

Legacy Bylaw Provisions on On-site Wastewater Management

Confirmed 29 October 2015

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Explanatory note

This bylaw seeks to ensure that septic tanks and domestic wastewater treatment systems in use on Waiheke Island are installed and maintained in a manner which prevents the failure of the system to operate effectively.

The bylaw requires that sufficient detail is provided with a building consent application so that the council can determine whether or not the treatment system will operate in a satisfactory manner. The council by agreement with the Auckland Regional Council may approve systems designed in accordance with the permitted activity requirements for sewage treatment and disposal systems in the Auckland Regional Plan: Air, Land and Water.

This bylaw requires property owners who have a septic tank or domestic wastewater treatment system that accumulates solids, to have such tanks or systems pumped out once every three years to remove settled solids. The purpose of this is to remove the build-up of settled solids, which can reduce the efficiency of the tank/system's operation. If a tank system becomes full of settled solid, these can be carried over into disposal fields, leading to blockage and failure of the fields and leakage of the disposal system, which may cause water pollution or health nuisances. This bylaw requires that the property owner provide access to septic tanks and treatment plants and disposal systems, so that they can be maintained in good working order. The council may grant an exemption from the requirement to have a septic tank or system pumped out every three years, if it is satisfied that there will be no foreseeable problems in doing so. In granting such an exemption, the council may request all necessary information for it to make a decision. In granting an exemption, the Council may also set such conditions as are appropriate.

This bylaw also allows the Council to make the necessary inspections and investigations to determine the location and condition of domestic wastewater treatment systems and to determine whether the system is operating correctly. In situations where the council believes that the treatment system is unlikely to be working correctly, the council may require the owner to have the septic tank or system pumped out or to have the necessary repairs made to the treatment and disposal system.

It is important to note however that domestic wastewater treatment systems do have a finite life and parts or all of the system may ultimately need to be replaced.

Reprinted with amendments

As at 09 October 2009 the Auckland City Council Waiheke Wastewater Bylaw 2008 has been amended by the following amendments:

Waiheke Wastewater Bylaw Amendment No 1 of 2009

Amendments as a result of the introduction of the Auckland City Council Bylaw Administration Bylaw 2009, which came into force 09 October 2009.

Scope

This bylaw shall apply only to Waiheke Island.

29.0 Definitions

In this bylaw unless the context otherwise requires:

Authorised officer means an officer authorised by the council to administer and enforce specific aspects of this bylaw.

Code compliance certificate means a certificate issued by a building consent authority under section 95 of the Building Act 2004.

Domestic wastewater means wastewater originating from toilets, urinals, kitchens, bathrooms, showers, baths, basins and laundries.

Domestic wastewater treatment system means any hydraulic and/or mechanical system using chemical and/or biological processes to break down domestic wastewater into less harmful constituents designed, installed and operated in accordance with ARC Technical Publication 58 "On-site wastewater systems: design and management manual" August 2004. A domestic wastewater treatment system may include a septic tank or a treatment plant and its associated land disposal systems including soakage or evaporation fields. .

Septic tank means a single or multiple chambered tank through which wastewater is allowed to flow slowly to permit suspended matter to settle and be retained, so that organic matter contained therein can be decomposed (digested) by anaerobic bacterial action in the liquid.

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

29.1 Disposal within the confines of each property

On-site disposal

- 29.1.1 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.

29.2 Consent applications for domestic wastewater treatment systems

- 29.2.1 Owners of properties who wish to install a domestic wastewater treatment system on their properties shall apply for a building consent in terms of the Building Act 2004.

Application for building consent

- 29.2.2 A building consent application to install a domestic wastewater treatment system shall include such details as may be required by the council to assess its compliance with the Building Code, the requirements of the Auckland Regional Plan: Air, Land and Water, (ALWP) and the following:

- a. The procedures for the testing, commissioning, operation and maintenance of the system;
- 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 (including water tanks), parking areas and driveways;
- g. Access for maintenance of septic tanks and disposal areas;
- h. The position of adjacent streams and waterways;
- i. A soil profile test outlining the soil types encountered to a depth of 1.5 metres or groundwater depth by means of a suitably sized borehole or test pit.

The council may within the period prescribed by the Building Act require the owner to provide more information to determine whether or not the domestic wastewater treatment system will meet the requirements of the Building Code.

The Auckland Regional Plan: Air, Land and Water requires all domestic wastewater treatment systems to be designed, installed and operated in accordance with Auckland Regional Council's Technical Publication 58 (TP 58): On-site Wastewater Systems: Design and Management Manual. Appendix E of TP58 contains an on-site wastewater disposal site evaluation investigation checklist. Council will also have regard to the requirements of this appendix when assessing building consent applications to install domestic wastewater treatment systems.

Granting of consent

- 29.2.3 After considering an application for a building consent, the council shall grant the consent if it is satisfied on reasonable grounds that:
- a. the provisions of the Building Code and
 - b. the permitted activity standards for domestic wastewater treatment systems in the ALWP,

would be met, if the work on the domestic wastewater treatment system was completed in accordance with the plans and specifications submitted with the application.

The council may accept producer statements from approved persons for the design and construction of domestic wastewater treatment systems.

Wastewater treatment systems that do not comply with the permitted activity status in the ALWP must be approved by the Auckland Regional Council before they can be installed. Once approved the installation of the system will still require a building consent from Auckland City Council.

As-built plans

- 29.2.4 The council shall not provide a code compliance certificate for a domestic wastewater treatment system until the owner has provided the council with a copy of the as-built plans of the completed installation.

29.3 Installation and repair of domestic wastewater treatment systems

- 29.3.1 The installation, alteration or repair of all domestic wastewater treatment systems involving septic tanks and underground pipelines shall be undertaken by a registered drainlayer.

Notifying Council

- 29.3.2 All new domestic wastewater treatment systems and any alterations to existing systems shall be inspected by an authorised officer before being covered up.

29.4 Testing and Commissioning

- 29.4.1 New domestic wastewater treatment systems shall be tested and commissioned according to any conditions that the council may include in a building consent.

29.5 Maintenance of domestic wastewater treatment systems

- 29.5.1 The owner of any property which contains a domestic wastewater treatment system shall ensure that at all times access is available:

- a. To the treatment system 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.

- 29.5.2 Domestic wastewater treatment systems shall be maintained and operated in such a manner to prevent any discharge of wastewater onto the surface of any land or into any water body.

Pump out required

- 29.5.3 Except as otherwise provided in clause 29.5.5 all property owners on Waiheke Island whose property contains a septic tank or domestic wastewater treatment system that accumulates solids, shall have that septic tank or system 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 the Waiheke Service Centre of the Auckland City Council within 14 days of the tank being pumped out.

Every person undertaking the removal of settled solids from domestic wastewater treatment systems and septic tanks shall comply with the provisions of section 54 (offensive trades) of the Health Act 1956.

Inspection after pump out

- 29.5.4 An authorised officer of the council may enter any property and inspect any septic tank or domestic wastewater treatment system that accumulates solids, to check the condition of the septic tank or the treatment system and to determine whether any recent removal of settled solids has occurred in a satisfactory manner.

Exemptions

- 29.5.5 Property owners may apply to the council for an exemption from the requirement of clause 29.5.3. 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.

Dispensations may be granted for reasons such as the use of the facilities are not used on a regular basis and the accumulation of solids is sufficiently low as to provide good operating capacity for periods exceeding three years.

29.6 Investigation

- 29.6.1 An authorised officer may undertake such inspections and investigations as are reasonably necessary to establish the dimensions, location and condition of any domestic wastewater treatment system.

Remedial work

- 29.6.2 Where the council considers that a domestic wastewater treatment system is
- a. not operating in accordance with
 - i. the Building Act or Building Code, or
 - ii. the conditions of a building consent, or
 - iii. the Auckland Regional Plan: Air, Land and Water, or is
 - b. not operating in a sanitary and efficient manner, or
 - c. it is likely to be contaminating a neighbouring property or a water source
- then the council may require the owner to:
1. clean the system or pump out any settled solids in the system; or
 2. repair or maintain the treatment system to meet the above requirements.

North Shore City Bylaw 2000: Part 20 Wastewater, clauses 20.1.2, 20.2.1, 20.2.2 and 20.7.3

20.1.2 Relationship with Building Act and Local Government Act

- 20.1.2.1 Where this document provides for obligations or powers which are otherwise provided for in the Building Act 2004 or the Local Government Act 2002, then the provisions of those statutes shall prevail and shall be enforced by the Council in the way provided for in them.
- 20.1.2.2 Nothing in this document shall be read as abrogating from the Council's powers under those statutes or indicating that compliance or enforcement action will not be taken under those statutes.
- 20.1.2.3 Council may exercise any discretion contrary to this document in such circumstances and on such occasions as may be appropriate. All dispensations will be given in writing.

20.2.1 In this document, 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 Council 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 Council'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 and 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 North Shore City 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 liquid discharge (including matter in solution or suspension therein) as further defined in clause

ILLEGAL CONNECTIONS means any connection made without the consent of Council, or any connection that does not comply with Council's 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 Council's sewer network as further defined in clause 0 [sic].

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 as further defined in clause 0 [sic].

PUBLIC SEWER means the Council's wastewater network downstream of the discharge point as 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 an 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 as approved by the Council.

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.

TRADE WASTE BYLAW means Part 9 of North Shore City Council Bylaws regulating wastewater discharges from trade premises to a sewer.

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 liquid discharge (including matter in solution or suspension therein) from premises to the public sewer network for treatment and disposal.

WASTEWATER DISCHARGE POINT means the boundary between the public sewer and a private wastewater drain located in accordance with clause 0 [sic].

20.2.2 Any expression not defined in this Bylaw shall have the same meaning as defined in the Resource Management Act 1991, The Building Act 2004, the Local Government Act 2002 or the Health Act 1956.

20.7.3 Onsite Wastewater Systems

20.7.3.1 All wastewater generated on any allotment that is not serviced by Council's public sewer network must be treated and be disposed off within the confines of that particular allotment or an easement for which rights for such disposal have been established.

20.7.3.2 Any onsite wastewater system shall be operated and maintained in accordance with the Auckland Regional Council's current Technical Publication 58 (TP58) - Onsite Wastewater Systems: Design and Management Manual including, where applicable, the Operation and Maintenance Management Plan.

20.7.3.3 Where there is evidence that an on-site wastewater system comprising a secondary treatment system is not being maintained under a suitable programmed maintenance contract, Council will require that a suitable contract is entered into and evidence provided for Council records within a twenty-eight day period of the date of such request in writing.

20.7.3.4 Where there is evidence that an on-site wastewater system is causing adverse affects to neighbouring property and/or is operating well outside the typical effluent quality ranges set out in Table 7.1 of TP58, Council may

(a) request, a report be provided within fourteen days of written advice of Council, from a suitable qualified person with recommendations to any needed actions to bring the system into acceptable effluent quality ranges

(b) direct that recommended actions are constructed and commissioned under building consent where appropriate within twenty-eight days of such written direction or the date of issue of building consent, whichever is later

(c) direct the use or partial use of reserve land application areas as defined in TP58.

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 an 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.

9 Rural: Disposal Within The Confines Of Each Property

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

16. Breaches and Remedies

- 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

- 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.

Rodney District Council General Bylaw 1998: Chapter
20 Wastewater Drainage, clauses 2, 9 and 12

2.0 INTERPRETATION

AIR, LAND AND WATER PLAN	Means the Regional Air, Land and Water Plan adopted by the Auckland Regional Council under the Resource Management Act 1991.
APPROVED PWC PRODUCT	Means a PWC system which meets the performance standards and has the guarantees set out in Schedule 13 to this Bylaw which may be amended from time to time by resolution of Council.
APPROVED PWC INSTALLER	Means a suitably qualified PWC installer and maintenance technician approved by the Council under Section 10.0 of this Bylaw.
BOUNDARY KIT	Means the connection apparatus between the private wastewater infrastructure (such as the PWC system) and the wastewater network owned by the Council. For the avoidance of doubt the boundary kit is part of the wastewater network.
ACCESS POINT	Means a place where access may be made to a private wastewater pipeline for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the New Zealand Building Code.
APPROVAL OR APPROVED	Means approval or approved in writing, either by resolution of the Council or by an Authorised Officer of the Council.
AS-BUILT PLAN	Means a plan extract from Council's GIS Webmap at scale 1:500 showing the appropriate services and property information
BURIED SERVICES	Means all public wastewater pipelines, rising mains, trunk wastewater pipelines and other underground utilities under the control of the Council.
CHARACTERISTIC	Means any of the physical or chemical characteristics of a trade waste referred to in Chapter 17, Trade Waste.
CODE OF PRACTICE	Means the Code adopted by the Council describing how pressure wastewater collection and disposal systems (PWC systems) using grinder pumps should be installed, operated maintained and renewed contained as Part 5 of Council's Standards for Engineering Design and Construction.
CONNECTION	Means the lawful and physical connection of a private wastewater pipeline to any Council wastewater network
DISCONNECTION	Means the physical cutting or sealing of a private wastewater pipeline from any Council wastewater network.

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 is a permitted trade waste as defined in Chapter 17 Trade Waste. Such activities shall include the draining of domestic swimming and spa pools subject to Clause 5.1 of this part of the bylaw.
EXFILTRATION	Means any leakage from within any type of defined pipeline to the outside environment.
GRAVITY RETICULATION	Means that part of the wastewater network designed to receive and convey wastewater by gravity
HAZARDOUS MATERIALS	Means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any materials which when mixed with the wastewater stream, are likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any person or harmful to the wastewater network.
GREASE TRAP	Means a device approved by the Council or an authorised officer that allows kitchen wastewater to cool, and the grease to separate from the wastewater
INFILTRATION	Means water entering a public or private wastewater network 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 wastewater pipeline from non-complying connections or other drain laying faults. It includes stormwater entering through illegal down pipe connections or from low gully traps.
LEVEL OF SERVICE	Means the measurable performance standards set out in Schedule 3.
NEW INSTALLATION	Means installed after the date on which this Bylaw becomes operative whether in a new constructed building or during renovation of a new or existing building.
ON SITE WASTEWATER DISPOSAL SYSTEM	Means any system (and its constituent parts) designed to utilise chemical or biological processes to break down wastewater into less harmful constituents located on an allotment owned or controlled by the person(s) who own or control the allotment from which the wastewater was generated.
PERSON	Means a person or body of persons whether corporate or not corporate, a corporation sole and any successor and includes the Crown.
POINT OF DISCHARGE	Means the point on the public wastewater pipeline which marks the boundary of responsibility between the customer and the Council and shall be located as near as practical to one metre inside the boundary of the owner s property as set out in Schedules 4, 5,6 and 7 of the Bylaw.

PWC POINT OF DISCHARGE	Means the point on the public wastewater pipeline which marks the boundary of responsibility between the customer and the Council and shall be located as near as practical to 300mm outside the boundary of the owner s property and downstream of the PWC, as set out in Schedules 8,9,9a,10 and11 of the Bylaw.
PRESSURE WASTEWATER RETICULATION	Means that part of the wastewater network designed to receive and convey wastewater through a pressurised system of pumps and infrastructure. These areas are generally shown on the Pressure Wastewater Reticulation Area Plans attached as Schedule 12 and which may be amended from time to time by the Council by resolution and publicly notified, as geographical areas become serviced by pressure wastewater reticulation.
PRIVATE WASTEWATER PIPELINE	Means that section of pipeline between the owner s premises and the point of discharge through which wastewater is conveyed from the premises to the wastewater network. This section of pipeline is owned and maintained by the owner.
PROHIBITED CHARACTERISTICS	Means those characteristics of wastewater which shall not be discharged into the Council's network, as scheduled in Chapter 17 Trade Waste.
PWC	Means an approved pressure wastewater collection & disposal system using grinder pumps, for the purpose of delivering domestic wastewater from individual properties to the wastewater network.
REGISTERED DRAINLAYER	Means a tradesperson certified by the Plumbers, Gasfitters and Drainlayers Board under the Plumbers, Gasfitters and Drainlayers Act 1996 and holding such other certifications as the Council may require from time to time.
RISING MAIN	Means a public wastewater pipe through which wastewater is pumped.
SERVICE OPENING	Means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public wastewater pipeline.
STANDARDS FOR ENGINEERING DESIGN AND CONSTRUCTION	Means the Standards for Engineering Design and Construction adopted by Council resolution and as amended from time to time by resolution of Council.
STORMWATER	Means all surface water run-off resulting from rainfall.
STORMWATER DRAINAGE NETWORK	Means a set of facilities and devices, either natural or man-made, which are used to convey run off, reduce the risk of flooding and erosion, and to improve water quality.
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 agriculture, horticulture viticulture or aquaculture purposes.

TRADE WASTE BYLAW	Refers to Chapter 17 Trade Waste regulating wastewater discharges from trade premises to a Council wastewater network.
TRUNK WASTEWATER PIPELINE	Means a wastewater pipeline, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the wastewater network.
WASTEWATER	Means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to a wastewater network;
WASTEWATER NETWORK	Means all pipelines, pumping stations, sewers, storage tanks, wastewater treatment plants, sea outfalls and other related structures vested in, owned by or otherwise under the control of the Council, used for conveying, treating or disposing of wastewater.

Interpretations are also contained in Chapter 1 of the Bylaw. In the event that a term contained in this Bylaw is unclear, other chapters of the Bylaw, Council s Standards for Engineering Design and Construction and/or legislation such as the Local Government Act 2002 may be used to clarify terms or phrases.

9.0 ONSITE WASTEWATER DISPOSAL

- 9.1 All wastewater generated on any allotment not serviced by the Council s wastewater network must be treated and disposed of within the confines of that allotment, or other land for which legal rights for such disposal have been obtained.
- 9.2 All on-site wastewater treatment and disposal systems must be operated and maintained in accordance with the manufacturers specifications and have suitable access for inspection, repair and where relevant, pumping out.
- 9.3 The owner or occupier of an allotment utilising on-site a wastewater treatment or disposal system shall, within 10 working days of receipt of written request from an Authorised Officer provide the following information:
- a) the make and model of on-site treatment installed, if known; and
 - b) a copy of any manufacturers maintenance and operation requirements and performance standards; and
 - c) evidence, to the satisfaction of the officer, that an effective operation and maintenance programme for the system is in place.
- 9.4 An Authorised Officer may enter an allotment, in accordance with the provisions of the Act to assess compliance with the on site wastewater treatment and disposal systems maintenance and operation requirements.
- 9.5 In the event that an onsite wastewater treatment and disposal system is not being operated or maintained correctly an Authorised Officer may serve written notice on the occupier to:
- a) take appropriate remedial steps within a given time and at the occupiers cost in order to rectify adverse effects on public health or the environment; and/or
 - b) provide system maintenance records or performance data (pumpout records, flow records, discharge quality data) where there are actual or potential adverse effects on public health or the environment; and/or
 - c) provide Engineer s statements confirming to the satisfaction of the officer, satisfactory system upgrade and performance; and/or
 - d) provide installer certificates (PS4 statements) or that water safety devices remain in place where water reduction features are required as a basis for sizing of the wastewater system.

- 9.6 For the avoidance of doubt the provisions of this Bylaw and in particular Section 9 applies to all on site wastewater disposal systems and includes those connected to the Matakana Sewerage Scheme which were subject to the provisions of Chapter 10 Matakana Sewerage Scheme Maintenance Bylaw (now revoked) as at the date of coming into effect of this Bylaw.

12.0 OFFENCES AND PENALTIES

- 12.1 Any offence or breach under Chapter 1 of the Rodney District Council General Bylaw 1998 applies to this Bylaw and, may be remedied by the Council under Section 8 of Chapter 1.
- 12.2 Every person who fails to comply with the requirements of 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 Act.
- 12.3 The Council may apply to the District Court under section 162 of the Act for an injunction restraining the person from committing a breach of this Bylaw.
- 12.4 Where it is suspected that any person has committed a breach of this Bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name, and address.