

WASTEWATER NETWORK BYLAW 2014

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is made pursuant to section 146 of the Local Government Act 2002.
- 1.2 This bylaw is the Hurunui District Council Wastewater Network Bylaw 2014.
- 1.3 This bylaw comes into force on 13 February 2014.
- 1.4 This bylaw revokes the Wastewater Network Bylaw 2008.
- 1.5 This bylaw is intended to be read in conjunction with the following documents:
- Specifications
 - Council Annual Fees and Charges
 - Application form for connection to the District Sewerage Scheme
- 1.6 This bylaw does not remove responsibilities for applicants or contractors in relation to the following Acts and Regulations:
- Health (Drinking Water) Amendment Act 2007
 - Local Government Act 2002
 - Resource Management Act 1991
 - Building Act 2004 and associated Codes
 - Local Government Rating Act 2002
 - Drainage and Plumbing Regulations 1978
 - Toxic Substances Act 1988 and Regulations 1983
 - Hazardous Substances and New organisms Act 1994

And for aspects relating to shared services and access for reticulation:

- Transit New Zealand Act 1989
 - Telecommunications Act 1987
 - Electricity Act 1992
- 1.7 All permits, approvals or licenses issued under any revoked bylaw will, after the coming into force of this bylaw, be deemed to have been issued under this bylaw and be subject to the provisions of this bylaw.

2. OBJECTIVES

The objectives of this bylaw include:

- The appropriate management and regulation of connections to and discharge into the wastewater network.
- Minimising the potential for the discharge of any contaminant from the wastewater network.

3. DEFINITIONS AND INTERPRETATION

- 3.1 These definitions are provided to clarify terms used specifically in the Wastewater Network Bylaw and the Specifications
- 3.2 In this bylaw, except where inconsistent with the context:

Act means the Local Government Act 2002, plus any amendment or re-enactments that may be put in place from time to time.

Applicant means the owner or occupier of a property or their agents within or adjacent to an urban area wastewater network, seeking to secure a new connection or modify an existing connection and to discharge wastewater into that network, which is owned and/or operated by Council on behalf of network consumers.

Application Fee means the fee[s] approved by Council from time to time, which are payable on making an application for approval, extending to cover application fees, new connection fees, objection hearing fees, annual charges for connection, transfer fees and such like.

Approval means permission given by the Council to connect or vary a wastewater discharge under the bylaw and that may be subject also to sub-division or building consent(s) and approval for works from other authorities or institutions and extends to include any conditions of the same discharge approval.

Approved means as approved by the Council by ordinary resolution or approved in writing by an officer of the Council, acting within the proper limits of any delegated authority.

Appurtenances means all devices, structures and fittings connected to a sewer between the wastewater source and the Treatment or Disposal site that includes manholes, flow meters, junctions, inspection points, rodding eyes, pump stations, drop structures, interceptor traps and monitoring points.

Bylaw refers to this Hurunui District Council Wastewater Network Bylaw 2014.

Conditional Discharge means any discharge, other than controlled or standard that, due to volume and or strength, may or may not be accepted for connection, as described more fully in clause 3.4 of this bylaw.

Connection means any premises connected to a public sewer, with approval to do so, with approved hardware and discharging wastewater in accordance with one of the descriptions in clause 3.4 of this bylaw.

Consumer means the owner or occupier of any premises from which wastewater is discharged into a network and extends to include any person who has obtained the right to make a discharge into the network by Council authorisation and from any premises.

Consumer Equipment means all apparatus and equipment, not necessarily on the consumer's premises but upstream of the point of discharge, that are owned and maintained by the consumer and used to collect and convey wastewater from the premises to the public sewer.

Contractor means any contractor engaged by an applicant to carry out works in respect of a connection to a network or to a contractor engaged by Council to carry

out minor reticulation work. The responsibilities noted for a contractor shall be those of the applicant who engages that contractor.

Controlled Discharge means non-domestic or non-standard discharge that is allowed, but with conditions set, as described more fully in clause 3.4 of this bylaw.

Council means the Hurunui District Council.

District means the Hurunui Territorial Authority Area.

Drain, in the context of this document, may be used as an alternative term for sewer and does not include storm-water piping or open drains, unless specifically stated as such.

Fees and Charges means those fees and charges approved by Council in respect of the connection to a network for discharge of wastewater.

Hearing Panel means the panel, which may be formed to hear objections associated with connection to the network, as described in the bylaw.

Infiltration means water that enters any sewer through cracks or faults in the pipe, from joint failure or into manhole structures from groundwater, surface drains and/or water table variations.

Inflow means water discharged directly into any sewer from non-complying activities, includes unauthorised direct storm-water connections to sewers, low gully traps, sub-soil drain connections to sewers and low lying manholes or poor fitting sump/manhole covers.

Levels of Service refers to the standards adopted by the Council and Asset Management Plan in respect of the collection, removal and safe disposal of wastewater.

Network means each of the separate and recognised reticulated wastewater facilities through which the Council collects, removes and safely disposes of wastewater.

Network Equipment means apparatus and equipment making up the network downstream of the point of discharge and extends to include, without limitation, any drain, pipe, valve, pump, pump chamber, electrical connection, flow meter, flush tank electronic apparatus, power supply, manhole, rodding eye, inspection point, junction, interceptor trap or treatment facility and disposal site or point.

Person means the persons, parties, a company, incorporated body, and a corporation sole relating specifically to a wastewater discharge.

Point of Discharge means the location on the wastewater collection and removal system at which responsibility for maintenance and repair passes from the Council to the consumer, being nominally, 1m downstream of the boundary of the property serviced (refer also to Schedule 2 of this bylaw - Specification for Wastewater Installations).

Premises mean land and/or buildings on which network equipment or consumer equipment is located or proposed to be located.

Private Drain means any private sewer, irrespective of location, distance or number of connections that does not become network equipment as a result of approval conditions or agreements with Council and may be either a gravity line or pumped rising main and which ends at the point of discharge to the public sewer. Referred to also as consumer equipment.

Public Sewer means network equipment that acts as a collection main for individual service laterals to connect into up to the point of discharge and includes manholes, rodding eyes, junctions, inspection points, pumping stations as well as pipe-work. referred to also as network equipment.

Service Laterals has the same meaning as private drain.

Sewage means the same as wastewater, but more specifically domestic and human waste as compared to industrial or agricultural waste.

Sewer means pipe and in-line appurtenances used to convey and handle wastewater from the point of collection to the treatment or disposal area (including all appurtenances and pumped rising lines) and inclusive of consumer and network equipment.

Specifications means the details, approved by the Council from time to time by ordinary resolution, which specify or describe, inter alia, approved methods of, and procedures for connection to the network and installation of both consumer and network equipment (sub-divisions and contract works included).

Standard Discharge means domestic scale, strength and character discharges, accepted as of right in urban areas as described more fully in clause 3.4 of this bylaw.

Wastewater means all liquid waste that is to be discharged into the sewer and treated and disposed of as part of the Network, irrespective of its origin and characteristics.

Working Days means any day other than Saturday, Sunday, and public holidays.

3.4 The three categories of connection and discharge are:

Standard:

All domestic dwellings, whether permanently habitable or not, owner occupied or rented, intended for private occupation, whether separate houses or multiple units and where peak discharge does not exceed 2l/sec and with a maximum daily discharge volume of 2m³ and where the strength and characteristics of the wastewater is typical of that for dilute human sewage combined with grey-water and light kitchen waste (not limited by dual function use of premises like offices and trade depots).

Controlled:

All non-standard discharges where the waste stream from activities within the premises is equivalent or similar in strength and character to a standard discharge,

does not contain toxic materials and can be measured with confidence as population equivalents, and where peak discharge does not exceed 5l/sec and a maximum daily volume of 7.5m³ (examples are schools, tourist accommodation, light processing, food outlets and commercial).

Conditional:

All discharges where processing methods, size (including all swimming pools and spa pools above 5m³ in capacity), chemical or organic residues, settleable fines, concreting substances, explosive or flammable materials, concentrated acid/alkali, oils fats or greases, compounds toxic to treatment processes, non- degradable materials, objectionable colour or odour, heavy metals, radioactive materials, materials with known health risk associated, presence of volatiles and scum or foam causing compounds and floatable inert material that may render collection unacceptable or treatment limited, whether or not it is a permanent or temporary discharge.

- 3.5 Council will only accept conditional discharges where it can be shown that the discharge will have no adverse impact on approval conditions on the discharge, treatment processes in place, the receiving environment, the serviceability of the reticulation, or the public, and will not pose a danger to operators, contractors or others who have access to wastewater facilities, and will not increase charges and fees set for existing connections or situations here on-site pre-treatment can render the waste-stream as acceptable.
- 3.6 Acceptance by the Council remains discretionary for conditional discharges activities and may be discretionary (with respect to conditions) to some controlled discharges.
- 3.7 As at the commencement of this bylaw, there are no Trade Waste Bylaws in place but the Council's discretion in clause 3.6 may include imposing charges and specific fees for recovering treatment costs or additional operational provisions from Conditional dischargers with respect to accepting such waste.

4 PENALTIES AND OFFENCES

- 4.1 Every person commits an offence under this bylaw who:
- Makes unauthorized connection to any sewer pipe or tampers with any sewer pipe within a network.
 - Makes a connection to a sewer line at any point on the network (consumer or network equipment) that allows for collection and discharge of storm-water, sub-surface drainage water or any other liquid that is not deemed to be wastewater, unless it has been approved by Council.
 - Discharges any wastewater into a sewer without approval or continues to discharge any wastewater into a sewer after written warning from Council to cease or reduce the rate of discharge into the sewer.
 - Alters the nature or scale of the discharge where such a variation is deemed to have altered the description of the discharge (clause 3.4) and where this is carried out without an approval in writing issued by Council or without all charges and fees having been paid.
 - Places a structure adjacent to or over a public sewer pipe or undertakes any developments or tree planting that has the potential to interfere with future maintenance or repair of the sewer or will cause damage or nuisance to the safe

operation of the sewer network and to dimensions indicated in this bylaw and associated specifications.

- Opens the ground so as to uncover any network equipment or excavates within a minimum distance of a sewer without first giving the Council at least 5 working days' notice in writing of the intention to do so.
- Connects any pipe to a public sewer without first giving the Council at least 3 working days' notice in writing of the day and hour when such work is proposed and without first obtaining the written approval of any person acting under the authority of this Council in that regard.
- Places fill or any structure over a manhole or inspection point on network equipment or impedes access to these points and the property owner or occupier (who is responsible for such action) must meet the cost of clearing or opening access to these points.
- Connects any pipe to a public sewer, except in accordance with an approval.
- Connects any pipe to a public sewer, which is not of a type approved by the Council.
- Exposes or (arising from any activity or work) renders any network equipment liable or prone to damage (without approval or authority from the Council).
- Alters the index of, or in any other manner tampers with, any flow meter or electronic device.
- Damages, tampers with or interferes with any network equipment.
- Otherwise fails or refuses to do any act or thing that person is required to do under the Local Government Act (2002), section 266, this bylaw or the specifications.

4.2 Upon an offence being committed under clause 14.1 or upon the issuing of notices the Council may take all or any of the following steps:

- Seek to recover the costs incurred by the Council in repairing any damage done to any part of the network and/or recovering costs associated with any offence committed to any part of a network, in addition to or instead of any penalty for the offence.
- Seek legal action to secure the debt owing onto the title of the property, which may or may not necessitate a forced sale of that property.

4.3 Where action is to be taken to recover unpaid money, the consumer will be given adequate notice of the breach, offence or money owing before any external action is set in place.

4.4 The maximum penalty on summary conviction of an offence against this bylaw is \$20,000.

5 RIGHT TO CONNECT

- 5.1 No person (or party) may make any connection, alter any connection or discharge to the sewer network, except in accordance with an approval to do so and upon payment of an approval fee and any required capital or connection charges.
- 5.2 To avoid misunderstanding, for any premises connected to a network, prior to the bylaw commencement date and where all charges and fees have been paid for such a connection, an approval is deemed to have been given, notwithstanding the absence of any written documentation evidencing that approval.
- 5.3 Connection will only be allowed where the discharge and connection complies with one of the descriptions in Clause 3.4 of this bylaw and this proviso will include existing connections at the date of commencement of this bylaw, where all terms and conditions have been complied with.
- 5.4 Where an applicant is within an urban area that is serviced by a public wastewater network, as shown in an operative or notified District Plan, or where Council gives specific approval for a connection for applicants outside an urban area, or where a conditional discharge is deemed as being acceptable (with conditions), Council will accept such a discharge.

6 APPLICATION TO CONNECT TO A NETWORK AND DISCHARGE

- 6.1 All applications to connect to a wastewater network or vary the description of a discharge must be made on the appropriate Council generated application form. The application must be lodged with a deposit. If approval is granted, the payment of fees and charges must be made in full prior to the connection being made.
- 6.2 All site plans and drawings that may be required for an application must be clear and show distances from existing and proposed boundaries, buildings, existing and proposed tree plantings and other site features. These plans will apply to sub-divisions and larger scale connections that are either conditional or controlled discharges.
- 6.3 All sub-divisional and non-standard applications (new works or alterations) shall require as-built plans to be supplied after the approved works have been carried out and these plans shall include:
- Location of all pipes from boundaries, proposed and existing structures, proposed and existing tree plantings and roads, access-ways and other services.
 - Location and positioning of all manholes, pumping stations, inspection points, rodding eyes and consumer connections (where known).
 - Depth of pipe (where less than 600mm cover and more than 1200mm cover) and depth of manholes.
 - Operating manuals for pumping stations (that are to be Network Equipment) which shall also include product information and location of servicing agents.
 - Ground measurements are to be shown for all bends, angle or changes in grade so that Council can accurately map and record data.
- 6.4 Application to connect to a network may be made by applicants whose properties lie outside the recognised network on the same basis as those within the network area.

Any decision to allow connection is discretionary. Council reserves the right to decline any application where it is not feasible or economic to make such a connection.

- 6.5 In most instances where application to connect is made, the applicant shall meet the costs for all new reticulation and associated works to connect to the network, irrespective of the distance between the applicants' property and the nearest point of connection.
- 6.6 In addition to clause 5.3, Council reserves the right to determine the final pipe route, size, class and material type for any new network equipment, but shall meet all costs in excess of the minimum reticulation and associated works required to make such a connection.
- 6.7 Where application is made to connect to the network and any new reticulation passes through or adjacent to potential consumers en-route to the applicants' point of supply [and the distance is considered significant], Council may choose to contribute a proportion of the minimum reticulation costs noted in clauses 5.5 and 5.6 with any such proportion being negotiated between the applicant and Council.
- 6.8 Upon satisfactory installation of any new reticulation up to the applicants' point of discharge that lies within the urban boundaries and with completion of all sub-division requirements, Council shall take ownership of these assets and shall subsequently maintain, operate and upgrade these.
- 6.9 The applicant will ensure that any structure that requires a building consent complies with all conditions that are set on that consent where these may relate to public sewers and provision of access by Council for operating, maintaining and upgrading sewer pipes, manholes and other appurtenances.
- 6.10 In addition to clauses 8.6 and 8.7 of this bylaw, the following shall also apply:
 - No building or structure, whether or not it requires a building consent shall be built over a public sewer, manhole or any other network equipment.
 - No minor building, whether or not it requires a building consent shall be built closer than 1.5 m from a public sewer, manhole or other network equipment.
 - Where deemed necessary by Council or by request from an applicant, the applicant or their agents, may need to meet the cost of relocating the sewer line or other network equipment to facilitate works planned by the applicant.
 - Where the above points in this clause or those of 8.6 and 8.7 are deemed impractical and the applicant has no reasonable alternatives in which to avoid complying with these, Council may grant the applicant specific variations that may allow works to proceed but with measures required to be taken by the applicant to protect network equipment. Such measures may include (not exclusively) strengthening sewer pipes, new manholes, ducting, re-locatable constructions, diverting sewers or additional foundation support.
- 6.11 Ownership of pumped connections and multiple private services shall be discretionary as stated in clauses 9.7, 9.9 and 10.3 of this bylaw.
- 6.12 No applicant shall be requested to contribute to network reticulation upgrading in addition to the application fee, in order to obtain a connection where an application is within the urban area at the time of application being made. this does not cover new pipework to link the applicant to the existing network.

- 6.13 Where application is made to connect to a network that requires new or additional pumping facilities, the applicant(s) will be required to meet the full capital cost of these facilities or where other or future connections may benefit from the pumping facility, Council may meet a proportion of the capital costs where this has been negotiated and agreed to in writing before work commences.
- 6.14 If a connection is not made to the district sewerage scheme within 24 months of approval being granted, then the approval is deemed to have lapsed and a new application must be initiated, including the payment of associated fees.
- 6.15 Application fees for new connections or for a variation in the description of the discharge and where the physical connection has not been made to the property may be refunded at the discretion of Council where the applicant wishes to withdraw the application. No refund given shall include the initial deposit. The request must be made to Council in writing by the applicant, within 6 calendar months of the date of approval for the connection.
- 6.16 Capital contributions [where these apply] are not refundable within urban areas.
- 6.17 Undeveloped titles within an urban area that lie within 30m of a public sewer line shall incur annual connection charges [unless specifically exempt] as quantified in the Local Government Rating Act (2002) such time that a connection is made and where full sewage charges shall commence.
- 6.18 Approved applications may contain the following relevant information:
- Obligations such as upgrading the network equipment, share costs of the connection or any other obligations in respect to the application
 - Any conditions set on the application that the applicant will need to action or comply with, which are not standard conditions.

7 EFFECT OF MAKING A CONNECTION

- 7.1 Every person who makes connection or continues connection to a network after the date of commencement of this bylaw is deemed to have agreed to be bound by this bylaw.
- 7.2 With a change of owner of any premises, acceptance of an existing connection constitutes an agreement between the owner or the occupier and Council for the new owner or occupier to comply with this bylaw
- 7.3 Where any premises connected to a sewer network changes use, purpose or activity and this change alters the description of the discharge (as set out in Clause 3.4), such a change will render the connection as an unauthorized connection and the owner or occupier must make application to Council for a new connection.
- 7.4 No person connected to a public sewer may allow materials to be mixed with the authorized discharge stream that have the potential to alter the character of the discharge in such a manner that it fails to meet the connection and discharge approved to by Council.

- 7.5 No person connected to a public sewer may allow a daily volume or peak flow rate that has the potential to alter the discharge in such a manner that it fails to meet the connection and discharge approved by Council.
- 7.6 No Person connected to a Public Sewer may allow an intentional or avoidable ingress of groundwater, storm-water or any other water that is not wastewater into the Public Sewer or private sewer unless it has been approved by Council.
- 7.7 Council cannot guarantee to receive wastewater without interruption but any such interruption will be kept to a minimum.
- 7.8 Where premises to which a wastewater connection is made are owned or occupied by more than one person, those persons will be jointly and severally liable in relation to the connection and discharge.

8 APPLICATIONS, APPROVALS AND OBJECTIONS

- 8.1 Every Person requiring a connection or seeking a change to the description of their discharge for an existing connection must make an application to the Council.
- 8.2 Every application must be in writing, on the approved form and contain such relevant information as may be required by the Council, including a detailed plan (to scale or with measurements shown) of any proposed work.
- 8.3 For any application (and for requests by any party for information on network equipment), Council will provide plans and drawings for the location of equipment, which are available from Council's Amberley Offices during normal working hours and may recover the actual costs for the supply of these documents.
- 8.4 The Council will consider all applications and may either:
- Decline the application in writing and clearly set out the reasons for that decision; or
 - Approval of the application, which will be subject to the terms and conditions of this bylaw, or a specific agreement (if any), as the Council considers fit, provided the agreement is consistent with the discharge descriptions in Clause 3.4.
- 8.5 The Council may, in the case of any connection where special conditions are necessary, require the applicant to enter into a written agreement to supplement or vary the conditions in relation to that connection.
- 8.6 If an application is declined or any condition imposed is considered by the applicant to be unreasonable, the applicant may within 20 working days of notification of the Council's decision, give written notice to the Council objecting to the decision and specifying the grounds for that objection and in that case:
- The applicant is deemed to have waived any other remedy, which may have been available at law to the applicant.
 - The Council will convene an objection hearing panel to hear and rule upon the objection with all due speed.
 - The decision of the objection hearing panel will be final and binding upon the applicant and the Council.
- 8.7 The hearing panel will consist of 3 persons, being:
- The Mayor or Deputy Mayor (who will take the Chair).

- A Councillor for the Ward in which the premises of the applicant are located. In the event of a Ward Councillor not being available the Mayor or Deputy Mayor shall appoint an alternative Councillor, with the approval of the applicant.
- A third person nominated by the applicant at the time of giving notice of objection or within 5 working days of a request in writing from the Council to do so, which third person must be either:
 - o A Hurunui Councillor
 - o A Community Board Member
 - o A member of the Ward Committee (if any) for the area or wastewater network to which the application relates
 - o A legal representative, consultant or agent who has no vested interest in the outcome of the hearing with regard to the connection

9. CONSUMER AND APPLICANT RESPONSIBILITIES

- 9.1 The applicant will ensure that all connections made to the network are in accordance with the approval granted by Council and any applicable legislative requirements including, without limitation, the requirements of the Building Act 2004 and Building Codes.
- 9.2 The applicant will pay all fees and charges promptly as they fall due and meet all obligations when applying for a connection or variation to an existing connection.
- 9.3 The consumer will maintain consumer equipment in good serviceable and operational condition at all times, in accordance with the specifications and in a manner which minimises potential for blockage, pipe degradation, overflows or entry of groundwater or rainwater into the public sewer. The consumer shall promptly action any repairs required to correct defects that have been identified.
- 9.4 Consumer equipment includes sewer pipes, gully traps, inspection points, private pumping stations and other equipment up to the point of discharge.
- 9.5 Consumers, applicants or any other party that is proposing works that include excavation or soil loading about buried network equipment and for any purpose whatsoever, are to inform Council of such activities and take all reasonable steps to locate, mark and avoid and damage to, risk of undermining, weakening or exposing network equipment. To determine the location of buried network equipment, the consumer shall advise the contractor to or, if undertaking the work themselves, shall initiate an enquiry using this website: <http://www.beforeudig.co.nz/index.php#> Where network equipment may be damaged or compromised by activities, Council may require specific protection measures to be taken.
- 9.6 With respect to clause 8.5, any piling, drilling or deep excavation (more than 1.2m deep) that is closer than 3.6m to any Network Equipment shall require Council approval (with conditions, if deemed necessary) before such work begins.
- 9.7 With respect to standard dwellings and minor structures, the separation distance from the centreline of the pipe or manhole and the structure foundation shall be 1.5m.

- 9.8 Council requires a minimum of 2 full working days' notice of works noted in clause 8.5 to mark location of buried services and provide specific requirements to an applicant.
- 9.9 Where any damage occurs to network equipment, the persons or parties responsible are to report this to Council and will be liable to meet costs of repair or replacement.
- 9.10 The consumer will allow the Council access to their premises or onto their land at any time between 7:30am and 6:00pm, upon a minimum of 24 hours' notice where this is considered necessary by the network operator (except in the case of an emergency) for the purpose of:
- Inspecting network equipment located on the consumer's premises.
 - Inspecting consumer equipment where faults or overflow may be occurring.
 - Undertaking any work related to the installation, inspection, replacement, repair, maintenance, renewal, upgrading or testing of any network equipment located or to be located on the consumer's premises.
- 9.11 The consumer will:
- Provide reasonable access to any network equipment, which is required to be located on their premises.
 - Not allow any person other than the Council or their authorised agents/contractors to work on or interfere with network equipment located on their premises.
 - (Where they are not the owner of the premises to which supply is made) obtain the owner's consent prior to acceptance of a connection and/or the installation of any network equipment and will indemnify the Council from any loss or cost arising from their failure to obtain the owner's consent.
- 9.12 With respect to trees and shrubs, the following will apply:
- The consumer will not plant any trees or shrubs in a location whereby the roots or branches of those trees or shrubs will interfere with any network equipment. this shall apply to consumers and non-consumers where network equipment crosses private premises. Any remedies will be consistent with the Local Government Act 2002.
 - Council reserves the right to request removal or thinning of trees/shrubs where these have interfered or are likely to interfere with, including access to network equipment. Costs of removing trees will be met by the property owner[s] concerned unless otherwise agreed in writing with Council.
 - Spacings to be observed using the centre of the tree trunk for reference, are:
 - o Large trees >10m mature height, shelter belts greater than 4m deep and plantations 4m spacing from any network equipment.
 - o Shelter trees less than 4m deep, smaller trees <10m mature height and shrubs 2m spacing from any network equipment.
- 9.13 The Consumer will notify the Council promptly if:
- Any network equipment located on or about their premises is clearly damaged or leaking, or where they otherwise suspect that a fault has occurred in the network equipment.
 - There is any obvious blockage or any indication or reasonable suspicion that the public sewer may be blocked or congested.

- Where their wastewater flow is slow in exiting their premises and is not remedied after their own equipment has been cleaned or cleared.
 - There are any objectionable or “sewage” odours about their premises
- 9.14 Any consumer who suspects a blockage or fault and takes action to clear the blockage (contractor or self) shall be liable for the costs of clearing a blockage in a public sewer where it can be reasonable determined that the consumer has pushed the blockage out of the consumer equipment and caused a fault to occur in the public sewer or has been discharging non-acceptable wastewater and Council will subsequently invoice the consumer to recover actual costs of any action to clear the public sewer.
- 9.15 Where a person (or party) connected to a wastewater network sells a property connected to a network, it shall remain the responsibility of the seller to ensure that all apportionment for connection charges and fees are effected from the date of sale.
- 9.16 Where a person (or party) connected to a wastewater network demolishes a property connected to a network, it shall remain the responsibility of the seller to ensure that at least 5 working days’ notice is given to Council of these changes and to make sure that the connection is disconnected from the network before demolition starts. Disconnection may be carried out by Council or a qualified plumbing or drain layer however payment of the cost of this disconnection is the responsibility of the landowner. Council inspection of the disconnection may be required and, if so, a disconnection fee may apply.
- 9.17 No refunds of capital contributions or application fees shall apply to voluntary disconnections from wastewater networks.
- 9.18 Where consumer equipment is faulty, worn or altered or plantings above public sewer lines cause nuisance to the degree where blockages or constriction of pipes prevents quick removal of wastewater, the consumer shall be issued a defect notice (warning). Where the warning is not heeded, Council shall impose penalties as specified in the annual fees and charges.
- 9.19 Where a consumer wishes to discharge the content of a spa pool into the sewer network, the pool outlet or pump must be fitted with a flow limiting device or measure that prevents the flow from exceeding the conditions as set out in section 3.4 of this bylaw.
- 9.20 Swimming pool discharge and discharge of spa pools where the capacity is greater than 5m³ are controlled activities and may only be carried out with permission from Council or in compliance with any conditions set on the approval or agreement to discharge.

10. SEPARATION OF CONSUMER AND NETWORK EQUIPMENT

- 10.1 Network equipment refers to any sewer pipe or appurtenance downstream of the point of discharge, for any connection. Council shall be responsible for clearing any blockage, removing pipe build-up, pipe failure, repair or replacement on these.

- 10.2 Consumer equipment refers to any sewer pipe upstream of the point of discharge, for any connection or connections (shared private sewer). The Consumer shall be responsible for clearing any blockage, removing pipe build-up, pipe failure, repair or replacement on these assets where these sewer assets fail to adequately remove wastewater from the premises.
- 10.3 Consumer equipment must comply with the Building Act 2004 and Building Codes and Council will not require any action or work that is not consistent with these statutory documents. Consumers with premises not covered by the Building Act (pre July 1992) shall have equipment compliant with the building codes and bylaws at the time of construction.
- 10.4 Where work is carried out on premises that were approved prior to 1 July 1992, any subsequent work that is required on the consumer equipment, either directly or as a result of change of use for the premises, discharge description or from a defect notice from Council, will require that consumer equipment to meet the requirements of the building codes and the specifications.
- 10.5 For individual service connections draining to public land areas or onto “sewage” easements in favour of Council, the point of discharge shall be:
- one metre downstream of the boundary of the property where the main collection sewer is outside of the property or
 - at the connection of the consumer service lateral to the main collection sewer where the main is within the property boundary or less than one metre outside of the property boundary at the point of connection.
- 10.6 For private shared sewers, the point of discharge shall be one metre beyond the point where the combined sewer line extends onto public land.
- 10.7 Private shared sewers shall only have one point of discharge. Where the number of connections is greater than 3, Council may consider ownership of the assets and where necessary to comply with this bylaw and the specifications, make alterations to the equipment. All reasonable costs will need to be met by the owners or occupiers of the connections.
- 10.8 For private pumped discharge sewer lines (multiple or individual), the point of discharge shall be where the discharge line connects to a manhole or junction in the sewer main.
- 10.9 Private pumped sewers shall only have one point of discharge. Where the number of connections is greater than 3, Council may consider ownership of the assets and where necessary to comply with this bylaw and the specifications, make alterations to the equipment. All reasonable costs will need to be met by the owners or occupiers of the connections.
- 10.10 Council reserves the right to make discretionary judgments as to responsibility for connections and sewer lines where this bylaw does not cover the configuration of non-standard types referred to in this document. Such discretion shall also apply to shared private sewer lines where debate ensues over whether they are shared private lines or public sewers on private title.

11. APPURTENANCES

- 11.1 There shall be no appurtenances connected to the wastewater network at any point on consumer equipment without express approval from Council, other than interceptor traps (grease/oil/silt retention) and pumping stations.
- 11.2 In appropriate instances, Council reserves the right to require an existing consumer or new applicant to install a suitable interceptor trap prior to discharge into a sewer line where it is expected the discharge may impact on pipe integrity and/ lead to congestion. This may include a chamber or inspection point for Council to sample the waste stream.
- 11.3 Private pump stations will be accepted where there are no practical alternatives to gravity flow and any application for pump stations servicing 3 standard connections or less, unless agreed to by Council in writing prior to any installation, shall remain a private facility and be approved where the design and installation complies with the Building Act and Building Codes and shall include annual building warrants of fitness, if these apply.
- 11.4 Pipes, connections, gully traps, inspection points, rodding eyes, manholes and junctions are part of the sewer reticulation works and are discussed under the specifications.

12. BREACH AND DISCONNECTION

- 12.1 If the consumer:
- Fails to pay connection charges, capital contributions (where these apply) and wastewater charges.
 - Is otherwise in breach of any other obligation imposed upon the Consumer by this bylaw.
 - Is in breach or considered to be in breach, but does not allow Council access to the premises as in clause 8.10 of this bylaw.

Then, Council may give written notice to the consumer of the alleged breach, the steps which Council requires the consumer to take to remedy that breach and stating the period, being not less than 7 days, within which Council requires that breach to be remedied.

- 12.2 If the consumer fails to comply with any notice issued under clause 11.1, Council shall be entitled to seek such remedy or payment of unpaid monies under other statutory or legal provisions without further notice, and without prejudice to any other remedy, which it may have.
- 12.3 If following the unlikely event of disconnection [disconnection will apply only to controlled and conditional discharges], the Council agrees to restore connection, and may first require payment of all or any of the following:
- All outstanding fees and charges (except for any sum genuinely in dispute)
 - Such sum which reimburses Council for the reasonable legal and administrative costs or expenses incurred by Council in issuing the notice under clause 11.1
 - Such costs incurred in disconnecting the connection and carrying out repairs or adjustments under this clause
 - Fees and charges that apply

The Council may also require the consumer to agree to such additional conditions for the future connection to the network as are reasonable with consideration of all circumstances relevant to the connection in question.

13. PROHIBITION OR RESTRICTION OF CONNECTION

- 13.1 There will be no prohibition or restriction of discharge to a connection unless a discharge type is altered without approval (Clause 6.3) or where the rate of flow exceeds allowable maximum values allowed (Clause 3.4). Where such a discharge continues, without application to change the approval and without subsequent permission, or where the Consumer fails to manage flows after written warning from Council to seek correction, the continued discharge is deemed to breach this bylaw and be an offence under this bylaw.

14. DISPUTE RESOLUTION

- 14.1 In any case where a dispute arises between Council and any consumer(s), the parties are to agree to meet and work together in good faith to resolve promptly any dispute arising under this bylaw and the associated specifications.
- 14.2 Failure to resolve disputes will require mediation using the same panel structure as in this bylaw or through conventional legal avenues for resolving such disputes.