

Kaipara District

Wastewater Drainage Policy





Contents

AR	ГІ.,		. 5
aipa	ra D	District Wastewater Drainage Policy: Policy for the Discharge and Acceptance of	
Vast	ewat	ter ("the Policy")	. 5
1		Introduction and purpose	. 5
2		Definitions	. 5
3		Domestic wastewater	. 8
4		Acceptance and duration	. 8
	4.1	General	. 8
	4.2	Change of ownership	. 8
5		Application to connect	. 9
	5.1	Application: Domestic wastewater	. 9
	5.2	Application procedure for trade waste discharges	. 9
	5.3	Subdivision	. 9
6		Point of discharge	. 9
	6.1	General	. 9
	6.2	Single ownership	10
	6.3	Multiple ownership	11
	6.4	Common private drains	12
7		Acceptance of wastewater and duration	12
	7.1	General	12
	7.2	Change of ownership	12
8		Level of service	12
9		Liability	12
10		Emergency	12
11		Maintenance and repair	
12		Blockages	13
13		Trees	13
14	,	Working around buried services	13
15		Customer's drainage system	14
	15.1	1 General	14
	15.2	2 Waste minimisation	14
	15.3	3 Inflow and infiltration	14
	15.4	4 Pump stations	15
	15.5	5 Swimming pools	15
16		Operation and maintenance of onsite wastewater treatment systems	15
17		Payment	17
18		Breaches and remedies	18
	18.1	1 Powers	18
19		Failure to pay	18



20	Making a Bylaw	18
21	Legal context	18
Schedu	ule B – Onsite Wastewater Systems – Maintenance and Inspection (Warrant of Fitne	ess)
Proces	s Flowchart	20
		20
DART	II	21
	a District Wastewater Drainage Bylaw	
naipara 1	Introduction	
2	Purpose of Bylaw	
_	Definitions	
3		
	– Public wastewater systems	
4	Acceptance of discharge	
	I.1 Wastewater	
	1.2 Trade waste	
5	Approval to connect	
6	Continuity of discharge	
7	Premises	
7	7.1 Flow rate	
7	7.2 Unacceptable discharges	
7	7.3 Prevention of inflow and infiltration	
8	Disconnection	
9	Protection of public wastewater systems	
9	9.1 General	
9	0.2 Building over buried services	27
9	0.3 Loading or material over public sewers	
9	9.4 Excavation near public sewers	
10	Storage of hazardous materials	28
Part B	- Onsite wastewater disposal systems	29
11	Requirements	29
12	Maintenance requirements	30
13	Supply and keeping of records	31
14	Requirement to connect or fix	31
15	Inspections and Failure to Fix	32
Part C	- Offences and penalties for breaches of the Bylaw	33
16	Offences	33
17	Penalties for breaches of Bylaw	33
Schedu	ule A - Acceptable discharge	34
Schedu	ule B – Onsite Wastewater Systems – Maintenance and Inspection (Warrant of Fitne	ess)
	ss Flowchart	
Schedi	ule C - Design Performance standards for onsite wastewater treatment systems	37



Schedule D - Fees and Charges	38
Schedule E – Onsite wastewater system inspection and maintenance reports	39
Schedule F – Guidance on building less than 1.5 metres away from buried services	41





PARTI

Kaipara District Wastewater Drainage Policy: Policy for the Discharge and Acceptance of Wastewater ("the Policy")

1 Introduction and purpose

The purpose of this Policy is to state Council's position and provide the statutory framework for:

- a) Protecting Council's wastewater assets in the district from damage or from wastewater inflows from domestic and other premises that reduce the ability of those assets to treat and dispose of wastewater; and
- b) Preventing unacceptable discharges of wastewater from onsite wastewater treatment systems that can have adverse effects on sensitive receiving environments and on public health.

A number of urban settlements in the Kaipara district have established public wastewater treatment systems. These are valuable community assets and Council requires powers to protect them from damage and from discharges that undermine their performance. Council also uses this Policy to provide guidance to persons already using these systems, wishing to connect to them or working around them.

Many premises in the district rely on onsite wastewater treatment systems. In some cases, these are located in relatively high density living environments or sensitive receiving environments close to waters in which the community and visitors swim, collect food and enjoy other recreational pursuits. This Policy is intended to ensure that onsite wastewater treatment systems are properly designed, constructed and maintained and sets up processes that require inadequately operating systems to be rectified or in some cases requires connection to a public wastewater system where this is available or when one becomes available.

This Policy may be implemented by various means however the principal means of implementation is the Kaipara District Wastewater Drainage Bylaw 2016. The operative date of this Policy is 1 November 2016.

2 Definitions

'Acceptable discharge' means wastewater with physical and chemical characteristics, as detailed in Schedule A of the Bylaw.

'Approval or Approved' means approval or approved in writing by Council, either by resolution of Council or by an officer of Council authorised for that purpose or with the relevant delegated authority.

'Buried services' means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of Council.

'Building Act 2004' means the Building Act and any subsequent legislation.

'Building Code' means the Building Code and any subsequent amendments.



'Characteristic' means any of the physical or chemical characteristics of wastewater to be discharged to the public sewer.

'Council' means Kaipara District Council.

'Coverage Area' Means:

- (1) all Residentially zoned land, as identified in the Kaipara District Plan; and
- (2) all land irrespective of zoning where -
 - (i) the area falls within 300m of the mean high water springs along the coast (east/west coasts); or
 - (ii) an area within 300m of the mean high water springs of the coastal marine area (as defined in the Resource Management Act 1991) of a harbour (Mangawhai and Kaipara Harbours); or
 - (iii) an area located within 300m of the margins of the Kai lwi Lakes.

'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 Council.

'Disconnection' means the physical cutting and sealing off of any of Council's water services, utilities, drains or sewer so that it cannot receive discharges from a premise or premises.

'District' means the district of Kaipara District Council.

'Fees and Charges' means Council's Schedule of Fees and Charges.

'Infiltration' means groundwater or surface water entering a public sewer or private wastewater drain through defects such as, however not limited to, poor joints and cracks in pipes or manholes. It does not include inflow.

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

'Maintenance and Operation Plan' means a plan for an onsite wastewater disposal system prepared by a Suitably Qualified Person (SQP) and approved by Council.

'Nuisances' are defined for the purposes of the Health Act 1956 by s29 of that Act, by which a nuisance shall be deemed to be created where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health and or the environment. This may also include surface emission of contaminated groundwater or contaminated groundwater extending beyond the property boundary.

'Onsite wastewater disposal system' means any system for the reception and disposal of wastewater, including any septic tank, mechanical system, alternative system cesspit, drainage or soakage pit or bore; and the field tiles, scoria or stone contained therein; and, distribution



bore, discharge field or soakage field that is a part of, or is connected to, any such system.

'Operative date' means the date upon which this Policy and Bylaw became operative being 1 November 2016.

'Point of discharge' is the boundary between the public wastewater system and a private drain.

'Premises' means either:

- 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 for which a building consent has been or may be issued; or
- 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 or separately occupied; or
- e) Other land.

'Private drain' means that section of drain between the premises and the point of discharge to a public wastewater system. This section of drain is owned and maintained by the owner or owners of premises unless otherwise specified in this Policy or Bylaw.

'Public drain' has the same meaning as sewer.

'Rising main' means a sewer through which wastewater is pumped.

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

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

'Sewer' means the public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned, administered and maintained by Council. This term is used interchangeably with 'public drain'.

'Stormwater' means surface water run-off resulting from precipitation.

Suitably Qualified Person (SQP)" means any person recognised or approved by Council as being suitably qualified to prepare appropriate reports, designs and assessments for onsite wastewater disposal systems.

'Trade premises' means:

- a) Any premises used or intended to be used for any industrial or trade purpose; or
- Any premises used or intended to be used for the storage, transfer, treatment or disposal
 of waste materials or for other waste management purposes or used for composting
 organic materials; or
- c) Any other premises from which a contaminant is discharged in connection with any



industrial or trade process; or

d) Any other premises discharging other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

'Trade waste' is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Kaipara District Council wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic wastewater.

'Unacceptable discharge' means a wastewater which is not acceptable for discharge into Council's wastewater system because it is not an 'acceptable discharge' as detailed in Schedule A.

"Wastewater" means the discharge from any sanitary fixtures or sanitary appliances.

'Wastewater system' means a public wastewater system for the collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures operated by Council and used for the reception, treatment and disposal of trade wastes.

3 Domestic wastewater

Domestic wastewater, as defined in the Bylaw, shall include wastewater produced by the draining of domestic swimming and spa pools subject to a maximum flow rate for discharge (refer to s15.5 of this Policy and clause 7.1 of the Wastewater Drainage Bylaw).

Where part of a residential premises is used as an office or other trade-related activity from which no trade waste is produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises.

No domestic wastewater shall:

- a) Exceed the substance or flow limits detailed in the Bylaw;
- b) Contain unacceptable discharges as defined in the Bylaw.

4 Acceptance and duration

4.1 General

Council shall continue to accept wastewater from 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 s18 of this Policy for remedies which are available. For the customer's obligations refer to s15 of this Policy.

4.2 Change of ownership

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



5 Application to connect

5.1 Application: Domestic wastewater

Any person can apply to be connected to a Council wastewater treatment system where one is available. An application for a wastewater service connection shall be made in writing on the prescribed form together with the prescribed charges. The applicant shall provide all the details required by Council. An application can be made whether or not a public sewer has already been laid up to the point of discharge.

Council will consider applications and where Council accepts there will be a suitable benefit to provide a connection the application will be accepted. Considerations may include practicality and cost implications. Conditions may be imposed regarding timing and cost contributions.

Where an application has been accepted by Council, 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 Council for this work.

Council shall supply and install the public sewer up to the point of discharge except as provided for in s5.3 of this Policy.

Refer to s17 of this Policy for payment of connection charges.

5.2 Application procedure for trade waste discharges

Premises which produce trade wastes which have characteristics outside of those specified for acceptable discharge in Schedule A of the Bylaw, are not entitled to have their wastewater accepted by Council. Acceptance of trade wastes (if any) will be subject to a separate agreement with Council. This is taking into account the capacity of the particular wastewater treatment system to properly treat the trade waste in accordance with the discharge permit applicable to the system.

5.3 Subdivision

Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to approval by Council of the design and construction of the works. These will be addressed by way of the RMA91 and Rules in the Kaipara District Plan.

6 Point of discharge

6.1 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 Council, irrespective of property boundaries.

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



6.2 Single ownership

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 Council is required to more than one point of discharge and must be recorded on the drainage plan (refer to s14 of this Policy).





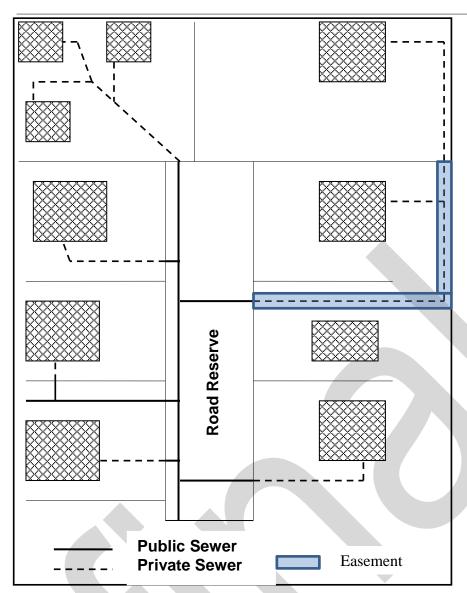


Table 1 (Policy): Point of discharge locations

6.3 Multiple ownership

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 Council. 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.



Each owner's point of discharge must be approved by Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to Council. Approval will be given in the form of a building consent.

6.4 Common private drains

Common private drains shall serve a maximum of five single dwelling units and may also have one point of discharge only (in common).

Under s461(2) of LGA74, common drains shall be covered by a certificate from Council recording the rights of each party, which is registered against the Certificate of Title.

7 Acceptance of wastewater and duration

7.1 General

Council shall continue to accept wastewater from 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.

Disconnections as a result of dwelling removal require redundant drains to be capped and inspected by Council prior to burying.

7.2 Change of ownership

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

8 Level of service

Council shall provide wastewater services in accordance with the level of service contained in Council's Long Term Plan 2015/2025.

9 Liability

Council 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.

10 Emergency

Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council, which result in disruptions to the ability of Council to receive wastewater, will be deemed an emergency.

During an emergency Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period and for any or all of its customers.

Such restrictions shall be publicly notified. The decision to make and lift restrictions, and to enact additional penalties, shall be made by Council or where immediate action is required the officer of the Council authorised for that purpose subject to subsequent Council ratification.



11 Maintenance and repair

Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, Council may shut down the point of discharge without notice and the customer shall be advised as soon as possible.

12 Blockages

A customer whose gully trap is overflowing or who has other reasons to suspect a blockage, shall contact Council immediately. Council 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 Council's current schedule of Fees and Charges. Current Fees and Charges can be viewed on Council's website.

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 non-domestic wastewater or in allowing other material to enter the system, then Council shall cover all costs. Otherwise, Council shall recover the costs of the unblocking work from the customer.

13 Trees

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow or blockage to a public sewer Council shall follow the procedure set out in s468 of LGA74.

14 Working around buried services

Council shall use its best endeavours to 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.

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

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 Council specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

Any damage which occurs to a buried service or other Council asset shall be reported to Council immediately. Repair costs may be charged for. Council will encourage people to consult with other organisations as to where their services may be buried e.g. telephone lines.



15 Customer's drainage system

15.1 General

The customer's drainage system is governed by the Building Act 2004 from inside the building to the point of discharge. Council may not impose any requirement on the customer, which is more onerous than is contained in the Building Code.

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 2004 and the Building Code.

Drainage from premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act 2004, does not need to be upgraded to meet the requirements of the 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;

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

Customers with discharges from premises not covered by the Building Act 2004 and the Building Code shall nevertheless have a drainage system, which complies with the Building Act 2004 and Building Code.

15.2 Waste minimisation

In order to meet the principles of sustainable management as promoted by RMA91, Council will encourage customers to fit the devices contained in 'Table 2' on all new installations.

Table 2: Waste minimisation devices

Device value	Value		
Dual flush toilet cistern	Flush 1	6 litres	
	Flush 2	3 litres	
Low flow showerheads	Maximum	10 litres per minute	
Urinal flushing control	On-Demand Controller		

15.3 Inflow and infiltration

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

- a) There is no direct connection of any stormwater pipe or drain to the wastewater;
- Gullytrap surrounds are set above stormwater ponding levels (refer Building Code) or secondary overland flow path flood levels;
- c) Inspection covers are in place and are appropriately sealed.

For large impervious areas (e.g. stockyards or truck washing facilities), specific provision shall be made for a permanent barrier that 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.

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. A building consent may be required.

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

15.4 **Pump stations**

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

Single ownership: A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act 2004. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the Building Code when seeking a consent. All operation and maintenance costs are the owners' responsibility.

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 2004.

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 rate of discharge of any private wastewater pump to the public sewer shall not exceed the lesser of the rate specified by Council or 2.0 litres per second.

Swimming pools 15.5

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 per second.

16 Operation and maintenance of onsite wastewater treatment systems

- **16.1** The risk to public health and to the environment of poorly operating private onsite wastewater treatment systems, needs to be minimised.
- 16.2 Council will implement a WOF programme. This will include a maintenance and performance inspection and approval programme for onsite wastewater treatment systems throughout the district. This programme will include minimum information required for building consent applications, inspection and maintenance requirements and ongoing reporting requirements to Council. Property owners will be responsible for ensuring inspection and maintenance requirements are carried out (refer to s12 of the Wastewater Drainage Bylaw).
- 16.3 Policies in the District Plan state that in conjunction with NRC, the District Plan seeks to ensure



that activities do not affect Sensitive Receiving Environments and provide appropriate management, including wastewater and stormwater systems to ensure that discharges do not result in adverse effects on sensitive receiving environments. Council will also use its Wastewater Policy and Bylaw to ensure activities do not discharge wastewater in a manner that adversely affects the environment and public health.

16.4 Onsite wastewater treatment systems have to comply with the requirements in Schedule B of the Bylaw. Upon adoption of this Policy, Council shall begin a programme of inspection of onsite systems within the coverage areas in the Kaipara District:

The coverage area being-

- (1) all Residentially zoned land, as identified in the Kaipara District Plan; and
- (2) all land irrespective of zoning where -
 - (i) the area falls within 300m of the mean high water springs along the coast (east/west coasts); or
 - (ii) an area within 300m of the mean high water springs of the coastal marine area (as defined in the Resource Management Act 1991) of a harbour (Mangawhai and Kaipara Harbours); or
 - (iii) an area located within 300m of the margins of the Kai Iwi Lakes.
- 16.5 During the next review of the Wastewater Drainage Policy and Wastewater Bylaw consideration will be given as to whether or not to extend the coverage area to which the on-site wastewater inspection and maintenance regime will apply. This could potentially lead to the whole District being covered by this policy and the Wastewater Drainage Bylaw.

If through the inspection and maintenance regime it is found that there is a high number of effluent nuisances, cross connection issues (between Stormwater and wastewater systems), or other issues affecting the effective operation of on site wastewater systems, this may trigger the need to review the coverage area of the Bylaw. The review would include a public consultation process, prior to any decision to extend the area being made.

Council will put in place monitoring at selected sites to help gauge how well the Bylaw is working and to help determine if the coverage area needs to be extended. If the results of monitoring suggest the coverage area should be extended a public consultation process will need to be undertaken prior to a final decision being made.

16.6 Inspections will be carried out by a suitably qualified person with inspections and/or maintenance being carried out at no more than three-yearly intervals; or at any lesser interval if recommended by the manufacturer and/or system designer; or less than three years if Council considers necessary in cases where Council is aware that any onsite system may not be compliant with Schedule B of the Bylaw or may be causing a "nuisance".



- 16.7 Inspections and maintenance undertaken by a suitability qualified person will be organised by the owner/owners of the premises served by the onsite wastewater treatment system at the owner/owners cost.
- 16.8 After each inspection, the suitably qualified person will complete a report on the onsite wastewater system, for the property owner to provide to Council.
- **16.9** If from the report Council finds that the system is compliant with Schedule B of the Bylaw, Council will notify the owner and note the date for the next inspection. A copy of this notification will be sent to NRC.
- 16.10 If from the report Council determines that the system is not compliant with the required standards, owners may be contacted by either NRC (for major failure) or KDC (for minor failures) of what corrective actions need to be taken.

This may include:

- where the "private drain" from the "premises" can lawfully be required to connect to a a) public wastewater system pursuant to s459 of LGA74, serve notice requiring connection under s459(1) of the Act (or under the Building Act 2004); or
- where the "private drain" from the premises cannot lawfully be required to connect to a b) public wastewater system, Council will notify the owner outlining the repairs required for their system to comply with Schedule B of the Bylaw and when the repairs have been completed the owner will advise Council and a further inspection will be made at the owners' cost. The system shall be deemed to remain compliant with Schedule B of the Bylaw until the repairs or upgrades have been completed or for a period of three months, whichever is the lesser.
- 16.11 There will be no duplication between Northland Regional Council's monitoring requirements and the Kaipara District Council Wastewater Drainage Bylaw requirements. Where an onsite wastewater system owner has a Resource Consent from the Regional Council, the requirement to comply with the Bylaw maybe waived where the Regional Council Consent Conditions have higher or same requirements than the Bylaw. In these circumstances the monitoring reports from the Northland Regional Council will be deemed appropriate to show compliance with the bylaw. Where the Northland Regional Council monitoring reports are not deemed appropriate then an assessment under the Wastewater Drainage Bylaw will need to be undertaken. This will be determined on a case by case basis. The Kaipara Council will work with the Regional Council to remove any duplication in process.
- 16.12 Council will use the Kaipara District Wastewater Drainage Bylaw 2016 to ensure compliance with the Kaipara District Council Wastewater Drainage Policy.

17 **Payment**

Payment for the discharge of wastewater and related services, including charges for a maintenance and performance inspection and approval programme for onsite wastewater



treatment systems and any other public wastewater system, shall be in accordance with Council's current schedule of Fees and Charges.

18 Breaches and remedies

18.1 Powers

Powers to enforce penalties relating to the discharging of wastewater by customers are given to Council by a number of Acts. LGA02 deals specifically with trade wastes. Other relevant pieces of legislation are more indirect in application. The Local Government (Rating) Act 2002 (LGRA02) allows for action to be taken when rates are unpaid.

The relevant legislation includes:

- Local Government Act 2002;
- Local Government (Rating) Act 2002;
- Health Act 1956 Part II;
- Building Act 2004.

19 Failure to pay

Any money owing for rates for wastewater services becomes a charge on the land.

20 Making a Bylaw

In exercise of the powers and authorities vested in it by s145 and s146 of LGA02 and s64 of the Health Act 1956, KDC will, as well as other means available to it, use a Bylaw to give effect to the Kaipara District Wastewater Drainage Policy 2016 in order to protect its wastewater assets, protect public health and to regulate onsite wastewater systems.

The proposed Bylaw may be referred to as the Kaipara District Wastewater Drainage Bylaw 2016, and except for those parts declared to be limited or extended in their operation, shall apply to the whole of the Kaipara district.

21 Legal context

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.

- a) Statutes and Regulations
 - Building Act 2004 ("the Building Act");
 - Building Regulations 1992 (including the Building Code);
 - Hazardous Substances and New Organisms Act 1996;
 - Hazardous Substances Regulations;
 - Health Act 1956;
 - Health and Safety in Employment Act 1992;
 - Land Transfer Act 1952;
 - Local Government Act 1974 (LGA74);
 - Local Government Act 2002 (LGA02);



- Plumbers, Gasfitters and Drainlayers Act 1976;
- Plumbers, Gasfitters and Drainlayers Act 2006;
- Property Law Act 2007;
- Local Government (Rating) Act 2002 (LGRA02);
- Resource Management Act 1991 ("RMA").

b) Codes and Standards

- Building Code;
- NZS 9201, Model General Bylaws, Part 22:1999, Wastewater Drainage;
- NZS 9201, Model General Bylaws, Part 23:2004, Trade Waste;
- NZS 9201, Model General Bylaws, Chapter 7:1994, Water Supply, Part 2 Water Supply Bylaw;
- NZS 9201, Model General Bylaws, Part 27: 2000, Onsite wastewater disposal systems;
- ASNZS1547:2012, Onsite domestic wastewater management;
- Kaipara District Code of Practice for Subdivision and Land Developments,

