



Statement of Proposal

Kaipara District

Wastewater Drainage Policy and

Wastewater Drainage Bylaw 2016

March 2016



Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

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PART I

Statement of Proposal

1 Introduction

The Kaipara District Council Wastewater Drainage Bylaw 2009 has been reviewed under s158 of the Local Government Act 2002 (LGA02). Amendments have been made to include provisions relating to onsite Wastewater Disposal Systems. Council can make a Bylaw under s146 of LGA02 to regulate public wastewater systems and onsite wastewater disposal systems. This allows Council to be proactive in managing all wastewater systems, public or private to prevent major issues from occurring.

2 Background

The Wastewater Drainage Policy (the “Policy”) and Wastewater Drainage Bylaw (the “Bylaw”) was first put in place in 2009 after the introduction of the Mangawhai Community Wastewater Scheme, in order to ensure the reliability of the wastewater system. This also provided the means to help protect all wastewater system assets in the Kaipara district from inappropriate development and inappropriate discharges into these public systems. This in turn ensures the reliability of all wastewater systems throughout the Kaipara district.

The Bylaw sets out the terms of building near or over existing wastewater lines to provide greater certainty for people wanting to build on their land. The Policy and Bylaw also ensures that wastewater discharges will match the requirements of Council’s wastewater treatment schemes and provide enforcement avenues. The Bylaw is applicable to all existing wastewater schemes throughout the district.

The current Policy and Bylaw establishes and defines the obligations and responsibilities of landowners who connect to the public wastewater systems. The Policy and Bylaw defines the point at which Council’s sewer system ends and a private drain begins. It also defines Council’s actions during emergencies and defines maintenance obligations with regard to Council and private drainage systems. The current review proposes no major changes in respect of these matters.

Onsite wastewater systems – Inspection and maintenance regime

Onsite wastewater systems are not usually seen as the main cause of pollution, however they can and do contribute significantly to the deterioration in water quality in areas with sensitive environments or high densities of onsite systems. Apart from the environmental effects caused by the discharge of partially treated or untreated wastewater, failing onsite systems also pose a health risk to people through direct contact with untreated wastewater.

Ongoing maintenance backed up by regular inspections can play a significant role in improving the performance of wastewater systems. Unfortunately, some people do not understand or recognise the importance of managing and maintaining their onsite system and some may not even be aware their wastewater is treated by an onsite system.

The performance of onsite systems throughout the district varies according to individual local factors. Variability in onsite performance could be due to geology, climate, design and installation, lot size and the age of the community.

Therefore it is proposed through this review of the Policy and Bylaw to include a warrant of fitness (WOF) system. This will involve requiring property owners to undertake an inspection and maintenance regime for their onsite wastewater systems by a suitably qualified person. The regime will be applied to all systems located in areas zoned Residential or properties within 300m of a coast (east/west coasts) or within 300m of a harbour (Mangawhai Harbour and Kaipara Harbour) or within 300m of the Kai Iwi Lakes, regardless of age or location to ensure they are working properly. If systems are working properly then health and environmental issues are minimised and no further action is required until the next maintenance report is due. The type of onsite wastewater system that is in place will determine when inspections and maintenance are to occur.

If an onsite wastewater system is found to not be functioning as it should then corrective actions will be required. Northland Regional Council (NRC) will also be informed of any failing systems and they may respond on behalf of Kaipara District Council (KDC) notifying what corrective actions need to be taken. The Bylaw allows for onsite wastewater systems to be connected to a public system, at the owners' expense, where available in the event that an owner does not undertake the necessary corrective actions to ensure that their system is working as it should and requirements under s459 of LGA02 are met. If there is no public system available then Council may undertake the work on an onsite system to ensure it is functioning as it should and then charge back to the owners. Council may also prosecute an owner for not complying with the Bylaw.

3 The Issues – Public Wastewater Systems

3.1 Private connections

The Bylaw outlines the number of private drains that can be connected together before it becomes desirable to be declared a public sewer that is to be maintained by Council or allow further connections. The greater the number of connections to a private drain, the greater the potential for disputes between neighbours, when one owner needs to dig up their neighbour's property to fix a blockage problem. The Local Government Act 1974 (LGA74) specifies a procedure for dealing with such situations. The Bylaw recommends a maximum of five users to a private drain and treats any part of a drain in Council road reserve as public so that the prospect of unco-ordinated, unauthorised opening up of a Council road reserve is avoided.

3.2 Wastewater quality entering Council's wastewater systems

Council's wastewater treatment schemes have been designed with certain assumptions about the quality of wastewater discharging into the system; generally nothing more challenging than domestic wastewater is acceptable. Special arrangements need to be made for industrial and trade waste. For consistency with the onsite wastewater proposal, a change has been made whereby Council may require connection to a public wastewater system under s459(1) of LGA74.

3.3 Construction on or near public drains

A further issue is establishing the terms on how close to a public sewer a building may be built, and the conditions that will apply. The Bylaw sets out the parameters within which this is allowed, so that people will have greater certainty over developing their properties, and the risk of damage to Council property is minimised.

3.4 The Bylaw establishes:

- What can be connected to the system;
- Emergency actions;
- Respective liabilities of the parties;
- How house drainage may be designed and installed;
- Quality of wastewater i.e. no trade wastes;
- Breaches and remedies;
- What is required for approval for connection to a Council sewer system; and
- System failures and their impacts on customers.

Under the Bylaw:

- Customers will be obligated to meet the restrictions that form part of the Bylaw with regard to flows and also to install waste minimisation devices;
- Council and its agents will be permitted to access premises; and
- Provision will be made for the management of private drainage systems with multiple connections.

4 The Issues - Onsite wastewater treatment systems

4.1 Sensitive receiving environments

The Kaipara District Plan recognises the importance of natural and physical resources, the life-supporting processes they contribute to the people, the mauri or life force that binds these environments together, and the value placed by the district's residents on these sensitive receiving environments. These environments are largely along or around waterways within the district.

There is well documented evidence and acceptance that privately owned onsite wastewater systems at Mangawhai have contributed to the degradation of the water quality in the Mangawhai Harbour with associated public health, safety and environmental issues. Onsite wastewater systems are still a concern for the ongoing health of sensitive receiving environments. Despite a new wastewater system in Mangawhai there are ongoing concerns regarding onsite wastewater system failures around the area and the potential continuation of the degradation of water quality in the Mangawhai Harbour with associated public health, safety and environmental issues. There are still some septic tank connections within the Mangawhai Wastewater Drainage District.

However, environmental and health concerns are not limited to the Mangawhai catchment. Kaipara has a number of small settlements near water, including the Kaipara Harbour and open coast. Pinpointing problems with onsite wastewater systems is difficult without inspections.

Environmental and health issues may be caused by more than one failing onsite wastewater system in settlements. It is proposed to have an inspection and maintenance regime in place for these areas i.e. Residentially zoned areas as identified in the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawhai and Kaipara Harbours and 300m from the Kai Iwi Lakes.

A proper functioning onsite wastewater system or connection to a community wastewater system is the best way to address these issues. The only way to be sure if an onsite wastewater system is functioning properly is to undertake inspections.

4.2 Effects of failing onsite systems on environment and health.

The untreated or partially treated wastewater discharging from failing systems contains pathogens and nutrients that can be harmful to humans and the environment. Wastewater may accumulate on the ground, percolate into the groundwater or flow into nearby waterways. This poses public health risks and can cause damage to terrestrial and aquatic environments. The effects of untreated or partially treated effluent discharging to the environment can include:

- disease in people (especially young children) having direct contact with wastewater lying on the ground surface;
- disease in people caused by drinking contaminated water (usually from shallow groundwater bores located near disposal fields);
- flies and mosquitoes breeding in ponded effluent;
- disease in people from contact recreation (swimming and paddling) in contaminated stormwater drains, streams, lakes, estuaries and beaches;
- disease in people caused by eating contaminated shellfish, either from private or commercial shellfish gathering (shellfish tend to concentrate the pathogens that occur in the water, making their consumption a higher risk than contact with the water itself);
- economic effects caused by having to close shellfish farms;
- nuisance weed growth and/or algal blooms caused by elevated nutrient levels, which can have secondary effects on people and aquatic animals from algal toxin reactions;
- deterioration of freshwater ecosystems due to reduced water quality; and
- permanent soil degradation caused by high levels of sodium and other salts from washing powders being disposed of through disposal fields.

The impact of individual discharges from onsite systems on the environment is often small in comparison with other activities. However, when the individual contributions of multiple systems are combined, the cumulative effect can be quite significant.

4.3 Lack of maintenance regimes for onsite wastewater systems

To operate effectively, onsite systems (including the disposal field) must be designed, installed, operated and maintained correctly, and with new systems operated in accordance with the manufacturer's guidelines. The property owner or occupier plays an important role in managing what goes into their system and ensuring that the system receives regular servicing and

maintenance as and when required. Regular servicing and maintenance are crucial to ensuring a system continues to effectively treat domestic wastewater.

In many cases a lack of ongoing servicing and regular maintenance contributes to a system failing. The reasons for failures are varied, however often it is simply that the property owner or occupier does not know how to manage and maintain their system. Some failures are due to poor installation or the siting of systems in inappropriate locations (e.g. areas with high groundwater). Others may have just reached the end of their effective lifespan and need replacing. Appropriate management and regular maintenance can help identify problems early and reduce the need for costly repairs, with the added benefit of improving the lifespan of what is a very expensive part of a home that is not connected to a public sewerage system.

In general, 'failure' is defined as the situation where inadequately treated wastewater enters groundwater or surface water, creating an environmental risk, or rises to the ground surface, creating a risk to human health. This can occur through:

- inadequate management of the system (e.g. disposing of unsuitable items or chemicals or not pumping out the tank when required);
- the septic tank leaking directly into the ground through cracks in the tank walls and joints;
- the onsite system being connected, either intentionally or by accident, to stormwater;
- pipes or open stormwater drains, leading to overloading;
- the pipes in the disposal field becoming blocked, causing concentrated wastewater to discharge into the ground;
- the disposal field soil not being permeable enough, causing wastewater to rise to the ground surface (run-off to surface waters or discharge directly into groundwater through large cracks in the soil is possible);
- the disposal field soil being too permeable (e.g. coarse sands or gravels), allowing the wastewater to enter groundwater without adequate treatment in the unsaturated soil (removal of contaminants such as pathogens is much more effective in unsaturated than saturated soils);
- the disposal field being too close to the groundwater table (in high groundwater situations), allowing the wastewater to enter the groundwater without adequate treatment (contaminated groundwater can then flow into surface waters, contaminating those surface waters);
- the system not having enough capacity for the size of the dwelling.

5 Options

Council has essentially six options when deciding whether or not to implement the Policy and Bylaw throughout the district.

- i) Status Quo: Have existing Policy and Bylaw, which outlines who is responsible for what, and having clear building guidelines near public wastewater systems. Have no onsite wastewater system provisions, which means that onsite wastewater systems are not monitored.

- ii) Separate Policy and Bylaws for reticulated public wastewater systems and for onsite wastewater systems.
- iii) District-wide Policy and Bylaw for both reticulated public wastewater systems and onsite wastewater systems (Preferred Option).
- iv) No Policy and Bylaw under LGA02 and LGA74 and rely on other provisions under other Acts.
- v) Require reticulation of all communities and no onsite Policy or Bylaw provisions.
- vi) Education and awareness-raising through guidance and training.

6 Assessment of Options

i) Status Quo

The status quo is able to address most of the potential problems identified and inform people of where Council's and individual's responsibilities start and stop, and provide ease of administration of Council's monitoring and building control functions with regards to public wastewater schemes. The status quo also has enforcement mechanisms should any of Council's public wastewater assets be compromised. However this option does not address onsite wastewater systems. There are concerns with onsite wastewater systems throughout the district that need to be directly addressed through an inspection and maintenance regime (WOF). The degradation of sensitive receiving environments is also a concern throughout the Kaipara district, particularly Mangawhai Harbour and Kaipara Harbour.

ii) Separate Policy and Bylaw for public wastewater systems and onsite wastewater systems

S146(a)(i) of LGA02 allows Council to make Bylaws to regulate onsite wastewater disposal systems. S146(b)(iii) of LGA02 allows Council to make a Bylaw to help protect the integrity of wastewater infrastructure either through management or regulations. Different provisions can be put in place for different parts of the District.

The fact that the onsite inspections and any remedial actions may require connection to a public wastewater system demonstrates that the two are connected and intertwined. Therefore having the one policy allows for a 'one stop shop'. However the ability to make available relevant information when requested would be easier for a particular circumstance, if the two sets of circumstances were addressed in separate Policies and Bylaws. This is more a matter of preference as to whether or not the two different systems – public and individual are kept separate or are contained in the same document. Both would still address the issues and stipulate the same management options.

iii) District-wide Policy and Bylaw for both reticulated public wastewater systems and onsite wastewater systems (Preferred Option)

This approach seeks to protect public wastewater assets and to proactively manage onsite wastewater systems to ensure environmental and public health issues do not arise.

Requiring inspections and maintenance to be undertaken for onsite wastewater systems means that the potential for degradation of sensitive receiving environments is minimised. The on-flow effect of this is that public health issues are also minimised. The new requirements for onsite wastewater systems will ensure that such systems are maintained and functioning as they should be and in doing so minimise the risk to the environment and public health. It is proposed to undertake inspections and maintenance at least every three years or sooner as recommended by the systems manufacturer and/or designer. This approach can be seen as being proactive about managing all onsite wastewater systems.

As with Option ii), s146(a)(i) of LGA02 allows Council to make Bylaws to regulate onsite wastewater disposal systems. S146(b)(iii) of LGA02 allows Council to make a Bylaw to help protect the integrity of wastewater infrastructure either through management or regulations. Different provisions can be put in place for different parts of the district.

This approach will be able to consistently address most of the potential problems identified with reticulated wastewater systems and onsite wastewater systems across the district. It will serve to inform people of the responsibility of Council and individuals consistently across the district regardless of wastewater disposal methods.

iv) No Policy and Bylaw under the Local Government Act 2002 /1974 and rely on provisions under other Acts

Having no Bylaw would mean that Council has fewer enforcement options available and fewer mechanisms to fall back on should something go wrong. It becomes less clear as to what is expected of the general public for both public wastewater schemes and for onsite private wastewater systems. The Policy in itself would be able to provide some guidance as to the expectations of the public, however this cannot be enforced other than through a Bylaw. This option does not protect Council (public) assets and does not protect the environment.

Onsite systems are controlled by a number of pieces of legislation, including:

- the Building Act 2004 (through the Building Code);
- the Health Act 1956;
- the Resource Management Act 1991 (RMA).

The Building Code has specific requirements covering the design and installation of onsite systems. The Building Act 2004 deals with ensuring onsite wastewater systems are installed correctly. This includes ensuring that the systems will meet the potential demand of the household and that the proposed system is the appropriate system given the environment in which it is to be installed. The Building Act 2004 does not deal with the ongoing maintenance of the systems, however it does allow for corrective action to be taken in cases of a major failure, usually at significant cost to the landowner. It does **not allow** for active management of the onsite wastewater systems. Regular maintenance and inspections should be able to identify issues early on thereby potentially minimising the cost to owners to rectify the situation and significant cost to the environment.

In contrast, the Health Act 1956 has powers that can be invoked if an existing system is creating a nuisance or public health risk. The Health Act 1956 is used reactively, to address a major failure in an onsite wastewater system. The Health Act 1956 also allows Council to make Bylaws for preventing and abating nuisances.

The Resource Management Act 1991 (RMA91) controls the environmental effects of discharges from onsite systems. Often a council may only become involved when serious problems have already occurred. NRC is responsible for monitoring privately owned communal wastewater schemes, however there is currently no monitoring of individual onsite wastewater schemes (septic tanks). Instead NRC will only investigate a failing individual onsite wastewater system if a complaint is received and then they and/or KDC can take any necessary action. The Regional Council has rules in the Regional Water and Soil Plan for Northland Plan and The Regional Air Quality Plan for Northland that govern the types of acceptable onsite wastewater systems for different situations. In some cases resource consent conditions require a particular design to be used.

Building consents are issued for onsite wastewater systems as long as they meet the requirements under AS/NZS standard 1547:2012 'Onsite Domestic Wastewater Management' or meet the requirements in an engineering standard TP58. TP58 is considered an alternative design under the Building Code.

These Acts are generally reactive in addressing major failures as they occur. This can be costly to owners to repair or replace a system and create adverse effects on the environment. Costs can be minimised by dealing with small issues as they occur rather than waiting for a major failure to occur. A proactive approach is therefore considered warranted.

v) Reticulation

Reticulation could remedy issues through the centralised management of wastewater treatment. However, if the issue is as simple as poor management of existing onsite systems, then reticulation may not be a cost-effective solution, especially where existing systems may still be in a functioning condition. A move to reticulation may also penalise onsite system owners who currently manage and maintain their systems appropriately. It would be contrary to the 'polluter pays' principle to require homeowners with functioning systems to pay the cost of remedying problems they may not have contributed to.

However, there are situations where improving the management of existing onsite systems is not an option and reticulation is likely to be the only cost-effective and environmentally sound solution (e.g. in areas with poorly draining soils, high water tables, small lot sizes and high density residential use). Improved management of onsite systems is likely to reduce the number and effects of failing systems and reduce the need for reticulation. Wastewater systems are expensive to put in place and in many cases it is likely that the cost would outweigh the benefits associated with putting in place a reticulated system. Given that most failures of onsite wastewater systems are likely to be due to lack of maintenance; by addressing maintenance, the need for a reticulated system can be avoided.

iv) Education and awareness-raising through guidance and training

There is already a significant range of resources developed by central and local government to educate system owners in an effort to reduce the adverse effects from poorly operating or failing systems.

These resources include:

- design and installation guidelines and requirements; and
- guidance on the operation and maintenance of onsite systems, including best practice guidelines on how to manage a system and avoid failures through correct operation and maintenance.

The information is readily available to system owners online and through pamphlets and booklets. It is unlikely that further guidance and training would, on its own, achieve the Policy objective of proactively managing the performance of onsite systems to reduce the number of failing systems and minimising potential environmental and health issues associated with failing onsite wastewater systems. There is already a significant amount of information available. This option relies on the motivation and goodwill of individuals. There will always be some property owners who will not properly manage their wastewater system regardless of the information available.

To help better inform people Council is looking to provide maintenance system booklets when a building consent is granted.

7 Other considerations

7.1 Costs

Under the RMA91, councils are not able to directly recover the costs of monitoring permitted activities and have competing demands for limited financial resources for environmental monitoring. The result is that often councils simply do not have the ability to monitor activities such as discharges from onsite systems.

A cost-effective way to provide a WOF regime is to undertake an inspection of the system when maintenance is undertaken, and the owner then provides Council with a maintenance report.

The cost to undertake the inspections and maintenance is at the owners' cost. Fees and Charges will be applied by Council whereby follow-up inspections and/or maintenance has been undertaken by Council. Most new systems already have maintenance agreements included so no new associated costs would be expected for these systems.

For older systems that involve just a primary system the main cost is associated with the regular cleaning of the tank. There are four main septic tank cleaners operating within the Kaipara District. They were contacted in order to get an idea of the cost to empty a single septic tank. Three of the providers estimated the following costs; for the Dargaville area, the cost was between \$360-\$455 (including GST), however if the septic tank cleanout was to occur at Pouto the costs were between \$450-\$600. The fourth provider undertakes septic tank cleaning more on the eastern side of the District. These were estimated at about \$350 for the Mangawhai area

and about \$480 towards the Ruawai area. Variances or changes in prices might occur if the contractor is cleaning more than one tank in the same vicinity on the same day (price could be less) or the volume removed may affect the price (could be more).

There are a number of drainlayers that work within the Kaipara District. Ballpark costs were sought by a few of them. The difficulty with obtaining figures arise from onsite variables, include house size, soil conditions and what the issue is. A complete new field could be anywhere from \$4,000 upwards depending on the type of field put in place and other variables as mentioned above. Cost of repairs presents the same issue, depends on system and local conditions.

It needs to be noted that property owners in the absence of a Bylaw still need to ensure that their onsite wastewater system is functioning properly. The Bylaw allows Council to ensure that they are.

7.2 Priority areas

Council has an option of prioritising onsite inspections and maintenance regime on particular areas in the district. It is important here to note the significance of cumulative effects. Although the periodic release of insufficiently treated wastewater (containing nutrients and pathogens) from a single onsite system may pose a health risk to people living in the household, it may not adversely affect the environment or lead to offsite effects. Natural processes such as absorption, assimilation, filtration and die-off of organisms may render the impact of a discharge undetectable. However, when the influence of a number of systems is combined, the cumulative risks to human health and the cumulative effects on the environment can be significant. Other variables such as poorly draining soils, high water tables and small lot sizes can also influence the effects that are experienced. Therefore where there is an actual or potential risk to the environment from onsite systems within recognised sensitive receiving environments, priority has been given to these areas. These areas being within Residentially zoned areas as identified in the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawhai and Kaipara Harbours and 300m from the Kai Iwi Lakes. This focus is therefore on areas where there would be the greatest benefit when administering this Policy and associated Bylaw.

8 Form of Bylaw

Having decided that a Bylaw is the most appropriate way to address potential problems associated with wastewater drainage within the Kaipara district, Council is also required to consider whether the proposed Bylaw is the most appropriate form of Bylaw and if there are any implications under the New Zealand Bill of Rights Act 1990 ("Bill of Rights").

Council staff have been working in collaboration with Council's engineer and Building Team to review information surrounding the perceived problems and determine if the Policy and Bylaw meet the management requirements for the Kaipara district for both public wastewater schemes and individual onsite wastewater systems.

People will have a chance to make submissions and be heard on any aspect of the proposed Bylaw.

9 Bill of Rights

The Bill of Rights has been considered in the preparation of this proposed Bylaw. It is considered that the Bylaw as proposed does not give rise to any implications under the Bill of Rights and is not inconsistent with that Bill of Rights.

10 Summary of reasons for the proposed Policy and Bylaw

- i) The Policy and Bylaw will help manage foreseeable issues with public wastewater systems in a timely manner, which could otherwise enable untimely delays.
- ii) The Policy and Bylaw proactively manage onsite wastewater systems, minimising the potential and extent of any failures in any given system. Ultimately reducing significant costs for owners, and reducing potential environmental and health issues should they occur.
- iii) Policy and Bylaw ensures consistency throughout the district in Council decision-making, should other wastewater schemes be constructed and with managing new and current onsite wastewater systems.
- iv) While the Policy gives guidelines on how wastewater drainage is to be managed, the Bylaw is required to ensure that the Policy is implemented and enforced if required.

PART II

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 < Date > 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 all Residentially zoned areas as identified in the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawai and Kaipara Harbours and 300m from the Kai Iwi 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 <Date> 2016.

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

'Premises' means either:

- a) A property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued and for which a building consent has been or may be issued; or

- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- d) Individual units in buildings, which are separately leased 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
- 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 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.

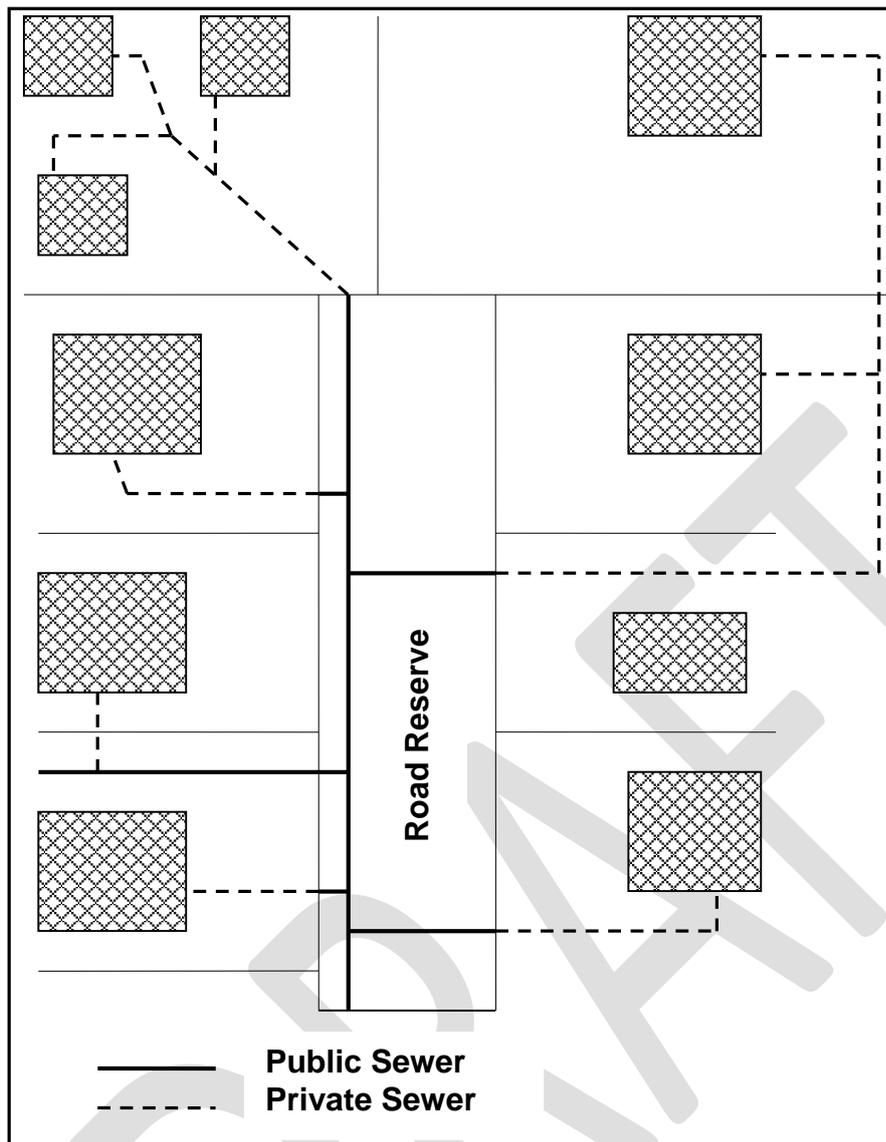
Unless otherwise approved there shall be one point of discharge only for each premise and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

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;
- b) 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.

15.5 Swimming pools

Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres 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 within all Residentially zoned areas as identified within the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawhai and Kaipara Harbours and 300m from the Kai Iwi Lakes.

- 16.5** 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".
- 16.6** 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.
- 16.7** After each inspection, the suitably qualified person will complete a report on the onsite wastewater system, for the property owner to provide to Council.
- 16.8** 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.
- 16.9** 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:

- a) where the "private drain" from the "premises" can lawfully be required to connect to 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
 - b) where the "private drain" from the premises cannot lawfully be required to connect to a 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.
- 16.10** 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

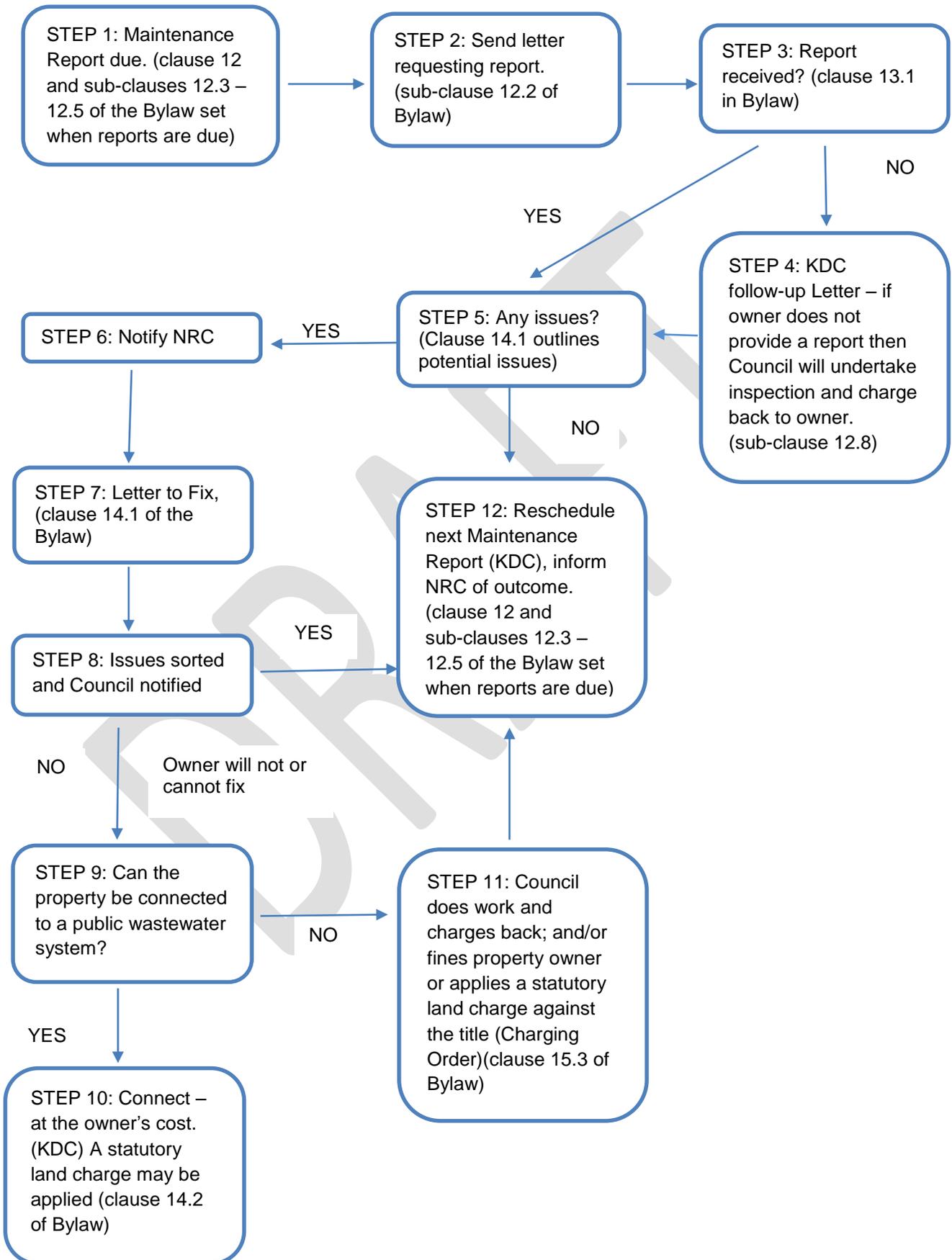
The discharge and acceptance of wastewater is subject to a number of Acts, Regulations, Bylaws, Codes and Standards the most relevant of which are listed below.

- 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;

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- 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,

Schedule B – Onsite Wastewater Systems – Maintenance and Inspection (Warrant of Fitness)

Process Flowchart



PART III

Kaipara District Wastewater Drainage Bylaw

1 Introduction

The Bylaw places obligations on persons using public and private wastewater systems and provides clarity on all steps to be taken to connect to public systems and to operate and maintain private systems.

The Bylaw imposes requirements on:

- a) persons connected to a public wastewater system, who are to operate and maintain “private connection works” and protect the public wastewater system from damage and misuse that has the potential to create a nuisance and adversely affect the environment and public health.
- b) owners of onsite wastewater treatment systems in the Kaipara district to ensure that private onsite wastewater disposal systems are installed, operated, repaired or extended, and is done so under the required standards of KDC, and that they are assessed and maintained at regular intervals as required under the WOF programme.
- c) Requiring connection to a Council wastewater system where available where onsite systems are creating a nuisance or are adversely affecting the environment.

The “operative date” of this Bylaw is **< Date >** 2016.

2 Purpose of Bylaw

This Bylaw is to give effect to the Kaipara Wastewater Drainage Policy 2016. The Bylaw is made under s145 and s146 of LGA02 and s64 of the Health Act with the principal purposes of:

- a) improving, promoting, or protecting public health, and preventing or abating nuisances;
- b) regulating drainage and the collection and disposal of sewage, and prescribing conditions to be observed in the design and construction of approved drains, to protect the public wastewater system from damage and misuse that has the potential to create a nuisance and adversely affect the environment and public health;
- c) regulating onsite wastewater systems; and
- d) providing for the inspection of any land or premises for the purposes of this Bylaw.

3 Definitions

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

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

'Allotment' means:

- a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b) any parcel of land or building or part of a building that is shown or identified separately—
 - (i) on a survey plan; or
 - (ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- c) any unit on a unit plan; or
- d) any parcel of land not subject to the Land Transfer Act 1952.

'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.

'Alternative systems' means onsite systems that separate all, or some of, the greywater from toilet wastewater for treatment. This may result in two separate wastewater streams that require disposal.

'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.

'Code Compliance Certificate' means a certificate issued under s96 of the Building Act 2004 or under s43 of the Building Act 1991.

'Council' means Kaipara District Council.

'Coverage Area' means all Residentially zoned areas as identified in the Kaipara District Plan and to all land irrespective of zoning that is 300m from the east coast/west coast, 300m from the Mangawhai and Kaipara Harbours and 300m from the Kai Iwi 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 Council's public sewer.

'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 and approved by Council.

'Mechanical systems' means any system designed for the disposal of wastewater which operates in a mechanical way, and is driven by a power source, which is not a conventional septic tank or similar type system.

'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 <Date> 2016.

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

'Premises' means either:

- a) A property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued and for which a building consent has been or may be issued; or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- d) Individual units in buildings, which are separately leased 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.

'Septic tank' means any fixed receptacle installed outside of a building designed for the reception and disintegration of solid matters in wastewater by methods which do not involve mechanical processes, and includes the drainage fields.

'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' 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
- 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 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 Council's 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.

'Trunk sewer' means a sewer, generally greater than 150mm in diameter, which forms a part of the principal reticulation network of Council's wastewater system.

'Unacceptable discharge' means a wastewater which is not acceptable for discharge into the Council 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.

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Part A – Public wastewater systems

4 Acceptance of discharge

4.1 Wastewater

Every premise shall be entitled to have its wastewater accepted to a wastewater system by Council subject to:

- a) The premises lying within a service area if such an area has been designated by Council; and
- b) The premises lying within an area which is served by a public drain; and
- c) Payment of the appropriate rates and charges in respect of those premises in general and wastewater services in particular; and
- d) Compliance with all requirements of this Bylaw.

Council may require connection of premises to a public wastewater system under s459(1) of LGA74.

4.2 Trade waste

Premises which produce trade wastes which have characteristics outside of those specified for Acceptable Discharge in Schedule A, 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.

5 Approval to connect

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

6 Continuity of discharge

Council does not guarantee to receive wastewater without interruption, however will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

7 Premises

7.1 Flow rate

The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres per second. Council may also set a maximum daily flow rate discharged from a domestic premise.

7.2 Unacceptable discharges

No wastewater, that does not meet the characteristics of Acceptable Discharge in Schedule A, shall be discharged into the wastewater system, except with the written agreement of Council.

7.3 Prevention of inflow and infiltration

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

8 Disconnection

A customer shall give seven working days' notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the sewer has been disconnected to Council's satisfaction. At the owners' cost an inspection by Council shall be undertaken to ensure the drain has been capped correctly.

If relaying of a private drain is required a customer shall give two working days' notice in writing to Council of his or her requirement for disconnection of the discharge connections.

9 Protection of public wastewater systems

9.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in s9.2 to s9.4 shall apply. Other restrictions may be applied by Council for the protection of the wastewater system after consideration of proposed work methods, depth of excavation, soil physical properties and other site-specific factors.

9.2 Building over buried services

a) Rising mains and trunk sewers:

- i) No building shall be built over a public rising main or trunk sewer, or closer to a rising main or trunk sewer than a distance calculated as the greater of:
 - a) 1.5 metres from the centre of any main or sewer; or
 - b) the depth of the centre line of the rising main or trunk sewer, plus the diameter of the rising main or trunk sewer pipe, plus 0.2 metres from the centre of that sewer, subject to compliance with s3.1 of NZS 3604 Timber Framed Buildings.

b) Other public sewers:

- i) No building shall be built over a public sewer, whether on public or private land;
- ii) No building shall be built closer than a distance calculated as the greater of:
 - a) 1.5 metres from the centre of any public sewer, or
 - b) the depth of the centreline of the sewer pipe, plus the diameter of the sewer pipe, plus 0.2 metres, subject to compliance with s3.1 of NZS 3604 Timber Framed Buildings.
- iii) Council may allow the diversion of a sewer, however design and construction must be to Council's standards and entirely at the applicant's expense.
- iv) Where (i), (ii) and (iii) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements stipulated by Council. These may include the provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and

relocatable construction (Schedule F has guidance on how you may build closer than 1.5 metres).

9.3 Loading or material over public sewers

No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by the NZTA Bridge Manual 3rd edition 2013).

No person shall place any additional material such as permanent structure or a tree over or near a public sewer without approval.

Service openings shall not be covered in any way without Council approval. Removal of any covering material or adjustment of the service opening shall be at the property owner's expense.

9.4 Excavation near public sewers

Except with the written approval of Council, no person shall excavate or carry out piling or similar work closer than:

- a) Five metres from the centre line of any rising main or trunk sewer; or
- b) Two metres from the centre line of any public sewer, without approval.

Such approval may impose conditions on the carrying out of any work near the sewer.

10 Storage of hazardous materials

The occupier or any premises shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's wastewater system or the health and safety of Council staff and the public, without taking all reasonable steps to prevent entry into Council's sewer from leakage, spillage or other mishap.

The occupier of any premise shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

Part B - Onsite wastewater disposal systems

This section applies to all types of onsite wastewater disposal systems within the coverage area. Note: Owners of properties who wish to install a new onsite wastewater disposal system on their properties are required to apply for a building consent in terms of the Building Act 2004. Schedule B contains a process map and Schedule C provides guidance on the information requirements.

11 Requirements

- 11.1** All wastewater generated on an allotment not serviced by Council's wastewater network must be treated and disposed of within the confines of the allotment or other land for which legal rights for such disposal have been obtained.
- 11.2** Any new building that has been designed for or is used for human habitation, and is located in a part of the district, where connection to a public wastewater system is not available, shall be permitted if:
- a) it is connected to an onsite wastewater system designed by a suitability qualified person for the purposes of, wastewater disposal, and approved by Council; and
 - b) the owner of the property on which that building is sited has submitted to Council a Maintenance and Operation Plan for the onsite wastewater disposal system that has been prepared by a suitably qualified person, and that Plan has been approved by Council.
- 11.3** Where an onsite wastewater system has been installed as part of a building consent, prior to the issue of a Code of Compliance Certificate the owner or developer will be required, after all relevant inspections including a final inspection of completed work, to provide Council with the following:
- a) an "as-built" plan of the completed installation including disposal field (e.g. dripper lines) and reserve field with accurate dimensions;
 - b) completion documents including commissioning certificate, PS3 or PS4, as may be required; and
 - c) A signed copy of any maintenance contract between property owner and appropriate suitability qualified wastewater maintenance contractor.
- 11.4** The Maintenance and Operation Plan must include the information specified in Schedule C.
- 11.5** No person shall connect any waste disposal unit to any onsite wastewater system that is installed, enlarged or replaced after the date of the coming into force of this Bylaw.
- 11.6** The owner of a property upon which an onsite wastewater disposal system is located shall ensure that work required by the Maintenance and Operation Plan is carried out to the full extent, in the manner, to the standard and at such intervals and times as are stated in that Plan.

11.7 It is the property owners' responsibility to operate, clean and maintain an onsite wastewater disposal system at all times to ensure the full effectiveness of the system and that it does not create or cause a nuisance to health or the environment.

12 Maintenance requirements

12.1 All onsite wastewater treatment systems in the coverage area shall be subject to a maintenance and performance inspection and approval programme.

12.2 Council will notify property owners one month prior, when maintenance and inspections are due on their onsite wastewater system (step 2 in process diagram in Schedule B).

12.3 Council requires that every onsite wastewater disposal system of a septic tank or similar type system, be inspected and maintained by property owners at periods of not more than three yearly intervals, or otherwise in accordance with the manufacture or designer's maintenance recommendations'(step 1 and step 12 in process diagram in Schedule B); or

12.4 The owner of every property on which an onsite wastewater disposal system of a mechanical type is installed, shall have the system inspected and maintenance carried out by a suitably qualified person in accordance with the manufacturers and/or designer's instructions and recommendations (step 1 and step 12 in process diagram in Schedule B); or

12.5 The owner of every property on which an onsite wastewater disposal system of an alternative system type (new and existing) is installed, shall have inspections and maintenance carried out by a suitably qualified person in accordance with the manufacturer's and/or designer instructions and recommendations (step 1 and step 12 in process diagram in Schedule B) .

12.6 The maintenance referred to in clause 12.2, includes the de-sludging of the tank and a full site assessment by a suitably qualified person, as detailed in Schedule E to this Bylaw. Maintenance and inspections of Mechanical and Alternative Systems (s12.3 and s12.4), will be in the form that is provided in the Maintenance and Operation Plan required in clause 11.2 where there is one, or otherwise in accordance with the manufacturer's and/or designer's instructions and recommendations .

12.7 The owner/owners of 'premises' served by the onsite wastewater treatment system shall be responsible for the costs of inspection and maintenance.

12.8 If the owner fails to maintain the onsite wastewater disposal system as required by clause 12 Council may give notice to the owner of the land on which the onsite wastewater disposal system is located, requiring the owner to carry out such work, at the owners cost (step 4 in process diagram in Schedule B).

12.9 All de-sludging activities shall be carried out by an approved septic tank cleaning contractor. All sludge removed shall be disposed of at an approved septage receiving facility.

13 Supply and keeping of records

13.1 Every owner of a property within the coverage area, on which an onsite wastewater disposal system is installed shall provide evidence to Council in the form of a report from a suitability qualified person, to show that their disposal system has been assessed and/or maintained in accordance with clause 12 of this Bylaw (refer to Schedule E of this Bylaw) (step 3 in process diagram in Schedule B).

14 Requirement to connect or fix

14.1 Clauses 14.2, 14.3, and 14.4 will apply if Council forms the view that:

- (i) any maintenance or repair work is needed in order to ensure any onsite wastewater disposal system is able to continue to operate as designed:-
 - a) in compliance with the requirements of the Building Code; or
 - b) in compliance with all of the conditions of any building consent; or
 - c) in a sanitary and efficient manner; or
 - d) in a manner that is not likely to contaminate any water course or land; or
- (ii) work required under the Maintenance and Operation Plan (refer to clause 11.2) applying to that site has not been undertaken (step 5 in process diagram in Schedule B).

14.2 Where the private drain from the premises cannot be required pursuant to s459 LGA74 to connect to a public wastewater system Council may give notice to the owner of the land on which the onsite wastewater disposal system is located, requiring the owner to carry out such maintenance and repair work, at the owner's cost. When that work has been completed the owner will advise Council and provide evidence of a further inspection by a suitability qualified person verifying compliance with clause 14.1(i) or (ii) as the case may be. The system shall be deemed to remain compliant until the repairs have been completed or for a period of three months whichever is the lesser (step 7 in process diagram in Schedule B).

14.3 Where the private drain from the premises can lawfully be required to connect to a public wastewater system pursuant to s459 LGA74, Council may serve notice requiring connection under s459(1) of that Act (or serve notice under the Building Act 2004 if dangerous or insanitary) (step 9 in process diagram in Schedule B).

14.4 Where filters are required to be installed this shall be done at the expense of the owner of the property.

15 Inspections and Failure to Fix

15.1 It shall be the owner's responsibility to ensure that access to any onsite wastewater disposal system tanks or holding vessels shall be free of obstruction when maintenance contractors are required to carry out work.

15.2 If given reasonable notice, taking into account the nature/urgency of inspection, no person shall deny access to a Council Officer or cause access to be impeded to premises, in order for the Council Officer to carry out an inspection.

15.3 Where an owner fails to undertake any works required pursuant to clause 14, Council may engage a suitability qualified person to undertake the remedial works and on-charge the costs to the owner of the property on which the onsite wastewater disposal system is located, or require connection to a public wastewater system (under s14.3), at the owner's expense. Charges will be in accordance with the Schedule D of the Bylaw.

Part C – Offences and penalties for breaches of the Bylaw

16 Offences

Every person commits an offence, who:

- a) fails to provide evidence of any assessment of an onsite wastewater system on their property in the manner described in clause 13.
- b) Acts contrary to, or fails to comply with any direction or prohibition given under this Bylaw.

17 Penalties for breaches of Bylaw

17.1 Every person who is convicted of an offence under this Bylaw is liable to a fine not exceeding \$20,000.

The foregoing Bylaw was made by the **Kaipara District Council** by Special Consultative Procedure and confirmed at a meeting of Council held on

This Bylaw becomes operative on

In witness whereof the Common Seal of the **Kaipara District Council** was hereunto affixed pursuant to a resolution of Council passed on in the presence of:

..... Mayor/Chair
..... Chief Executive

Schedule A - Acceptable discharge

The following physical and chemical characteristics are the maximum permissible for the acceptance of wastewater into the public sewer from each Point of Discharge. Any increases in any characteristic would be subject to Council approval and would require a specific separate agreement with the property owner and/or occupier:

Parameter	Maximum mg/litre (except for flow, pH units, temperature and SAR)
Flow	6,000 litres per day at no more than 2 l/s
(BOD), 5-Day Biochemical Oxygen Demand	300
(COD), Chemical Oxygen Demand	800
Total Suspended Solids	300
Total Phosphorous	12
Total K Nitrogen	50
Total Dissolved Solids	750
Temperature	<38 degrees C
Oil/grease - extractable material	80
Aluminium	20
Ammonia	50
Arsenic	0.018
Beryllium	0.2
Boron	0.5
Cadmium	0.0015
Chloride	350
Chromium	0.25
Cobalt	0.1
Copper	0.15
Cyanide	0.34
Fluoride	2
Formaldehyde	50
Iron	20
Lead	0.1
Lithium	5
Manganese	10
Magnesium	50
Mercury	0.001
Molybdenum	0.04
Nickel	0.05
Oil/grease	150

Parameter	Maximum mg/litre (except for flow, pH units, temperature and SAR)
pH range	6-9
Phenol	10
Phenol-cresol	16
Silver	5
Sodium Absorption Ratio	<8
Selenium	0.005
Sulphates	500
Vanadium	0.2
Zinc	0.3
DDT, (Dichloro-Diphenyl-Trichloroethane) DDD; and DDE	0.0004 0.0004 (Trigger for sum of DDT, DDD and DDE parameters)
Dieldrin substances (Organo Chlorine Pesticides)	0.0001 Trigger for sum of all Organo Chlorine Pesticides
PCBs, (polychlorinated Biphenyl)	0.002

**Schedule B – Onsite Wastewater Systems – Maintenance and Inspection (Warrant of Fitness)
Process Flowchart**

Please refer page 25 of this Statement of Proposal [Follow this link](#)

Schedule C – Design Performance standards for onsite wastewater treatment systems

Detail and definition required for clause 11.4 of this Bylaw

The information that shall be required and provided by a suitably qualified person, in terms of clause 11.4 shall include, however not be limited to, the following:

- a) The procedure for testing and commissioning of a new, repaired, enlarged or replaced onsite effluent disposal system.
- b) The size and contours, and intended use of the site on which such a system is to be located.
- c) The soil condition, including their permeability and stability, and the results of porosity tests.
- d) The vegetative cover.
- e) The groundwater and surface water conditions.
- f) The location of existing, and proposed location of future buildings (and their size and intended use), parking areas and driveways within the boundaries of the property (source of wastewater).
- g) The location and standard of access for future maintenance of the facilities.
- h) The position of any adjacent or nearby streams or waterways.
- i) The identification of any known natural hazards that there are on, adjacent to, or near the site.
- j) A detailed plan for the future maintenance and operation of the onsite effluent disposal system. This shall include a layout plan of the proposed system, discharge areas and future reserve discharge area.
- k) Type of wastewater treatment system and disposal system, including any Certified Design Calculations.
- l) Intended water supply.
- m) Council's requirement is for all septic tanks to have a 3mm effluent filter fitted to the outlet. Should the designer recommend a filter not to be installed then Council may waive this requirement.

and

- n) Any other information requested by Council to ensure compliance with the provisions of TP058 and ASNZS 1547:

and

The designer shall clarify that the proposed new, repaired, enlarged or replacement onsite wastewater disposal system has been designed, and will be constructed by a Registered Drainlayer, in accordance with the provisions of TP58/ ASNZS / ASNZS1546.1.2008/ASNZS1547:2012, or any subsequent amendments or variation to these standard.

Schedule D – Fees and Charges

The following Fees and Charges will apply for work that has had to be commissioned pursuant to the provisions of clause 15.3 of this Bylaw:

- 1 The full and actual costs incurred in the employing of trades persons to carry out the work (*All such work should be covered by a Council Purchase Order to the contractor or tradesman*).
- 2 The full cost of any materials that have had to be purchased by Council in relation to the work.
- 3 The full cost of any sampling and testing that may be required.
- 4 All consent costs (resource, discharge or building).
- 5 All engineer's fees, draughtperson's or architect's fees.
- 6 All inspections by an Environmental Health Officer or Council officer, at a rate for inspection as defined in Council's Schedule of Fees and Charges.
- 7 All travel incurred in the transportation of materials, Council officer's travel etcetera (at a per kilometre charge, as defined in Council's Schedule of Fees and Charges) or engineer's or any other agent's travel costs.
- 8 Administration time for handling of the organisation of the work, letterwriting or any other related work, at a rate for administration costs, as per Council's Schedule of Fees and Charges.

Current Schedule of Fees and Charges can be found on Council's website www.kapara.govt.nz

Schedule E – Onsite wastewater system inspection and maintenance reports

The purpose of this report is to provide minimum level inspection and maintenance reporting tools. However, for new onsite systems it is expected that the designer (as part of Schedule C) will produce site-specific 'future maintenance and operation' plan (refer Appendix C TP58) and shall have attached specific Inspection and Maintenance Reports.

DETAILS			
Date: / /	Time:	Day: MON TUE WED THU FRI SAT SUN	
Person's present on property during issue of notice:		Yes	No
Full Name			
Physical Address			
Telephone Number			
CHECKLIST			
SEPTIC TANK		COMMENTS	
Inlet/outlet pipe in place	Yes	No	
Is there an effluent filter fitted?	Yes	No	
Inlet/outlet pipe correct height	Yes	No	
Outlet pipe restricted	Yes	No	
Tank lid fitted	Yes	No	
Mushroom in place	Yes	No	
Access unobstructed	Yes	No	
SOAKAGE FIELD			
Evidence of effluent run-off	Yes	No	
Excessive growth on soakage field	Yes	No	
GREASE TRAP			
Is there a grease trap fitted?	Yes	No	
Type of grease trap	Yes	No	
Is grease trap connected?	Yes	No	
ADDITIONAL DETAILS			
ADDITIONAL NOTES:			
Septage removed: m ³		Where was the septage disposed?	
Further investigation by Council required:		Yes	No
Contractor's name:		Signed:	
Contractor's telephone number:			
Bylaws can be viewed at Council offices and online at www.kaipara.govt.nz			

Schedule F – Guidance on building less than 1.5 metres away from buried services

INSERT DIAGRAMS HERE