

# Bylaw

## WASTEWATER DRAINAGE

<b>TITLE:</b>	Ashburton District Council Wastewater Drainage Bylaw 2021
<b>DEPARTMENT:</b>	Assets
<b>RESPONSIBILITY:</b>	Assets Manager
<b>DATE ADOPTED:</b>	20 October 2021
<b>COMMENCEMENT:</b>	21 October 2021
<b>NEXT REVIEW DUE:</b>	21 October 2031

### 1. Title

The title of this Bylaw is the Ashburton District Council Wastewater Drainage Bylaw 2021.

### 2. Purpose

The purpose of this bylaw is to:

- a) manage and protect Ashburton District Council's wastewater, drainage and sanitation systems from misuse or damage and;
- b) protect the public from nuisance and;
- c) protect, promote and maintain public health and safety.

### 3. Related Documents

- Ashburton District Council Introduction and Miscellaneous Bylaw
- Building Act 2004
- Dog Control Act 1996
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Local Government (Rating) Act 2002
- Local Government Act 2002
- New Zealand Building Code
- NZS4404:2010 Land Development and Subdivision Engineering
- Resource Management Act 1991
- Plumbers, Gasfitters and Drainlayers Act 2006
- Resource Management Act 1991.

## 4. Application

4.1.1 This bylaw is made under the authority of the Local Government Act 2002 for wastewater drainage in Ashburton District.

4.1.2 The provision of wastewater drainage services by the Ashburton District Council is subject to:

- (a) Statutory Acts and Regulations
  - (i) Building Act 2004
  - (ii) Hazardous Substances and New Organisms Act 1996
  - (iii) Health Act 1956
  - (iv) Local Government Act 2002
  - (v) Local Government (Rating) Act 2002
  - (vi) Plumbers, Gasfitters and Drainlayers Act 2006
  - (vii) Resource Management Act 1991; and
- (b) Relevant Codes and Standards
  - (i) New Zealand Building Code
  - (ii) NZS4404:2010 Land Development and Subdivision Engineering

4.1.3 Any reference to a repealed enactment within this bylaw should be read as a reference to its replacement.

## 5 Definitions

In this bylaw, unless the context requires otherwise:

**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.

**Approved** means approved in writing by the wastewater authority; either by resolution of the Council or by any authorised officer of the wastewater authority. Note: The WWA will only approve contractors for drainage works that employ a drainlayer authorised under the Plumbers, Gasfitters and Drainlayers Act 2006.

**Buried services** means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the wastewater authority.

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

**Council** means the Ashburton District Council or any officer authorised to exercise the authority of 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 11.2.1.

**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).

**Fees and charges** means the list of items, terms, and prices for services associated with wastewater drainage as adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

**Hazardous substances** will have the same meaning as set out in the Hazardous Substances and New Organisms Act 1996.

**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 drain laying 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 WWA undertakes receive a wastewater discharge 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, rent charge, 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** means a natural person, corporation sole or a body of persons whether corporate or otherwise.

**Point of discharge** means the boundary between the public sewer and a private drain.

**Premises** means any of the following:

- 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 or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Record of Title is available; or
- c. Land held in public ownership (e.g. reserve) for a particular purpose.

**Property** means a separately rateable property.

**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 daily newspaper circulating the area, or, under emergency conditions, by the most practical means available at that time.

**Record of Title** means a record registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 2017.

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

**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.

**Trade premises** means:

- a) any premises used or intended to be used for any industrial, commercial or trade purpose; or
- b) 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, commercial or trade process;
- d) any other premises discharging other than domestic sewage to the sewerage system; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

**Trade waste** means any liquid or gas, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade, commercial 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 sewerage.

**Trade Waste Bylaw** means Ashburton District Council's Trade Waste Bylaw which regulates wastewater discharges from trade premises to a sewer.

**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 operational unit of Council responsible for the collection, treatment and disposal of wastewater, including its authorised agents.

**Wastewater scheme area** means an area formally designated by a WWA as an area serviced by a reticulated wastewater system intended to receive wastewater from customers.

**Wastewater system** means those components of the network between the point of discharge from a customer to the discharge of treated effluent into the natural environment. This includes but is not limited to: trunk main, rising mains, mains, manholes, terminal maintenance shafts, property laterals (on road reserve irrespective of point of discharge), pump stations, pumps, valves, meters, treatment plants, canal, wetlands, lagoons, infiltration basins, and irrigated land.

## 6 Protection of wastewater system

### 6.1 Access to system

6.1.1 No person other than the WWA and its authorised agents shall have access to any part of the wastewater system, except: to connect to the point of discharge, subject to 7.1.4 and for the clearance of blockages in drains and property laterals, suitably qualified drainlayers.

6.1.2 Except as set out in 7.1 no person shall make any connection to, or otherwise interfere with, any part of the wastewater system.

## 6.2 Working around buried services

- 6.2.1 The WWA will keep accurate permanent records ('as-builts') of the location of its buried services. This information will be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.
- 6.2.2 Any person proposing to carry out excavation work must view the as-built information to establish whether or not WWA services are located in the vicinity.
- 6.2.3 At least five working days' notice must be given to the WWA of an intention to excavate in the vicinity of its services.
- 6.2.4 Where appropriate the WWA will mark out on the ground (within  $\pm 1.0$  metre) on the location of its services, and provide in writing any restrictions placed on the proposed work which it considers necessary to protect its buried services. The WWA may charge for this service.
- 6.2.5 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WWA specification.
- 6.2.6 Any damage which occurs to a WWA service must be reported to the WWA immediately. The person causing the damage shall reimburse WWA with all costs associated with repairing the damaged service, and any other costs the WWA incurs as a result of the damage.
- 6.2.7 Where the WWA is unable to determine who caused the damage and the damage is to a WWA asset or under private land, the WWA will seek to recover all costs associated with repairing the damaged service, and any other costs the WWA incurs as a result of the damage, from the owner of the land where the damage occurs.

## 6.3 Building over or near buried services

- 6.3.1 For building over or near buried services, the restrictions described in 6.2.2, 6.2.3 and 6.2.4 apply. Other restrictions may be applied by the WWA for protection of the public system after consideration of the criticality of the sewer, proposed works methods, depth of excavation, soil physical properties, and other site specific factors.
- 6.3.2 The WWA reserves the right to decline any application to build over or near a public sewer.
- 6.3.3 No building shall be built over a rising main or closer than the greater of: 1.5 metres from the centreline of any rising main; or the depth of the centreline of the rising main, plus the diameter of the main, plus 0.2 metres, from the centreline of that rising main.
- 6.3.4 For public sewers with an internal diameter  $\geq 165$  millimetres, no building shall be constructed directly over or closer than the greater of: 1.5 metres from the centreline of any public sewer; or the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres, from the centreline of that sewer.
- 6.3.5 The WWA may consider applications to divert the sewer around the proposed building provided that:
  - i. The diverted sewer can be wholly contained within the applicant's property;

- ii. All work on and around the sewer shall be in accordance with the WWA specifications and any conditions applied by the WWA;
  - iii. Adjustment or establishment of an easement in favour of the Council which will be registered on the affected title(s) to protect the sewer in the new alignment;
  - iv. All costs associated with the diversion works including any processing, inspection, adjustment or establishment of easements, and certification required by the WWA, shall be met by the applicant.
- 6.3.6 For public sewers with an internal diameter <165 millimetres, the WWA will consider applications to allow buildings to be built directly over or closer than the greater of: 1.5 metres from the centreline of any public sewer; or the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres, from the centreline of that sewer, subject to:
- i. 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;
  - ii. Or if 6.3.6(i) cannot be satisfied, carrying out remedial work or relaying the sewer to meet the requirements of 6.3.6(iii) and (iv);
  - iii. 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;
  - iv. 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;
  - v. All work on and around the sewer must be in accordance with the WWA specifications and any conditions applied by the WWA;
  - vi. All costs associated with the diversion works including any processing, inspection and certification required by the WWA, are to be met by the applicant.
  - vii. Registering the public sewer by a Memorandum of Encumbrance and Deed of Covenant against the Record of Title of the land involved.

## 6.4 Loading or material over public sewers

- 6.4.1 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).
- 6.4.2 No person shall place any additional material over or near a public sewer without approval.
- 6.4.3 Service openings must not be covered in any way unless approved. Removal of any covering material or adjustment of the opening are at the property owner's expense.

## 6.5 Excavation near public sewers

- 6.5.1 Without first obtaining approval in writing from the WWA, no person shall excavate, or carry out piling or similar work closer than:
- i. 5 metres from the centre line of any rising main or trunk sewer, or;
  - ii. 2 metres from the centre line of any public sewer;
- 6.5.2 Such approval may impose conditions on the carrying out of any work near the sewer.

## 6.6 Trees

- 6.6.1 Owners of land should be aware of the potential damage that invasive tree roots can cause to the sewer system. It is recommended that prior to the actual planting of any tree on their land which has the potential to impact on the sewer system (including the flow of wastewater, access to the sewer by the WWA or the sewers ongoing physical integrity), to liaise with the WWA about the suitability of that intended planting. If there is any doubt it is recommended that the Council be contacted for information.
- 6.6.2 In the event of roots of any tree or other vegetation on a customer's premises causing or being likely to cause damage or interference to the flow or blockage of a public sewer the WWA may apply for a removal order in accordance with the LGA 2002 s.215.

## 7 Conditions of acceptance of discharge

### 7.1 Application to discharge

- 7.1.1 Every application to discharge wastewater to the public network (via a sewer connection) must be made in writing on the standard WWA form accompanied by the prescribed charges. The applicant shall provide all details required by the WWA. An application must be made irrespective of whether a public sewer has been laid up to the point of discharge.
- 7.1.2 The applicant will be considered to have the authority to act on behalf of the owner of the premises for which the discharge is sought, and must produce written evidence of this if required by the WWA.
- 7.1.3 Within 10 working days of the receipt of an application the WWA will, after consideration of any matters the WWA considers relevant:
- 7.1.4 Approve the application and inform the applicant of the method and location of connection, the size of the connection and of any particular conditions applicable; or
- 7.1.5 Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 7.1.6 Upon approval, the WWA will supply and install the sewer connection and any extension of the public sewer necessary to permit such connection at the applicant's cost or may permit the applicant to manage the supply and installation of the sewer connection using approved contractors.
- 7.1.7 An approved application for discharge which has not been actioned within six months of the date of application approval will lapse unless a time extension has been approved.
- 7.1.8 Any refund of fees and charges shall be at the discretion of the WWA.

- 7.1.9 Any application for an extension of time should be received by the WWA in writing with reasons as to why the extension is being sought and submitted to the WWA at least 20 working days before the date that falls six months after the date that the original application was approved. Approval of the time extension is entirely at the discretion of the WWA.
- 7.1.10 The WWA will limit the number of extensions to one. Should the applicant be unable to connect to the wastewater system within the period of the time extension, an entirely new application will need to be made, with associated costs to be borne by the applicant.

## 7.2 Change of Use

- 7.2.1 Where a customer seeks a change in the level of service and/or the discharge changes from domestic to trade waste or vice versa, a new application for discharge must be submitted by the customer.

## 7.3 Prescribed fees and charges

- 7.3.1 Fees and charges applicable at the time of application may include:
- i. Application and inspection fee.
  - ii. Payment to the WWA for the cost of physical works required to provide the connection.
  - iii. A development contribution charge determined in accordance with the Local Government Act 2002.
  - iv. A financial contribution charge determined in accordance with the Resource Management Act 1991.

## 7.4 Construction

- 7.4.1 Installation of junctions on public sewers, construction of lateral connections, and extensions to the public sewer must only be undertaken by contractors as approved by the WWA in writing.
- 7.4.2 WWA will inspect all junctions and lateral connection works prior to acceptance.
- 7.4.3 Any works not constructed in accordance with WWA standard specification, or deemed unacceptable in any way, must be repaired or replaced at the contractors cost. Additional fees may be applied to the contractor if re-inspection is required.
- 7.4.4 The WWA reserves the right to inspect, replace, or remove any works constructed by unapproved contractors or others.
- 7.4.5 The WWA may recover any or all costs associated with inspection, replacement or removal from the applicant.
- 7.4.6 Where a new public sewer is required as part of a sub divisional development, the developer shall provide all the drainage works subject to the approval of the design and construction of the works by the WWA.

# 8 Point of discharge

## 8.1 Responsibility for maintenance

(Refer to figure 1 for examples of point of discharge)



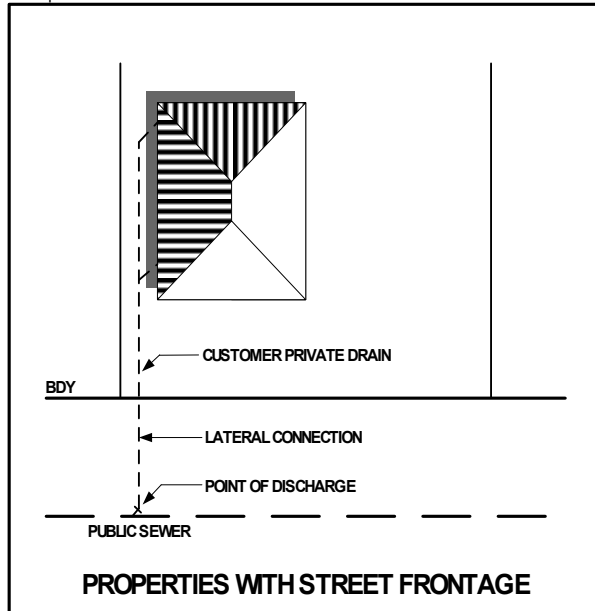
- 8.1.1 Where a private drain connects to the public sewer via a lateral connection, the WWA shall own and maintain the lateral connection from the sewer main up to the property boundary, subject to:
- i. The customer shall be responsible for the clearance of any blockages that occur in the lateral connection out to the point of discharge; except where such blockage is suspected to be a result of structural failure or damage not arising from actions of the customer;
  - ii. In cases of exception indicated under 8.1.1(i), Council will undertake to inspect the lateral connection, initially, where possible, using a camera, but as required will excavate the connection to allow full access to the connection in question;
  - iii. Where inspection undertaken under 8.1.1(ii) indicates structural failure or damage that has not arisen through the actions of the customer, repairs shall be completed by the WWA at no cost to that customer;
  - iv. Where inspection undertaken under 8.1.1(ii) indicates structural failure, damage, or blockage that has arisen through the actions of the customer, repairs and or clearance shall be completed by the WWA, and the WWA may seek reimbursement of the cost of such work from the customer.
- 8.1.2 Where a private drain connects directly to the sewer main, the WWA shall own and maintain the junction on the main up to the point of discharge from the private drain, including the actual physical connection point itself.
- 8.1.3 For new connections, the WWA shall assume ownership and maintain in accordance with 8.1.1 and 8.1.2, upon completion and subsequent acceptance by the WWA.
- 8.1.4 The customer shall own and maintain the private drain above the point of discharge.

## 8.2 Single ownership

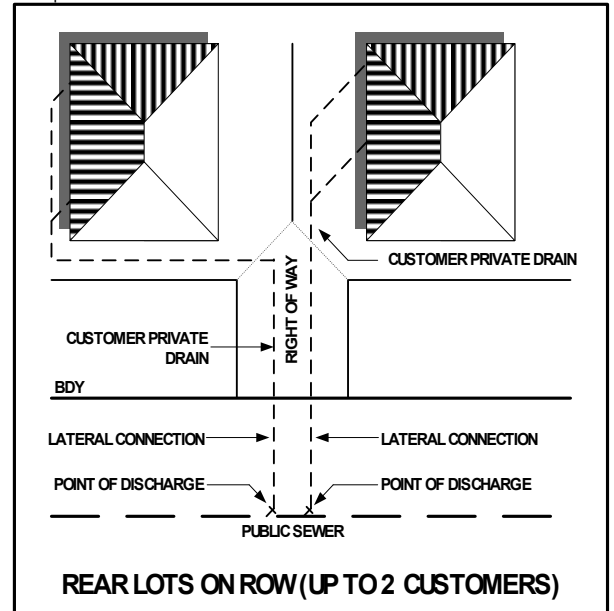
- 8.2.1 For single dwelling units the point of discharge shall be located at the point of physical connection to the public sewer, whether it be within a road, other public lands, or private land.
- 8.2.2 For each individual customer there shall be only one point of discharge, except where otherwise approved.

FIGURE 1 – Location and Layout of Point of Discharge (Examples 1-6)

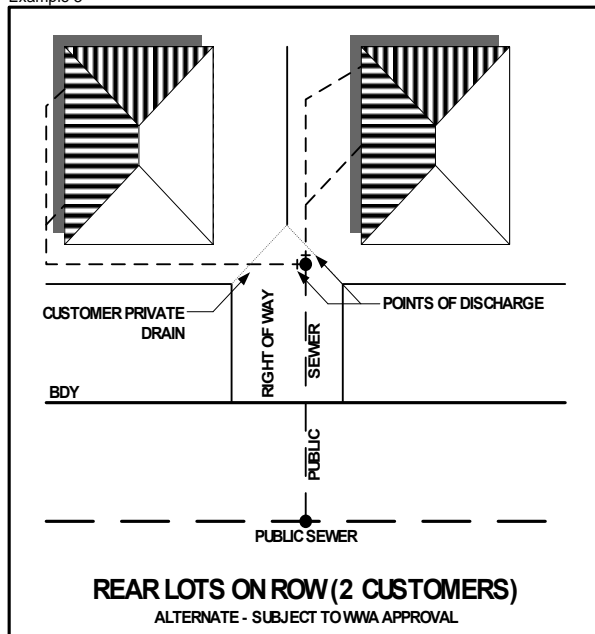
Example 1



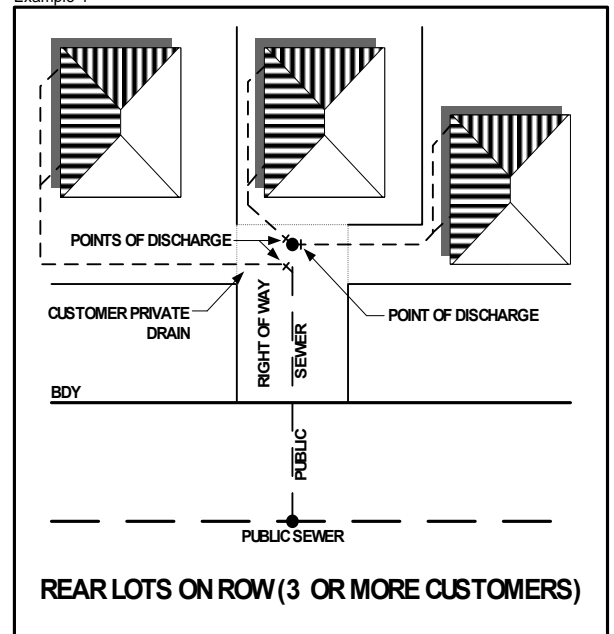
Example 2



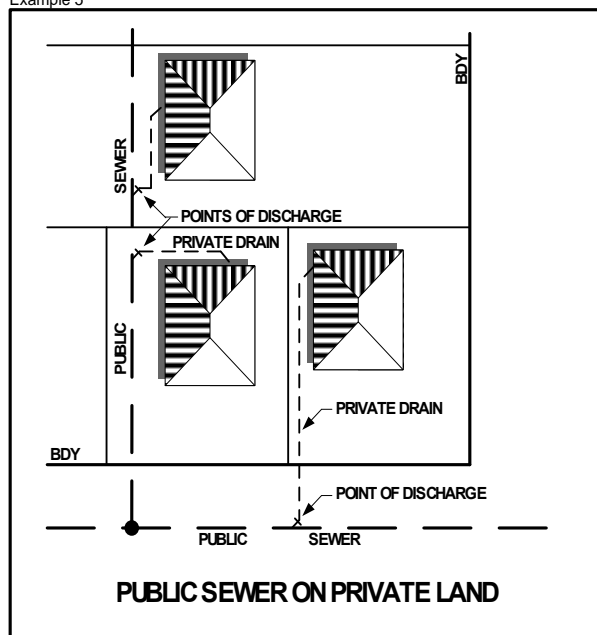
Example 3



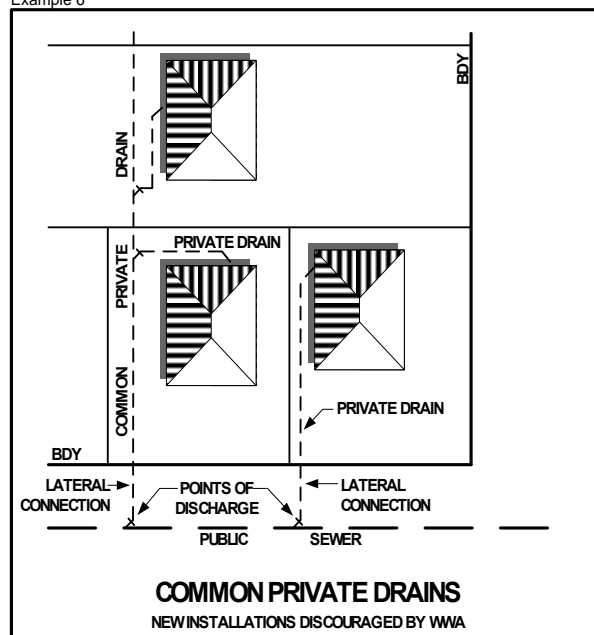
Example 4



Example 5



Example 6



### 8.3 Multiple ownership

- 8.3.1 The point of discharge for the different forms of multiple ownership of premises and / or land shall be:
- i. For Company Share/Block Scheme (Body Corporate) – as for single ownership
  - ii. For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each customer shall have an individual drain with the point of discharge determined by agreement with the WWA.
  - iii. In specific cases other arrangements may be acceptable, subject to individual approval.
- 8.3.2 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.
- 8.3.3 For multiple ownership discharges which were in existence prior to the coming into effect of this bylaw, the point of discharge shall be the arrangement existing at that time; or as determined by agreement with the WWA for any individual case.

### 8.4 Common private drains (drains-in-common)

- 8.4.1 Any new pipeline serving more than one customer shall have a minimum pipe diameter of 150mm.
- 8.4.2 Where a customer wishes to discharge to an existing drain in common that has a diameter less than 150mm diameter, the drain in common shall be upgraded to a diameter of 150mm, or larger as directed by the WWA, from its point of connection to the public sewer to the customer's point of discharge.

- (i) The cost of upgrading is to be met by the customer whose proposed connection has resulted in the need for the upgrade to take place.
  - (ii) Where the drain in common is not protected by easement at the time of the upgrading, the customer shall be responsible for negotiating and establishing the appropriate easements to protect the drain in common.
- 8.4.3 Where a pipeline is constructed in accordance with 8.4.1 or a drain in common is upgraded in accordance with 8.4.2; the WWA may subject to written approval, accept vestment of the new or upgraded pipeline as a public sewer.

## 8.5 Right of access to point of discharge

- 8.5.1 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 6:00 pm on any day. The WWA will give 24 hours previous notice to the customer of the intended entry.
- 8.5.2 Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the WWA, or its nominated agent free access to, and about the point of discharge at any hour.
- 8.5.3 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.
- 8.5.4 Section 173 of the Local Government Act 2002 provides that in cases of emergency the customer must allow the WWA, or its nominated agent free access to, and about the point of supply at any hour. Where access is needed to a point of discharge which is located on a customer's property and there is something which may inhibit ready access, the following process will apply:
- 8.5.4.1 WWA will notify the customer of an alternate date and time for that access to be achieved, at which time the impediment will be removed, or in the case of animal(s) they will be required to be restrained or removed.
  - 8.5.4.2 If the WWA is unable to achieve access on that later visit due to the ongoing presence of the impediment or uncontrolled animal, the WWA will arrange a further visit with the owner/occupier of the property and a fee may be levied.
  - 8.5.4.3 Where the impediment is a dog, the Council may also, in addition to any fee, choose to fine the owner \$300.00 in accordance with s.20(1)(l) of the Dog Control Act 1996.
- 8.5.5 In the case of an emergency or following protracted difficulty in gaining access due to an uncontrolled animal, the WSA will contact the Council's animal control officer who will also attend the property and restrain the animal in question so as to achieve access by the WSA, and the Council may also fine the owner as set out above and charge a fee to the attendance of the animal control officer.

## 9. Prevention of inflow and infiltration

- 9.1.1. 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.

- 9.1.2. Where the condition or level of drainage pipes, fittings and structures on any premises are assessed by the WWA to be a source of inflow and/or infiltration, the WWA may require the customer to upgrade and/or adjust those pipes, fittings and structures. The cost of this work shall be borne by the customer.

## 10. Hazardous substances

- 10.1.1. No person will allow any hazardous substance to enter into the WWA sewer system.
- 10.1.2. The occupier shall not store any hazardous substance which has the potential to enter the WWA sewer system, without taking all reasonable steps to prevent such an entry through leakage, spillage or other mishap, be it accidental or intentions.
- 10.1.3. The occupier shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.
- 10.1.4. Failure to comply with the Hazardous Substances rules and regulations can lead to charges being laid under the Hazardous Substances and New Organisms Act 1995. Penalties under that Act can include imprisonment or fines of up \$500,000.00. If in any doubt members of the public should contact the Council for information on how to comply with this bylaw.

## 11. Types of discharge

### 11.1. General

- 11.1.1. Discharges shall be classified as either 'domestic wastewater' or 'trade waste'.
- 11.1.2. No wastewater with prohibited characteristics (as scheduled in the Trade Waste Bylaw) shall be discharged into the WWA system.

### 11.2. Domestic wastewater

- 11.2.1. Every domestic premises shall be entitled to have its wastewater accepted by the WWA subject to the following conditions:
- i. The premises lying within a wastewater scheme area if such an area has been constituted by the WWA;
  - ii. The premises lying within an area which is served by public sewers.
  - iii. Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular;
  - iv. Any other charges or costs associated with subdivision development; and,
  - v. Fulfilment of the requirements of this bylaw.
- 11.2.2. The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec.
- 11.2.3. The maximum daily flow rate discharged from a domestic premise shall not exceed 1500 litres/day.

- 11.2.4. In certain limited situations there may be legitimate reasons for a domestic user to need to exceed the maximums noted above. The WWA should be contacted by domestic users who wish to exceed the maximum daily flow rate prior to commencing that discharge.

### **11.3. Trade waste**

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

### **11.4. Pump Stations**

- 11.4.1. Discharges from private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

## **12. Level of service**

- 12.1.1. The WWA shall endeavour to provide a wastewater service in accordance with the level of service contained in the Ashburton District Council Long Term Plan.
- 12.1.2. For those periods where the level of service allows non-compliance with the specified value(s), the WWA should make every reasonable attempt to achieve the specified value(s).

## **13. Continuity of discharge**

### **13.1. General**

- 13.1.1. 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. In certain limited circumstances in the interests of public health, the WWA of the Council may provide alternate measures for removing wastewater as a means of addressing the interruption of the wastewater system.

### **13.2. Emergencies**

- 13.2.1. 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 13.1.1.
- 13.2.2. 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.
- 13.2.3. Where emergency restrictions have been imposed, such restrictions shall be publicly notified.
- 13.2.4. The WWA may enact penalties over and above those contained in these conditions to enforce these restrictions.
- 13.2.5. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WWA, subject to subsequent Council ratification.

### **13.3. Maintenance and repair**

- 13.3.1. 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.

### **13.4. Blockages**

- 13.4.1. A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall engage the services of a drain layer to investigate the blockage.
- 13.4.2. A drain layer engaged in accordance with 13.4.1 shall, in the first instance, prior to initiating any clearance works on the private drain, for the purposes of establishing the nature or cause of blockage, inspect the public sewer.
- 13.4.3. Where a drain layer engaged in accordance with 13.4.1 cannot inspect the public sewer because access points are inoperable, or for health and safety reasons, the drain layer shall advise the WWA immediately of the property and customer's point of contact prior to proceeding with clearing the private drain. The WWA shall undertake to inspect the public sewer as soon as possible following notification.
- 13.4.4. Where under 13.4.2 a blockage is identified in the public sewer, the drain layer shall advise the WWA immediately of the property, customer's point of contact and public sewer affected by the blockage.
- i. Upon notification, responsibility for clearance of blockage in the public sewer and drain and clean up of affected areas shall transfer to the WWA;
  - ii. The WWA shall pay the drain layer a standard fee for finding the blockage; provided that the requirements in 13.4.2 were met.
- 13.4.5. Where under 13.4.3, the WWA inspects and subsequently identifies a blockage in the public sewer, responsibility for clearance of blockage in the public sewer and drain and clean up of affected areas shall transfer to the WWA;
- i. 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.
  - ii. If otherwise, the WWA shall recover the costs of the unblocking work from the customer.
- 13.4.6. Where under 13.4.2, the drain layer inspects the public sewer but no blockage can be identified, the drain layer shall proceed with clearing the private drain for the customer.

## **14. Liability**

- 14.1.1. The WWA shall endeavour to meet the level of service requirements of 12.1.1, but shall not be liable for any loss, damage or inconvenience which the customer (or any person discharging to the wastewater system) may sustain in relation to deficiencies in, or interruptions to, the wastewater service (see 13.1.1).
- 14.1.2. Nothing in this bylaw shall be construed as obliging the WWA to accept or continue to accept a wastewater discharge from any premises.

## **15. WWA equipment and inspection**

### **15.1. Care of wastewater system**

- 15.1.1. The customer shall take due care not to damage any part of the wastewater system, including but not limited to pipework, valves, covers, and chambers.

### **15.2. Inspection**

- 15.2.1. Subject to the provisions of the Local Government Act 2002, the customer shall allow the WWA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

## **16. Payment**

- 16.1.1. The customer shall be liable to pay for the discharge of wastewater and related services in accordance with the Council's fees and charges prevailing at the time.
- 16.1.2. The Council may recover all unpaid wastewater charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82. This includes the imposition of penalties at the Council's discretion.

## **17. Disconnection**

- 17.1.1. The customer shall give 20 working days' notice in writing to the WWA of their intention to demolish or remove a building.
- 17.1.2. The demolition or removal shall not commence until the property has been disconnected from the sewer by the WWA. Disconnection shall be at the customer's cost.
- 17.1.3. Any company involved in the demolishing or removal of any building or structure which has a connection to a public sewer, be it an authorised connection or otherwise, has a responsibility to contact the WWA and enquire if notification has been given of the intended demolition/removal. Where a company fails to make these enquiries and there is subsequent damage or discharge of a hazardous substance to a public sewer, the company involved will be held liable as the customer on whose land they were working.

## **18. Breaches of Bylaw**

### **18.1. Defect notices**

- 18.1.1. 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.
- 18.1.2. If, after the specified period, the customer has not remedied the breach, the WWA may charge a re-inspection fee.



- 18.1.3. 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.

## **18.2. Remedial works**

- 18.2.1. At any time after the specified period of 18.1.1 has elapsed, or where the breach is such that there is a risk as set out in 18.1.3, 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.

## **18.3. Injunction**

- 18.3.1. Breaches of this bylaw may result in an application being made to the District Court for an injunction to restrain the party involved from continuing the activity that caused injunction to be granted.

## **18.4. Prosecution**

- 18.4.1. Any person who breaches this bylaw may be prosecuted for any such breach and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002, and may also be liable to penalties under other legislation.