHEDULE C**MODEL APPLICATION FORM FOR DOMESTIC WASTEWATER SERVICE CONNECTION****THE WASTEWATER AUTHORITY OF THE****..... Council**

LOGO

APPLICATION FOR DOMESTIC WASTEWATER SERVICE CONNECTION

PLEASE PRINT CLEARLY

*Use and attach additional sheets as required***ADDRESS OF PREMISES**

.....

.....

.....

POSTAL ADDRESS OF OWNER

Name

Address

.....

ARE THE PREMISES ALREADY CONNECTED TO PUBLIC SEWER ?☐

Yes

☐

No

CONNECTIONS REQUIRED

Size No

Size No

*Note: Minimum size 100 mm***DESCRIPTION OF DEVELOPMENT**

(e.g. house, 3 townhouses on cross lease title, block of flats, etc.)

.....

.....

.....

DIAGRAM FOR CONNECTION LOCATION

See overleaf.

VALUATION NUMBER

.....

LOT NUMBER

.....

DP NUMBER

.....

CONTACT NAME FOR FURTHER ENQUIRIES CONCERNING THIS APPLICATION

Name

Phone..... Fax

CONNECTION WITH DEVELOPMENT (e.g. owner, builder, drainlayer)

.....

APPLICATION MADE BY

Name

☐

Owner

☐

Authorized Agent

Signed..... Date

DATE CONNECTION REQUIRED BY

.....

FOR OFFICE USE ONLY**APPLICATION**

Received by..... Date

Evidence of Agent's Authority ☐ Sighted
☐ Not applicable

Referred to..... Date

Connection ☐ Approved
☐ Not approved

By..... Date

PROPERTY LINK IDENTIFICATION NUMBER

.....

BUILDING CONSENT NUMBER

.....

CONNECTION CHARGES

No..... @ \$..... =

No..... @ \$..... =

Total Fee / Advance Payment (*Delete as appropriate*)

Cashier Receipt

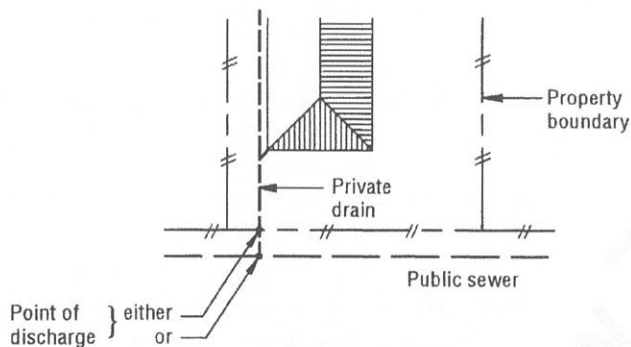
File No

DIAGRAM FOR CONNECTION LOCATION
(Show distances from boundaries, driveways)

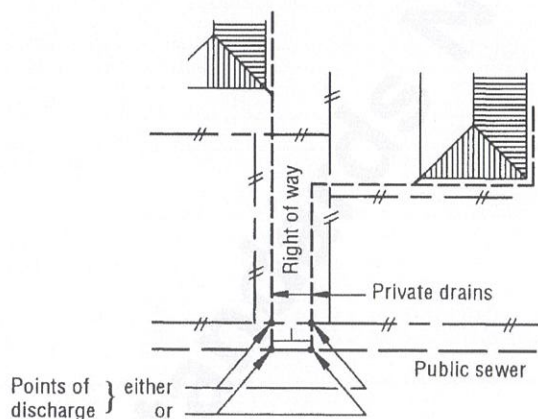
*On 29/11/2012 03:27 PM Buller District Council purchased a single use licence to store this document on a single computer.
Buller District Council may print and retain one copy only.

SCHEDULE D POINT OF DISCHARGE LOCATION – EXAMPLE FIGURES

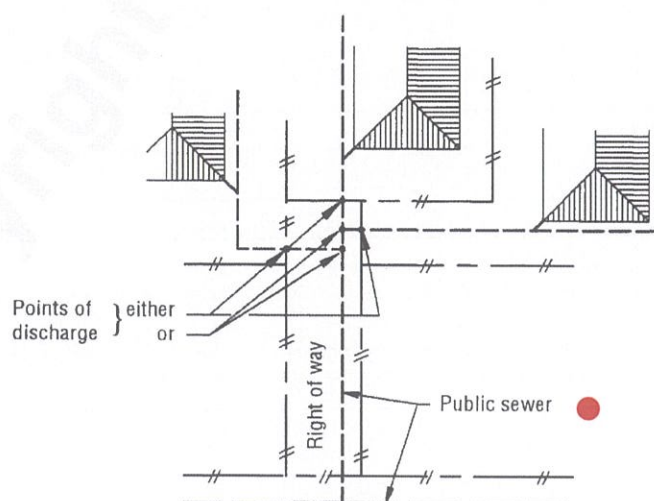
[These figures are examples only. Each WWA must insert appropriate figures showing local practice.]



WITH STREET FRONTAGE



REAR LOTS ON RIGHT OF WAY (up to 2 customers)



REAR LOTS ON RIGHT OF WAY (3 or more customers)

Figure D.1 – Location of points of discharge

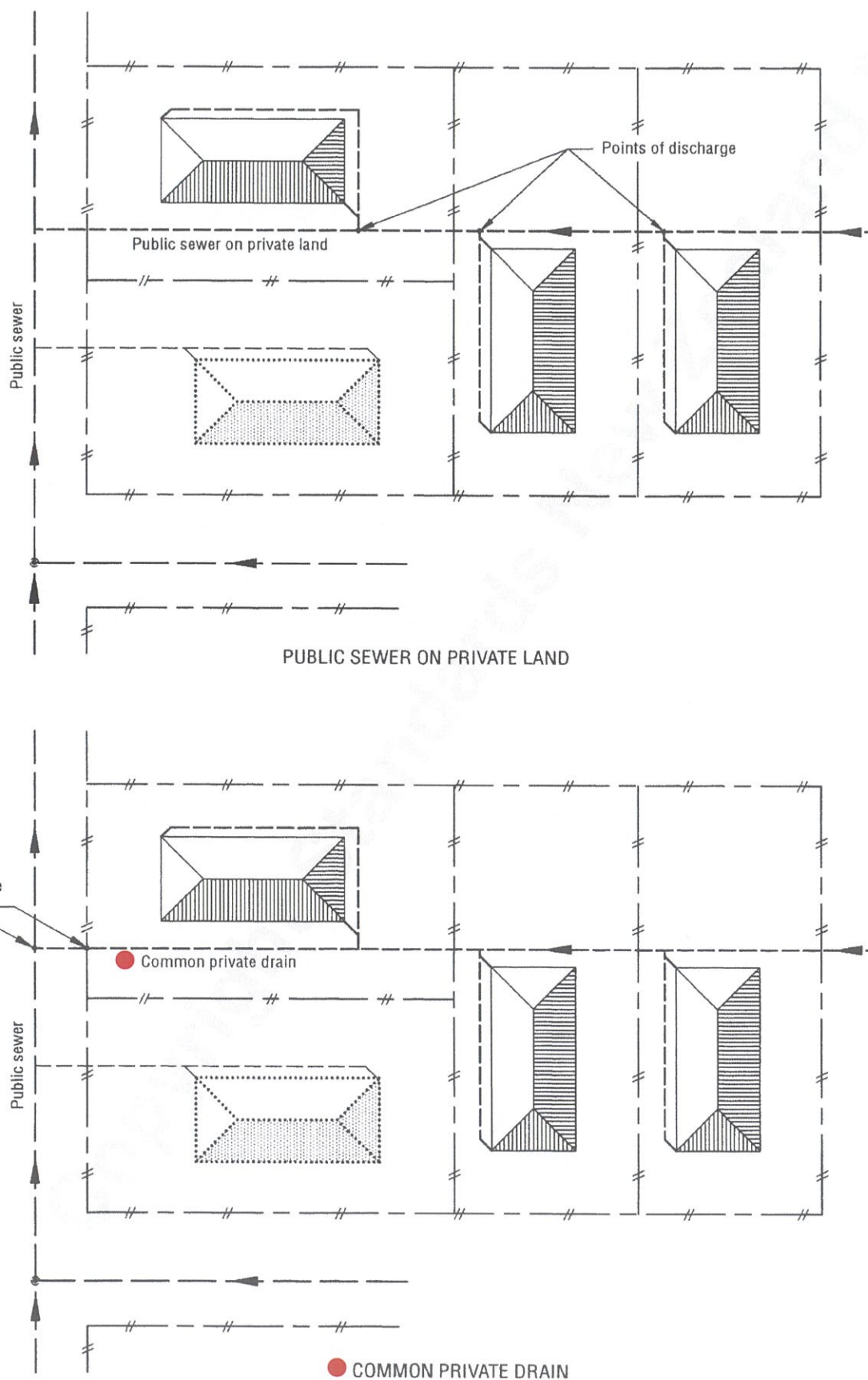
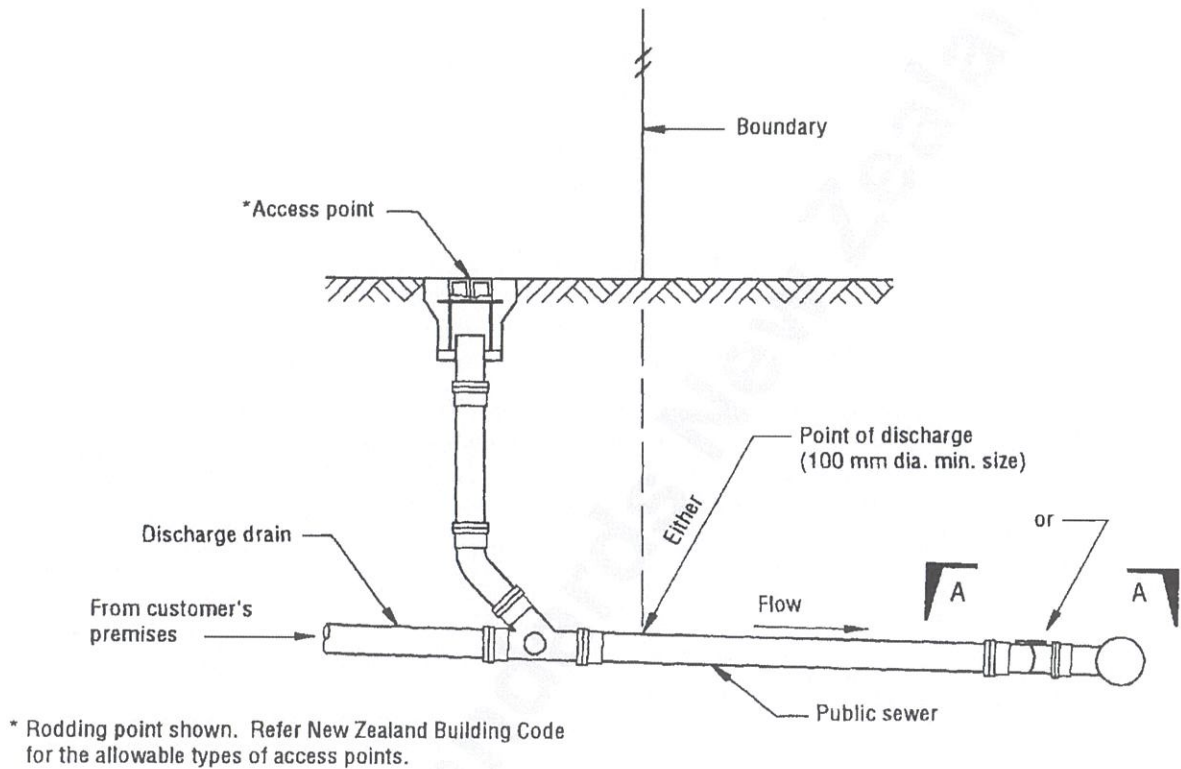


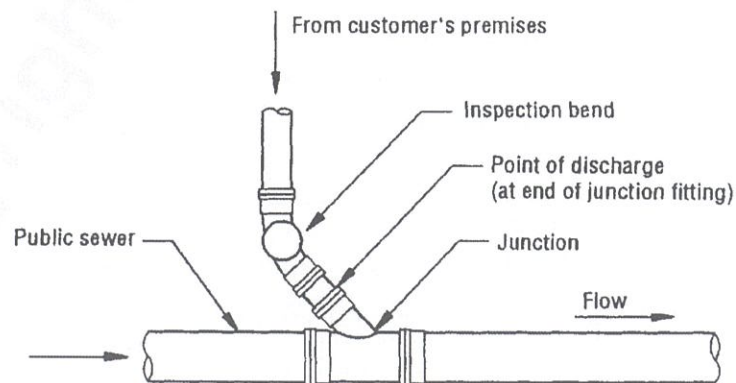
Figure D.2 – Location of points of discharge

SCHEDULE E LAYOUT AT POINT OF DISCHARGE – EXAMPLE FIGURES

[These figures are examples of the point of discharge only. They are not intended as construction drawings. Each WWA must insert appropriate figures showing local practice.]



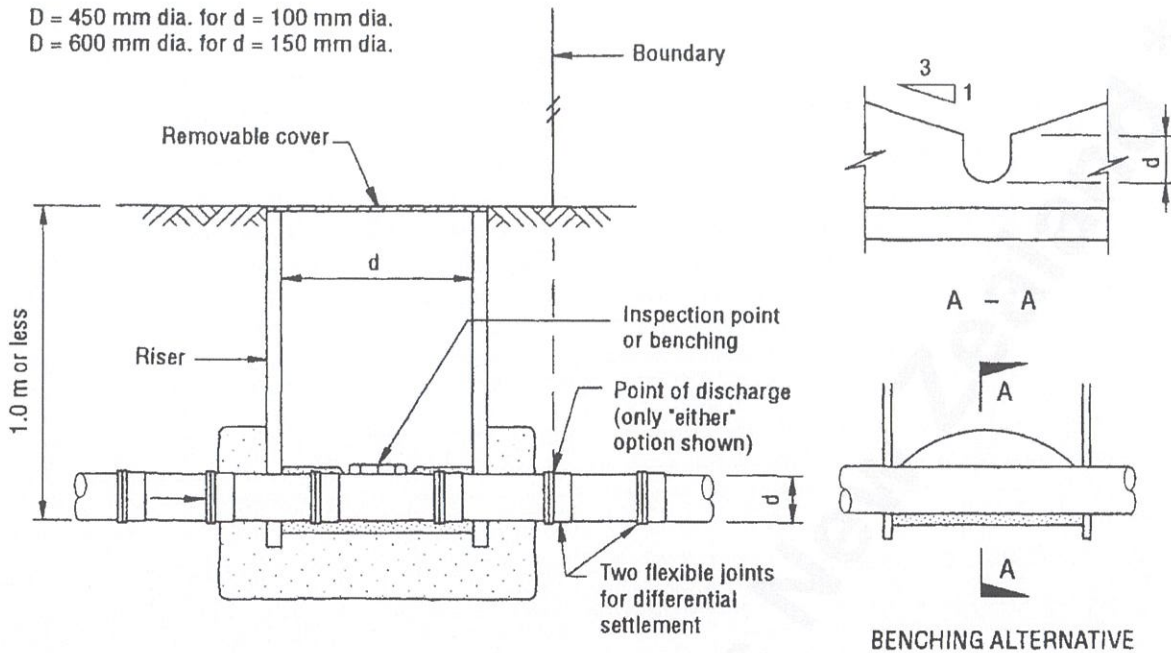
EXAMPLE 1 – DOMESTIC DISCHARGE



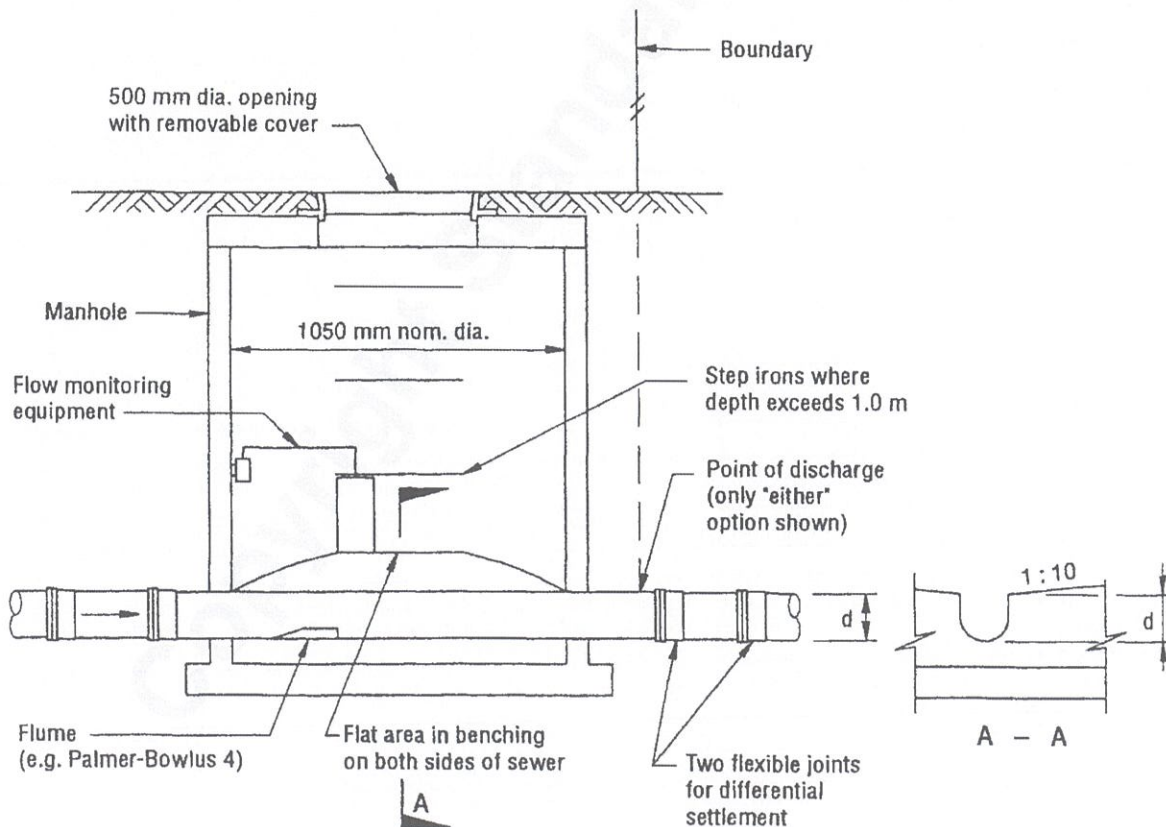
EXAMPLE 2 – DOMESTIC DISCHARGE TO PUBLIC SEWER ON PRIVATE LAND
and A-A FROM EXAMPLE 1

Figure E.1 – Layout at point of discharge

D = 450 mm dia. for d = 100 mm dia.
D = 600 mm dia. for d = 150 mm dia.



EXAMPLE 3 – 'CONTROLLED' TRADE WASTE DISCHARGES, NOT GREATER THAN 1.0 METRE DEEP



EXAMPLE 4 – OTHER TRADE WASTE DISCHARGES

Figure E.2 – Layout at point of discharge

SCHEDULE F

LEVEL OF SERVICE CRITERIA AND GUIDELINE VALUES

The following table contains a schedule of level of service criteria together with indicative guideline values for use in compiling data for table 2.1. WWAs are advised to choose values to suit their particular circumstances.

<i>Criterion</i>	<i>Guideline values</i>
Notification of scheduled maintenance shutdown	A minimum of 24 hours written notice through letter box.
Customer complaint	Any complaints replied to in writing with a substantive response within 10 working days.
Response to call out for blockage in public sewer	On site within 1 hour of call out, blockages cleared within 3 hours.
Wastewater overflow caused by fault in public sewer	No more than once every 5 years for any one premises. Overflow cleaned up within 24 hours. No more than blockages per year per 100 km of public sewer.
Continuity of discharge	
– Minimum percentage of time available	99.5 % – 99.9 % (i.e. 8 to 44 hours per year unavailable).
– Maximum duration of one disruption	12 hrs
– Normal duration of one disruption (95 % of time)	4 hrs
– Maximum total disruption in any 5 day period	24 hrs
New Customer Connections (to existing reticulation)	Within 20 working days of application and fee payment.

SCHEDULE G PAYMENT ITEMS AND TERMS – EXAMPLE LIST

<i>Item</i>	<i>Terms (guideline only)</i>
Uniform annual (sewer or drainage) charge	A separate charge for wastewater drainage and disposal which is uniform within the WWA area, or for areas within it.
Rates	Wastewater charges included in property rates.
Uniform WC levy ("pan charge")	A uniform levy on each WC or urinal in each premises.
Connection fee	Payable on application for connection to discharge point.
Public sewer fee	Payable where a new public sewer connection is required from the existing public sewer to the point of discharge. Flat fee providing public sewer in street adjacent to property.
Deposit	Additional fee payable on application for connection to discharge if required.
Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the WWA wastewater system.
Reinspection fee	A fee payable for each reinspection visit by the WWA where a previously issued default notice has not been remedied by the customer.
Disconnection	A fee payable for disconnection of a discharge connection.
Financial contribution	A payment to be made on connection to the sewer for off-setting the impact of development on the system capacity. Such payments shall be defined in the District Plan of the Council and shall be for the purpose of improving system capacity (reticulation, pumping, treatment).

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Approved by the Standards Council on 8 June 1999 to be a New Zealand Standard pursuant to the provisions of section 10 of the Standards Act 1988.

First published: 16 July 1999

The following SNZ references relate to this Standard:

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Draft for comment No. DZ 9201:Part 22

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NZS 9201:Part 22:1999

Amendment to the Buller District Council general bylaw
NZS 9201 Part 22 Wastewater drainage

Wastewater drainage

1.8.2.2 Delete second option

2.5.4.3 Delete first sentence

2.5.5 Delete entire section relating to Common Private Drains

2.6 Delete in second line the words "annual plan of the Council" and substitute "contractual obligations and Asset Management Plan."
Delete last sentence commencing "Example of the ..."

2.10 Delete first option

2.14.2 Delete last sentence commencing "Refer to..."

Page 31 Schedule D amend on lower figure the words "Public sewer" to read "Private Drain"

Page 32 Delete all reference to "Common Private Drain" including figure