



**WAIPA DISTRICT COUNCIL
WASTEWATER DRAINAGE BYLAW
2011**

January 2011

CONTENTS PAGE

| | | |
|----|--------------------------------|----|
| 1 | INTRODUCTION AND OBJECTIVE | 2 |
| 2 | Acceptance of Discharge | 6 |
| 3 | Acceptance and Duration | 6 |
| 4 | Application to connect | 7 |
| 5 | Application | 7 |
| 6 | Subdivision | 7 |
| 7 | Continuity of Discharge | 7 |
| 8 | Premises | 7 |
| 9 | Point of Discharge | 8 |
| 10 | Disconnection | 12 |
| 11 | Public Drainage System | 12 |
| 12 | Working Around Buried Services | 13 |
| 13 | Customer's Drainage System | 14 |
| 14 | Storage of Hazardous Goods | 15 |
| 15 | Trees | 16 |
| 16 | Liability | 16 |
| 17 | Emergency | 16 |
| 18 | Maintenance and Repair | 16 |
| 19 | Blockages | 16 |
| 20 | Breaches and Remedies | 17 |
| 21 | Payment | 18 |
| 22 | Fees and charges | 18 |

1 INTRODUCTION AND OBJECTIVE

In exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 the Waipa District Council makes this Bylaw to control wastewater discharges.

This Bylaw is for wastewater drainage from both domestic and trade premises to Waipa District Council's wastewater system. The quality and quantity limits that separate domestic wastewater from trade waste are to be found in the Waipa District Council's Trade Waste Bylaw 2011.

This Bylaw shall be referred to as the Waipa District Council Wastewater Drainage Bylaw 2011 and, except for those parts declared to be limited or extended in their operation, it shall apply to the whole of the Waipa District as from time to time constituted.

Note: This bylaw has been based on the New Zealand Standard "NZS 9201: Part 22:1999 GENERAL BYLAWS – WASTEWATER DRAINAGE"

1.1 Commencement and Application

1.1.1 This Bylaw will come into force on 10 January 2011

1.2 Statutory Acts and Regulations

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:

- Building Act 2004
- Building Regulations 1992 (including the New Zealand Building Code)
- Hazardous Substances and New Organisms Act 1996
- Dangerous Goods Regulations 1980 & 1985
- Health Act 1956
- Health and Safety in Employment Act 1992
- Land Transfer Act 1952
- Local Government Act 1974
- Local Government Act 2002
- Property Law Act 1952
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Water Supply Protection Regulations 1961

Codes and Standards

- New Zealand 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
- Waipa District Council Trade Waste Bylaw 2005
- Waipa District Code of Practice for Subdivision and Land Developments

1.3 Definitions

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

| | |
|-----------------------------|--|
| Approval or approved | approval or approved in writing by Waipa District Council, either by resolution of the Council or by an officer of the Waipa District Council authorised for that purpose and shall be in writing. |
| Authorised officer | any officer of Council or other person authorised under Sections 174 or 177 or paragraph 32 of schedule 7 Local Government Act 2002 and authorised by Council to administer and enforce its Bylaws. |
| Buried services | all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of Waipa District Council as the wastewater authority. |
| Bylaw | refers to the Waipa District Council Wastewater Drainage Bylaw 2011 |
| Characteristic | any of the physical or chemical characteristics outlined in the current Trade Waste Bylaw. |
| Council | refers to the Waipa District Council as constituted by the Local Government Act 2002. |
| Customer | owner and/or occupier of premises who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to Council's public sewer. |
| Disconnection | the physical cutting and sealing off of any of the Council's water services, utilities, drains or sewer from use by any person. |
| Domestic wastewater | liquid wastes (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes but does not include any solids, liquids or gases that shall not lawfully be discharged into the wastewater system. |
| Infiltration | ground or surface water entering a public sewer or private wastewater drain through defects such as, but not limited to, poor joints and cracks in pipes or manholes. It does not include inflow. |
| Inflow | water discharged into the drainage network from non-complying connections or other drainage faults. It includes stormwater entering through illegal down pipe connections or from low gully traps. |
| Level of service | the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers. |
| Person | includes a corporation sole and also a body of |

| | |
|-------------------------------------|--|
| | persons whether incorporated or unincorporated. |
| Point of discharge | 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. |
| Premises | <ul style="list-style-type: none"> (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued, or (b) A building 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. |
| Private drain | the section of drain between the premises and the point of discharge to the Council wastewater system. (This section of drain is owned and maintained by the customer or with Council's express written approval a group of customers). |
| Publicly notified | published on at least one occasion in a newspaper circulating in the wastewater authority wastewater drainage area, or, under emergency conditions, by the most practical means available at that time. |
| Rising main | a sewer through which wastewater is pumped |
| Schedule of fees and charges | the list of items, terms and prices for services associated with the discharge of wastewater as approved by Council. |
| Service area | the district or part thereof for which the Council may provide a wastewater system, including, with the consent of the Council, any area within that district. |
| Service opening | a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer. |
| Sewer | 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. |
| Stormwater | surface water run-off resulting from precipitation. |
| Trade premises | <ul style="list-style-type: none"> (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 |

| | |
|-------------------------------|---|
| | <p>management purposes, or used for composting organic materials; or</p> <p>(c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or</p> <p>(d) Any other premises discharging other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.</p> |
| 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 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. |
| Trade waste bylaw | the Bylaw of the wastewater authority regulating wastewater discharges from trade premises to a sewer. Refers to the current Waipa District Council Trade Waste Bylaw. |
| Trunk sewer | a sewer, generally greater than 150 mm in diameter, which forms a part of the principal reticulation network of the wastewater authority's wastewater system. |
| Wastewater | water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer. |
| Waipa district council | means the Waipa District Council as constituted by the Local Government Act 2002 abbreviated to 'Council' |
| Wastewater system | the collection, treatment and disposal of sewage, domestic wastewater 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. |
| Wastewater authority | refers to Waipa District Council. |

2 Acceptance of Discharge

2.1 Domestic wastewater

Every domestic premises shall be entitled to have its wastewater accepted by the Council subject to:

- (a) The premises lying within a service area if such an area has been designated by the Council under the Local Government Act 2002, and

- (b) The premises lying within an area which is served by public sewers, and
 - (c) Payment of the appropriate fees and charges in respect of that premises in general and wastewater services in particular, and
 - (d) Fulfilment of the requirements of this Bylaw.
- 2.2 Domestic wastewater activities shall include the draining of domestic swimming and spa pools subject to a maximum discharge restriction (refer to subclause 13.4 and clause 8.1.1 of this Bylaw).
- 2.3 No domestic wastewaters shall:
- (a) exceed the substance limits scheduled in the Waipa District Council Trade Waste Bylaw 2011; or
 - (b) contain the substances that are prohibited as per the schedule in the Waipa District Council Trade Waste Bylaw 2011.
- 2.4 Where a portion of the domestic premise:
- (a) from which no trade waste could be produced, and
 - (b) from which no other persons apart from those living at those premises use
- then it shall be treated as domestic premises.

3 Acceptance and Duration

3.1 General

- 3.1.1 The Council shall continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made.
- 3.1.2 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.

Note: Refer to clause 20 of this Bylaw for remedies which are available. For the customer's obligations refer to clause 13 of this Bylaw.

3.2 Change of ownership

- 3.2.1 In the event of domestic premises changing ownership, the new owner/occupier shall automatically become the new customer of Council of that premises.

3.3 Trade waste

- 3.3.1 The acceptance of trade wastes is managed through the Waipa District Council Trade Waste Bylaw 2011.

4 Application to connect

- 4.1 No person other than Council approved contractors, shall without written approval from Council or its authorised officer, make any connection to or otherwise interfere with any part of the Council's wastewater drainage system.

5 Application

- 5.1 For domestic wastewater:

- (a) Every application for a wastewater service connection shall be made in writing on the prescribed form together with the prescribed charges.
- (b) The applicant shall provide all the details reasonably required by the Council.
- (c) An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

- 5.2 For domestic wastewater where an application has been accepted by the Council, which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge,

- (a) the customer shall pay such charges as fixed by the Council for this work; and
- (b) The Council shall supply and install the public sewer up to the point of discharge except as provided for in clause 6.1.

- 5.3 Connection Charges shall be paid in accordance with clause 21 of this Bylaw to the Waipa District Council.

6 Subdivision

- 6.1 Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the written approval of an authorised Council officer of the design and construction of the works. These will be covered by way of rules in the Waipa District Plan.

7 Continuity of Discharge

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

8 Premises

8.1 Flow rate

- 8.1.1 The maximum instantaneous flow rate discharged from any domestic premises shall not exceed 2.0 litres/sec. The Council may also set a maximum daily flow rate discharged from domestic premises as determined by a Council authorised officer on a case by case basis.

8.2 Prohibited characteristics

8.2.1 No wastewater with prohibited characteristics (as scheduled in the Waipa District Council Trade Waste Bylaw 2011) shall be discharged into the wastewater system.

8.3 Waste Minimisation

8.3.1 In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991, Council recommends a customer fits the devices contained in table 1.1 on all new installations.

Table 1.1 – Waste minimisation devices

| Device Value | Value |
|---------------------------|--|
| Dual flush toilet cistern | Flush 1 6 litres Flush 2 3 litres |
| Low flow shower heads | Max. 12 litres/min |
| Urinal flushing control | On-Demand Controller |

9 Point of Discharge

9.1 General

9.1.1 Unless otherwise approved by a Council authorised officer in writing there shall be:

- (a) one point of discharge only for each premises, and
- (b) any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

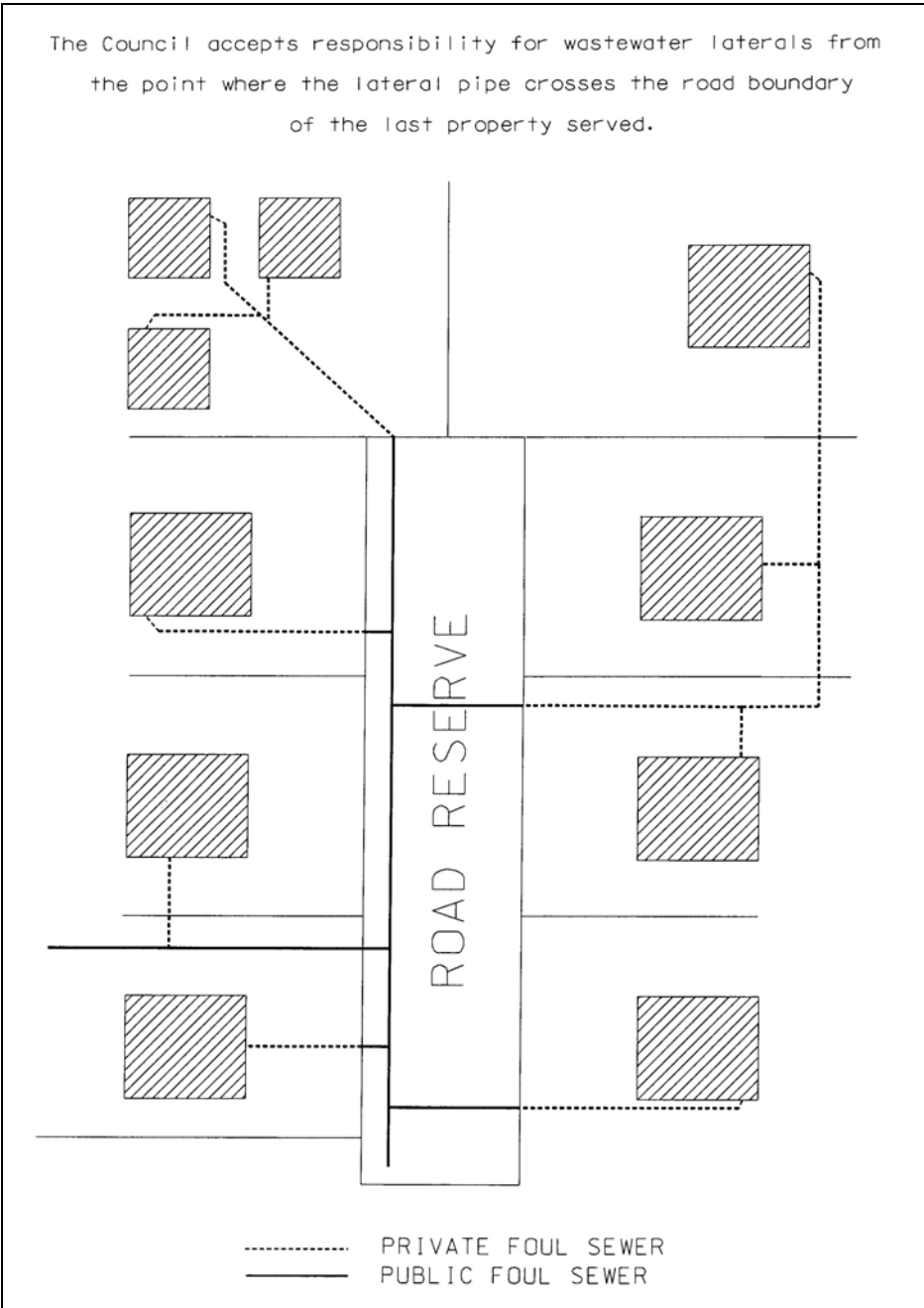


Figure 1.2– Point of discharge locations

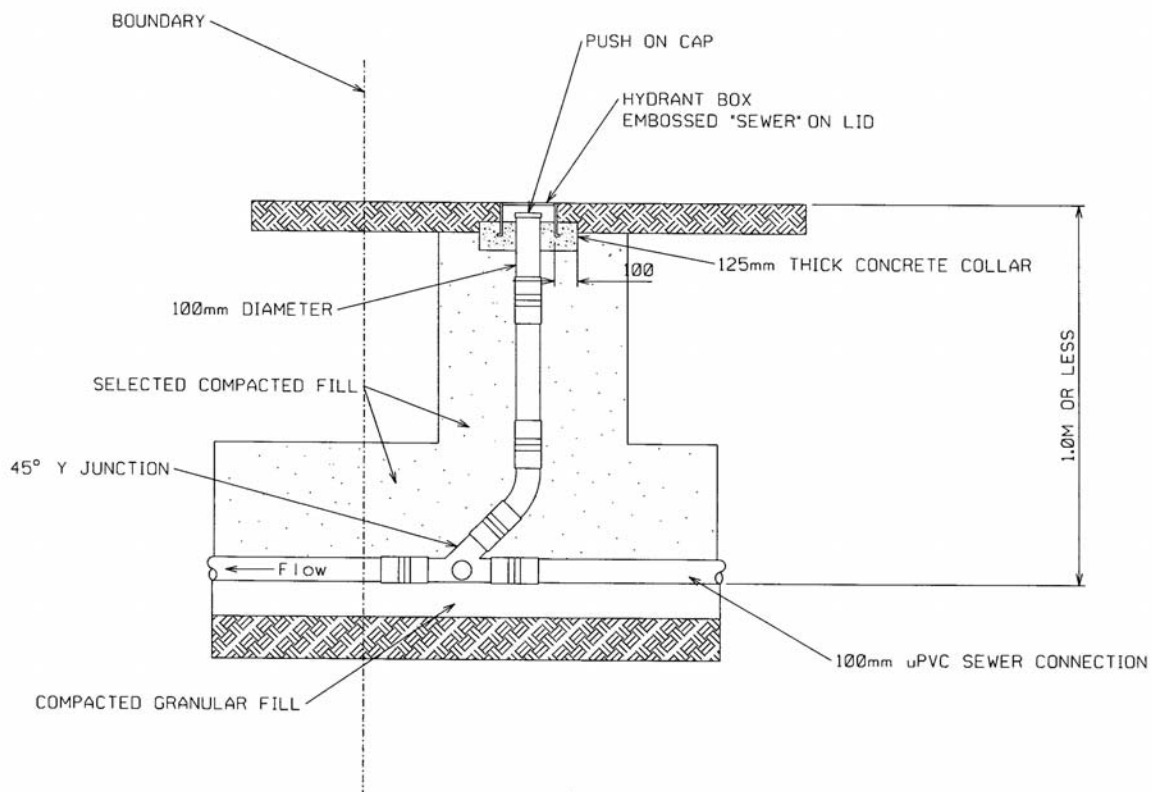


Figure 1.3– Typical layout for point of discharge for domestic discharge to public sewer within road reserve

9.2 Single ownership

- 9.2.1 An authorised Council officer must approve in writing positions of physical connections and these are to be recorded on the drainage plan that is to be included as part of the application process where (a) and (b) can not be adhered to:
- (a) For single dwelling units the point of discharge shall be located at the point of physical connection to the public sewer, except when the physical connection is in a road reserve.
 - (b) When the physical connection to the public sewer is in a road reserve the point of discharge shall be located at the boundary as shown in Figure 1.2 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position.
- 9.2.2 For cases where the point of discharge shall be located at the boundary a rodding eye must be installed within the premises (as shown in Figure 1.3) and detailed in the Waipa District Code of Practice for Subdivision and Land Developments as close to the boundary as practical. Once installed this rodding eye shall be maintained by Council.
- 9.2.3 For more than one point of discharge written approval must be obtained from the authorised Council officer and also recorded on the drainage plan.

9.3 Multiple ownership

9.3.1 The point of discharge for multiple ownership of premises and/ or land shall be as follows:

- (a) Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the Council. Refer to Figure 1.2.
- (b) If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement.
- (c) In specific cases other arrangements may be acceptable subject to individual written approval from an authorised Council officer.

9.3.2 Each owner's point of discharge must be:

- (a) approved in writing by a Council authorised officer and
- (b) recorded on the drainage plan.
- (c) other arrangements may be considered if it is not practical or feasible to meet the requirements and standards stated in clause 9.3.1.

9.4 Common private drains

9.4.1 Common private drains shall serve a maximum of 7 single dwelling units, and may also have one point of discharge only (in common).

9.4.2 Common drains shall be covered by a certificate from the Council recording the rights of each party, which is registered against the certificate of title.

9.5 Access

9.5.1 Access for inspection

- (a) The customer shall allow Council, or its authorised staff, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. The Council shall give 24 hours previous notice to the customer of the intended entry.
- (b) Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour.
- (c) The customer shall allow access for Council, or its authorised staff, to inspect septic tanks to ensure they are being maintained to a standard that does not present a threat to the surrounding environment, any person's health or Council's wastewater system.

9.5.2 Non-complying connections

- (a) The customer shall allow the Council with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

9.6 Prevention of inflow and infiltration

- 9.6.1 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.
- 9.6.2 For trade premises where stormwater cannot be separated from wastewater refer to the Waipa District Council Trade Waste Bylaw 2011.

10 Disconnection

- 10.1 A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to a sewer. The demolition or removal shall not commence until the sewer disconnection has been inspected by an authorised Council officer.
- 10.2 A customer shall give 2 working days notice in writing to the Council of his or her requirement for disconnection from a discharge connection if relaying of the private drain is required.

11 Public Drainage System

11.1 Building over buried services

11.1.1 Rising mains and trunk sewers

- (a) No building shall be built over a public rising main or trunk sewer, or closer than the greater of:
- (i) 1.5 metres from the centre of any main or sewer, or
 - (ii) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

11.1.2 Other public sewers

- (a) No building shall be built over a public sewer, whether on public or private land;
- (b) No building shall be built closer than the greater of:
- (i) 1.5 metres from the centre of any public sewer, or
 - (ii) the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.
- (c) Subject to written approval from an authorised Council officer, a building developer shall meet the cost of diverting the public sewer (including any manholes) in accordance with Council standards.
- (d) Where:
- (i) Subclauses 11.1.2 (a), (b) and (c) above are found to be impractical; and
 - (ii) the building cannot be sited elsewhere on the property or modified to conform with the above conditions; and
 - (iii) it is essential for the proposed building to be built on that part of the property,

Written approval may be granted by Council or its authorised officer subject to the building developer meeting the cost of any specific requirements.

These may include the provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and relocatable construction.

11.2 Loading or material over public sewers

11.2.1 No person shall:

- (a) 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 New Zealand Transport Agency New Zealand Bridge Manual).
- (b) place any additional material over or near a public sewer without written approval from an authorised Council officer.
- (c) cover service openings in any way unless approved in writing by an authorised Council officer.

11.2.2 Removal of any covering material or adjustment of the opening shall be at the customer's expense.

11.3 Excavation near public sewers

11.3.1 No person shall excavate, or carry out piling or similar work closer than:

- (a) 5 metres from the centre line of any rising main or trunk sewer, or
- (b) 2 metres from the centre line of any public sewer,

without written approval from Council. Such approval may impose conditions on the carrying out of any work near the sewer.

12 Working Around Buried Services

12.1 The Council shall keep and maintain drainage plans of the location of its buried services.

- i. This information shall be available for inspection during normal business hours at no cost to the user.
- ii. Reasonable charges may be levied to cover the costs of making copies available.

12.2 Any person proposing to carry out excavation work shall:

- i. view the as-built information to establish whether or not Council services are located in the vicinity.
- ii. provide at least 3 days notice in writing to the Council of an intention to excavate in the vicinity of its services.

Where appropriate an authorised Council officer may mark out to within ± 1.0 m on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.

12.3 When excavating and working around buried services due care shall be taken to ensure:

- i. the services are not damaged, and
- ii. that bedding and backfill is reinstated in accordance with the appropriate Council specification.

- 12.4 Excavation within roadways is also subject to the permit process of the appropriate roading authority.
- 12.5 Any damage which occurs to a Council service shall be reported to Council immediately. Any related repair costs may be charged to the party deemed to have caused the damage.

13 Customer's Drainage System

13.1 General

- 13.1.1 The customer's drainage system is governed by the Building Act 2004 from inside the building to the point of discharge. The Council shall not impose anything on the customer, which is more onerous than is contained in the New Zealand Building Code.
- 13.1.2 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 New Zealand Building Code.
- 13.1.3 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 New Zealand 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 New Zealand Building Code.

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

13.2 Inflow and infiltration

- 13.2.1 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 system.
 - (b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
 - (c) Inspection covers are in place and are appropriately sealed.
- 13.2.2 Stormwater which is contaminated may be accepted as a trade waste discharge if approved by a Council authorised officer. Refer to the Waipa District Council Trade Waste Bylaw 2011.
- 13.2.3 For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made for a permanent barrier which 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.

13.2.4 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.

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

13.3 Pump stations

13.3.1 General

Private wastewater pump stations may be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer. Approval must come from an authorised Council officer and must be in writing

13.3.2 Single ownership

A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

13.3.3 Multiple ownership

- (a) 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.
- (b) A “Common Pump Station Agreement” shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate(s) of Title of each party.
- (c) The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

13.4 Swimming pools

13.4.1 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/sec.

14 Storage of Hazardous Goods

14.1 The customer shall not store or allow to be stored:

- (a) raw materials, 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
- (b) any other material likely to be deleterious to the Council wastewater system or the health and safety of Council staff and the public,

without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.

- 14.2 The customer shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

15 Trees

- 15.1 In the event of the roots of any tree on any private property causing or being likely to cause damage, to interfere with the flow, or to block a public sewer the Council shall follow the procedure set out in Section 468 of the Local Government Act 1974.

16 Liability

- 16.1 The 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.

17 Emergency

- 17.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council, which result in disruptions to the ability of the Council to receive wastewater, will be deemed an emergency by Council.
- 17.2 During an emergency the Council and its authorised officers may:
- i. restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers and
 - ii. such restrictions shall be publicly notified by the Council or an authorised officer and
 - iii. the decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required the officer of the Council authorised for that purpose subject to subsequent Council ratification.

18 Maintenance and Repair

- 18.1 In urgent situations where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

19 Blockages

- 19.1 A customer whose gully trap is overflowing or has other reasons to suspect a blockage, must:
- (a) contact the Council immediately, and
 - (b) the Council shall arrange to check the public sewer, and to clear and remove the blockage, and clean up all affected areas.
- 19.2 If the blockage is within the customer's private drain the customer shall be charged in accordance with the Council current Schedule of Fees and Charges.

19.3 If the blockage is found to be within the public sewer, then provided that:

- (a) the blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain, or
- (b) that the customer has not been negligent in discharging a non-acceptable wastewater,

then the Council shall cover all costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

20 Breaches and Remedies

20.1 Defect Notices

20.1.1 In the event of a breach of statutory or other legal requirements, the Council, or its authorised officer may:

- (a) serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it; and
- (b) if after the specified period, the customer has not remedied the breach, the Council may charge a reinspection fee, and may reinspect the premises.

20.1.2 If however the breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect, and recover all reasonable costs as set out in clause 20.2.

20.2 Remedial work

20.2.1 At any time after the specified period of clause 20.1 has elapsed, the Council may:

- (a) carry out any remedial work required in order to make good the breach, and
- (b) recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

20.3 Powers

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

20.3.2 The relevant legislation includes:

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

21 Payment

21.1 Payment for the discharge of wastewater and related services shall be in accordance with

the Council current Schedule of Fees and Charges.

22 Fees and charges

Fees and Charges may be prescribed by Council in relation to this Bylaw, as provided for in Sections 150 and 151 of the Local Government Act 2002. Charges are included in Council's Schedule of Fees and Charges.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 14 December 2010. This Bylaw becomes operative on the 10 January 2011.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 14 December 2010 in the presence of:

..... Mayor

..... Chief Executive