



# Trade Waste and Wastewater Bylaw 2015

Effective 7 August 2015



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<b>Title</b>	Trade Waste and Wastewater Bylaw 2015
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<b>Approved by</b>	The Hauraki District Council
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<b>Property of the Hauraki District Council</b>	

## 1.0 Introduction

### 1.1 Purpose

This bylaw enables the Council as Wastewater Authority, to regulate:

- a) the discharge of trade waste to the sewerage system operated by it.
- b) the drainage of wastewater from domestic premises into the sewerage system operated by it.

The overall purpose of this bylaw is to:

- a) Ensure sustainable environmental protection;
- b) Minimise the reception and disposal costs to the community of trade waste and wastewater;
- c) To encourage and promote industry to treat trade waste onsite to an appropriate and cost effective level;
- d) To have a fair and equitable trade waste and wastewater charging policy and to encourage sustainable industry activity throughout the district;
- e) To ensure that industry maintains trade waste discharges within agreed and consented flow and contaminate levels.



The quality and quantity limits that separate domestic wastewater from trade waste are determined by clause 3 of this bylaw.

### 1.2 Scope

Clause 4 'Wastewater' provides for the acceptance of wastewater drainage from domestic and trade premises to the sewerage system. Clause 3 'Trade Waste' provides for the:

- a) acceptance of long-term, intermittent, or temporary discharge of trade waste to the sewerage system;
- b) establishment of three grades of trade waste; permitted, conditional, and prohibited.
- c) evaluation of individual trade waste discharges against specified criteria;
- d) correct storage of materials to protect the sewerage system from spillage;
- e) installation of flow meters, samplers or other devices to measure flow and characteristics of the trade waste discharge;
- f) pre-treatment of trade waste before acceptance for discharge into the sewerage system;
- g) sampling and monitoring of trade waste discharges to ensure compliance with this bylaw;
- h) the Council to accept or refuse a trade waste discharge;
- i) charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste

and the associated costs of administration and monitoring;

- j) establishment of waste minimisation and management programmes (including sludges) for trade waste producers;
- k) entering into trade waste agreements with individual generators of a trade waste discharge.

### **1.3 Title**

This bylaw is the Hauraki District Council Trade Waste and Wastewater Bylaw 2015.

### **1.4 Enabling enactments**

This bylaw is made in accordance with the Local Government Act 2002 and Health Act 1956.

### **1.5 Commencement**

This bylaw comes into force on 7 August 2015.

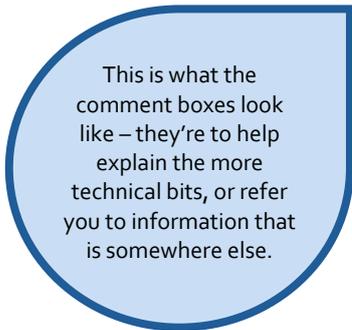
This bylaw was separated from the Hauraki District Council Consolidated Bylaw 2007 by resolution of the Hauraki District Council on 14 August 2019.

### **1.6 Review**

The review of this bylaw will be undertaken no later than 10 years after the last review.

### **1.7 Related information**

There may be related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

### **1.8 Amendment of Schedules**

Council may, by resolution publically notified make minor changes to, or correct errors in this bylaw, including the schedules, if the changes or corrections do not affect an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or an existing status or capacity of any person to whom the bylaw applies.

## 2.0 Definitions

For the purposes of this bylaw the following definitions apply:

<b>Acceptable discharge</b>	means trade waste and wastewater with physical and chemical characteristics which comply with the requirements of the Council set out in Schedule 1A of this bylaw.
<b>Access point</b>	is a place where access may be made to a public or private sewer for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the New Zealand Building Code.
<b>Analyst</b>	means a testing laboratory approved in writing by the Council.
<b>Authorised officer</b>	means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority.
<b>Biosolids</b>	means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The word is used generically throughout this bylaw to include products containing biosolids (e.g. composts).
<b>Buried services</b>	means all public and private sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
<b>Certificate of title</b>	means a certificate registering the freehold ownership of land available to any owner under the Land Transfer Act 1952.
<b>Characteristic</b>	means any of the physical or chemical characteristics of trade waste and wastewater and may include the level of a characteristic.
<b>Cleaner production</b>	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimize and manage trade waste by: <ul style="list-style-type: none"> <li>a) using energy and resources efficiently, avoiding or reducing the amount of wastes produced; or</li> <li>b) producing environmentally sound products and services; or</li> <li>c) achieving less waste, fewer costs and higher profits.</li> </ul>
<b>Condensing water or cooling water</b>	means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
<b>Conditional trade waste</b>	means trade waste which has conditions placed upon the consent holder by the Council.
<b>Consent</b>	means a consent in writing given by the Council and signed by an authorised officer authorising a person to discharge trade wastes to the sewerage system.
<b>Consent holder</b>	means the person occupying trade premises who has obtained a consent to discharge or direct the manner of discharge of trade waste from any premises to the Council's sewerage system, and includes any person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

<b>Contaminant</b>	<p>includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:</p> <p>a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged;</p> <p>c) or as described or contained in the Resource Management Act 1991.</p>
<b>Contingency management procedures</b>	<p>means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.</p>
<b>Council</b>	<p>Means the Hauraki District Council or any officer authorised to exercise the authority of the Council.</p>
<b>Customer</b>	<p>means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Council.</p>
<b>Disconnection</b>	<p>means the physical cutting and sealing of any of the Council’s water services, utilities or public sewers for use by any person.</p>
<b>Discharge</b>	<p>means discharge trade wastes or wastewater to, or into a public sewer whether directly or indirectly by means of any private sewer, and “the discharge” has a corresponding meaning.</p>
<b>Deed of covenant</b>	<p>means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.</p>
<b>Domestic wastewater</b>	<p>means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to this bylaw.</p>
<b>Domestic sewage</b>	<p>means foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the sewerage system and may include geothermal water.</p>
<b>Dwelling or dwellinghouse</b>	<p>includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes land appurtenant to the dwelling.</p>
<b>Fees and charges</b>	<p>means the list of items, terms and prices for services associated with the discharge of trade waste or wastewater as adopted by the Council in accordance with section 150 and 151 of the Local Government Act 2002.</p>

<b>Foul water</b>	means the discharge from: a) any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimized, with regard to dirt and infection); or b) any sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes).
<b>Hazardous wastes or hazardous substances</b>	means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
<b>Infiltration</b>	means water entering a public or private sewer from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.
<b>Inflow</b>	means water discharged into a private or public sewer from non-complying connections or other construction faults. It includes storm water entering through illegal down pipe connections or from low gully traps.
<b>Level of service</b>	means the measurable performance standards on which the Council undertakes to receive wastewater from its customers.
<b>Management plan</b>	means the plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, waste minimization, discharge, contingency management procedures, and any relevant industry code of practice.
<b>Mass limit</b>	means the total mass of any characteristic that may be discharged to the sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.
<b>Maximum concentration</b>	means the instantaneous peak concentration that may be discharged at any instant in time.
<b>Memorandum of encumbrance</b>	means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.
<b>Meter</b>	means an instrument that is designed to measure liquid flowing through it.
<b>Monitoring equipment</b>	includes any device or combination of devices considered appropriate by the Council to measure on site or remotely and record any characteristic of trade waste and wastewater.
<b>Occupier</b>	means the person occupying trade premises connected to the sewerage system.
<b>Permitted discharge</b>	means a trade waste or wastewater discharge that has been approved by, or is acceptable to, the Council and as long as it has the physical and chemical characteristics which comply with the requirements of the Council standard as defined in Schedule 1A of this bylaw.

<b>Point of discharge</b>	is the boundary between the public sewer and a private sewer. For the purposes of monitoring, sampling and testing, the point of discharge shall be as designated in the trade waste consent or trade waste agreement.
<b>Pre-treatment</b>	means any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the sewerage system in order to comply with a trade waste consent.
<b>Premises</b>	means either: <ul style="list-style-type: none"> <li>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; or</li> <li>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</li> <li>c) land held in public ownership for a particular purpose such as a reserve; or</li> <li>d) individual units in buildings which are separately leased or separately occupied.</li> </ul>
<b>Private sewer</b>	means that section of sewer between the consent holder's or customer's premises and the point of discharge through which trade waste or wastewater is conveyed from the premises. This section of sewer is owned and maintained by the consent holder or customer (or group of customers).
<b>Public sewer</b>	means the sewer and lateral connections that carry away wastewater and trade waste from the point of discharge. The public sewer is owned and maintained by the Council.
<b>Prohibited trade wastes</b>	means a trade waste that has prohibited characteristics as defined in Schedule 1B and does not meet the conditions of Schedule 1A or as defined in the trade waste agreement. The waste is not acceptable for discharge into the Council's system unless specifically approved by it as conditional trade waste.
<b>Rising main</b>	means a public sewer through which wastewater is pumped.
<b>Sewage</b>	means foul water and may include trade wastes.
<b>Sewage sludge</b>	means the material settled out and removed from sewage during the treatment process.
<b>Sewerage system</b>	means the collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of wastewater and trade waste.
<b>Significant industry</b>	is a term used to indicate the relative size of a given industry compared to the capacity of the sewerage system (including sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD <sub>5</sub> and SS or some other particular contaminant such as boron or chromium which will have an effect or the propensity to have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.
<b>Storm water</b>	means all surface water run-off resulting from precipitation.

<b>Tankered waste</b>	is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.
<b>Temporary discharge</b>	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
<b>Trade premises</b>	means: <ul style="list-style-type: none"> <li>a) any premises used or intended to be used for any industrial or trade purpose; or</li> <li>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</li> <li>c) any other premises from which a contaminant is discharged in connection with any industrial or trade process;</li> <li>d) any other premises discharging other than domestic sewage;</li> </ul> and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.
<b>Trade waste</b>	is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade 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; storm water which cannot be practically separated, or domestic sewage.
<b>Trade waste agreement</b>	means an agreement of the type described in subclause 3.15.
<b>Trunk sewer</b>	means a public sewer, generally greater than 150 mm in diameter, which forms a part of the sewerage system.
<b>Wastewater</b>	means water or other liquid, including waste matter in solution or suspension, discharged from a premises.
<b>Wastewater authority</b>	means the Council including its authorised agents, responsible for the collection, treatment and disposal of trade waste and wastewater.

## **3.0 Trade waste**

### **3.1 Trade premises and other users to which this clause applies**

- a) Clause 3 of this bylaw shall apply to any premises within the District where trade waste is:
  - i) discharged or is intended or likely to be discharged; and
  - ii) collected by tanker for intended discharge into the sewerage system operated by the Council or its agents.
- b) The Council may in its sole discretion refuse to accept any type of trade waste that does not comply with this bylaw.
- c) The requirements of clause 3 of this bylaw may be replaced by the conditions of a trade waste agreement.

### **3.2 Control of discharges**

#### **3.2.1**

No person shall:

- a) discharge, or allow to be discharged, any trade waste into the sewerage system except in accordance with the provisions of this bylaw or in accordance with the provisions of a trade waste agreement;
- b) discharge, or allow to be discharged, a prohibited trade waste into the sewerage system;
- c) add or permit the addition of condensing or cooling water to any trade waste which discharges into the sewerage system unless with the prior written consent of the Council, or
- d) add or permit the addition of storm water to any trade waste which discharges into the sewerage system unless with the prior written consent of the Council.

#### **3.2.2**

When any person fails to comply with clause 3.2.1 and a reasonable alternative method cannot be agreed with the discharging party, the Council may physically prevent discharge into the sewerage system.

#### **3.2.3**

Any person discharging into the sewerage system shall also comply with requirements of the Hazardous Substances and New Organisms Act 1996 and the Resource Management Act 1991.

### **3.3 Storage, transport, handling and use of hazardous substances or materials**

- a) Every person on a trade premises shall take reasonable steps to prevent the entry of a hazardous substance or a material listed in clause 3.3(c) from entry into the sewerage system as a result of:
  - i) leakage;
  - ii) spillage;
  - iii) failure to take adequate precautionary measures; or
  - iv) other mishap.
- b) No person shall store, transport, handle or use, or cause to be stored, transported, handled or used a hazardous substance or a material listed in clause 3.3(c) in a manner that may cause the substance or material to enter the sewerage system.
- c) A material referred to in 3.3 (a) and (b) is:
  - i) a product or waste containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials;
  - ii) likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream;
  - iii) likely to be deleterious to the health and safety of humans or animals or harmful to the sewerage system.

### **3.4 Trade waste discharges and consents**

#### **3.4.1 Restriction on discharge of trade waste**

No person shall discharge, or cause to be discharged, a trade waste into the sewerage system except in accordance with the provisions of this bylaw or in accordance with the provisions of a trade waste agreement.

#### **3.4.2 Classification of trade waste discharges**

Trade waste discharge shall be classified as:

- a) Permitted, in which case the Council may require that prior written consent be obtained or a trade waste agreement be entered into; or
- b) Conditional, in which case the Council shall require that prior written consent be obtained or a trade waste agreement be entered into; or
- c) Prohibited, in which case the Council's consent for discharge will not be granted.

### **3.4.3 Obligation and discretion of the council**

- a) No person shall be entitled to discharge trade waste into the sewerage system and the Council is not obliged to accept any trade waste.
- b) An application for the discharge of trade waste shall not be approved when the trade waste discharge contains, or is likely to contain, characteristics which are prohibited in accordance with Schedule 1B of this bylaw.

### **3.4.4 Application for a trade waste consent (“the application”) or to enter into a trade waste agreement**

- a) Any person who does, proposes to, or is likely to:
  - i) discharge into the sewerage system any trade waste (either continuously, intermittently or temporarily); or
  - ii) vary the characteristics of trade waste that is discharged in accordance with an existing consent to discharge; or
  - iii) vary the conditions of an existing consent to discharge; or
  - iv) significantly change the method or means of pre-treatment for trade waste discharge under an existing consentshall apply to the Council, using the prescribed form, for consent for the discharge, variance or change or to enter into a trade waste agreement.
- b) The Council reserves the right to deal with the owner or the occupier of the trade premises.

### **3.4.5 Separate copies of description of trade waste and premises to be submitted**

Where the trade premises produces trade waste from more than one area, a separate copy of the “Description of Trade Waste and Premises” for each area, as provided for in Schedule 1, Appendix B of this bylaw, shall be included in the application for trade waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.

### **3.4.6 Responsibility for completeness of application**

- a) The application and every document conveying required information shall contain all the required information, be properly executed and accompanied by the application fee.
- b) The applicant shall be responsible for the correctness of the content of the application and any annexure thereto, adherence to the prescribed application process and compliance with all the requirements to obtain the trade waste discharge consent.
- c) Every act or omission done for, or on behalf of, the eventual consent holder (whether for reward

or not) in making any such application shall be deemed to be an act of the consent holder.

#### **3.4.7 Independent verification of information**

The Council may require an application to be supported by an independent report or statement completed by a suitably experienced and external auditor to verify any information supplied by the applicant, and this may include a management plan.

#### **3.4.8 Cost of the application for consent**

Every application for a trade waste consent shall be accompanied by a trade waste consent application fee in accordance with the Council's Schedule of Fees and Charges determined in accordance with clause 3.12 of this bylaw.

#### **3.4.9 Processing of application**

On the receipt of an application, the Council may:

- a) require the applicant to submit additional information necessary to reach an informed decision;
- b) require the applicant to submit a satisfactory management plan;
- c) whenever appropriate, have the discharge investigated and analysed as provided for in clauses 3.4.1 and 3.6.3 of this bylaw.

#### **3.4.10 Consideration of application**

- a) The Council shall within twenty (20) working days of receipt of:
  - i) an application complying with clause 3.4.6(a); or
  - ii) the information required pursuant to clause 3.4.9; whichever is the later, decline the application or grant it as:
    - a. permitted trade waste discharge consent; or
    - b. conditional trade waste discharge consent.
- b) When the Council grants an application it shall issue a trade waste discharge consent containing the approval and the conditions relating thereto.
- c) When the Council declines the application it shall inform the applicant of its decision and reasons in writing.
- d) The Council may extend the period referred to in subclause (a) if necessary.

#### **3.4.11 Consideration criteria**

In considering an application for a trade waste discharge consent from any premises or tankered waste into the sewerage system and imposing conditions the Council shall consider the quality,

volume, and rate of discharge of the trade waste from such premises or tanker in relation to:

- a) the health and safety of humans or animals or harm to the sewerage system;
- b) the limits and/or maximum values for characteristics of trade waste as specified in Schedules 1A and 1B of this bylaw;
- c) the extent to which the trade waste may react with other waste or foul water to produce settlement of solids, production of odours, accelerated corrosion and deterioration of the sewerage system or other undesirable effects;
- d) the flows and velocities in, and the material and construction of the public sewer and sewerage system;
- e) the capacity of the public sewer and sewerage system and the capacity of any sewage treatment works and other facilities;
- f) the nature of the sewage treatment process and the degree to which the trade waste is capable of being treated in the sewage treatment works;
- g) the timing and balancing of flows into the sewerage system;
- h) enactments relating to
  - i) the discharge of raw or treated wastewater into receiving waters;
  - ii) the disposal of sewage sludges;
  - iii) the beneficial use of biosolids;
  - iv) the discharge into the atmosphere, and
  - v) resource consents, discharge permits and water classification;
- i) the effect of the trade waste discharge on the ultimate receiving environment;
- j) the conditions applicable to resource consents for the sewerage system and the residuals from it;
- k) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment;
- l) consideration of other existing or future discharges;
- m) amenability of the trade waste to pre-treatment;
- n) existing pre-treatment works on the premises and the potential for their future use;
- o) cleaner production techniques and waste minimisation practices;
- p) requirements and limitations related to sewage sludge disposal and reuse;
- q) control of storm water;
- r) the management plan; and
- s) tankered waste being discharged at an approved location.

### 3.4.12 Conditions of trade waste consents

Any trade waste consent to discharge may be granted subject to such conditions that the Council may impose, including but not limited to:

- a) the public sewer or sewers into which the discharge will be made;
- b) the maximum daily volume, the maximum rate, and the duration of discharge;
- c) the maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with clause 3.4.14;
- d) the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- e) the degree of acidity, or alkalinity of the discharge at the time of discharge;
- f) the range of temperature of the trade waste allowed at the time of discharge;
- g) the provision by the consent holder at own expense of screens, grease traps, silt traps or other pre-treatment works to control trade waste discharge characteristics to the consented levels;
- h) the provision and maintenance by the consent holder at own expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- i) the provision and maintenance by the consent holder at own expense of a sampling, analysis and testing programme and flow measurement requirements;
- j) the method or methods to be used for the measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of trade waste charges applicable;
- k) the provision and maintenance by the consent holder at own expense of meters or devices that may be required to measure the volume or flow rate of any trade waste discharged from the premises, and for the testing of the meters;
- l) the provision and maintenance by the consent holder at own expense of services, (whether electricity, water or compressed air or otherwise), that may be required to operate meters and similar devices;
- m) at times specified the provision in the approved format by the consent holder to the Council of all flow and/or volume records and results of analyses, including pre-treatment by-products such as sewage sludge disposal;
- n) the provision and implementation of a management plan;
- o) risk assessment of damage to the environment in the event of accidental discharge of a chemical;
- p) waste minimization and management;
- q) cleaner production techniques;

- r) remote control of discharges;
- s) third party treatment, carriage, discharge or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- t) requirement to provide a bond or insurance in favour of the Council where failure to comply with the consent could result in damage to the Council's sewerage system, its treatment plants, or could result in the Council being in breach of any statutory obligation; and
- u) remote monitoring of discharges.

### **3.4.13 Conditions of trade waste agreements**

The terms of any trade waste agreement must be agreed by both parties, but may not breach any legislative requirements or cause the Council to breach its resource consents.

### **3.4.14 Duration of consents**

#### **3.4.14.1 Permitted trade waste discharge consent**

- a) A permitted trade waste discharge consent shall remain in force until:
  - i) it is cancelled under clause 3.2.2 or 3.4.16; or
  - ii) the quantity and nature of the discharge changes significantly. (Consent for temporary discharges shall be made in accordance with Schedule 1, Appendix C of this bylaw); or
  - iii) if in the opinion of the Council the discharge changes or is likely to change to such an extent that it becomes a conditional trade waste discharge or prohibited trade waste discharge in accordance with clause 3.4.2; or
  - iv) the Council changes the trade waste management procedures by amendment of the conditions provided for in clause 3.4.14 or any amendment to, or replacement of this bylaw; or
  - v) the conditions on resource consents held by the Council issued under the Resource Management Act 1991 for the sewerage system and the residuals from it change.
- b) After consultation with the Council regarding its requirements, the consent holder shall apply within ten (10) working days of the aforesaid change occurring for a conditional trade waste consent, in accordance with clause 3.4.4 of this bylaw. No discharge of trade waste shall take place until the application for a conditional trade waste consent is approved.

#### **3.4.14.2 Conditional trade waste discharge consent**

Subject to the provisions of clause 3.4.16 and 3.10, a consent for conditional discharge of trade waste shall be issued for a period determined by the Council subject to the following conditions:

- a) A conditional trade waste consent may be issued for a period not exceeding five years to a consent holder who at the time of application satisfies the Council that the:
- i)
    - a. nature of the trade activity; or
    - b. process design; and/or
    - c. management of the premisesare such that the consent holder has a demonstrated ability to meet the conditions of the consent during its term;
- and/or
- ii)
    - a. cleaner production techniques are currently being successfully utilized on the premises,  
or
    - b. that a significant and substantial investment in cleaner production equipment or techniques is being made;
- and/or
- iii) significant and substantial investment in pre-treatment facilities has been made to the extent that a longer period of certainty for the amortizing of this investment is considered reasonable.
- b) Unless issued in accordance with clause (a), a conditional trade waste discharge consent shall not be issued for longer than two years.
- c) When
- i) the holder of the consent;
  - ii) the owner of the premises; or
  - iii) the use of the consent changes;
- a new application for a conditional trade waste discharge consent shall be made by the consent holder.
- d) When the conditions on resource consents for the sewerage system and the residuals from it change the Council may review the conditional trade waste discharge consent.

#### 3.4.14.3.

The Council may review the conditions of a trade waste consent from time to time for one or more of the following reasons:

- a) the level of compliance with the conditions of the consent, including any accidents including spills

- or process mishaps;
- b) considerations relating to the Council's resource consents for the sewerage system;
  - c) considerations relating to the Council's environmental policies and the intended objectives and outcomes.
  - d) new control and treatment technologies and processes that are implemented by the Council;
  - e) any of the considerations outlined in clause 3.5;
  - f) considerations relating to the Council's legal obligations that affect the conditions of a trade waste discharge consent;

### **3.4.15 Technical review and variation**

#### **3.4.15.1.**

The Council at any time may require that a person undertaking a permitted discharge apply for a consent in accordance with clause 3.4.14.

#### **3.4.15.2.**

- a) The Council may at any time during the term of a trade waste discharge consent after consultation with the consent holder vary the conditions of the consent by written notice.
- b) The variation of the conditions may be due to:
  - i) new information becoming available to the Council;
  - ii) meeting additional resource consent requirements imposed on the discharge from the Council's treatment plant, or
  - iii) legal requirements imposed on the Council.

#### **3.4.15.3.**

The conditions of a consent imposed under clause 3.4.12 may at any time during the term thereof be amended by the Council upon receipt of a written application by the holder to the Council.

#### **3.4.15.4.**

When the effect of any amendment made under clause 3.4.15.2 to any specification of prohibited waste is to render unlawful the discharge of trade wastes previously discharged with consent of the Council, that consent shall be deemed to lapse on expiry of a period determined by the Council. The Council shall have due regard to the ability of the consent holder to adapt to the varied conditions of the consent in determining the period referred to in this clause.

### 3.4.16 Cancellation of the right to discharge

#### 3.4.16.1 Suspension or cancellation on notice

After following due process, the Council may suspend or cancel any consent or right to discharge trade waste:

- a) for the failure to:
  - i) comply with any condition of the consent;
  - ii) maintain effective control over the discharge;
  - iii) limit in accordance with the requirements of a trade waste discharge consent the volume, nature, or composition of trade waste being discharged;
  - iv) provide, and when appropriate, update a management plan as required for a conditional trade waste disposal consent;
  - v) follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
  - vi) pay any charges under this bylaw.
- b) in the event of any negligence which, in the opinion of the Council, threatens:
  - i) the safety of the sewerage system;
  - ii) to cause damage to any part of the sewerage system or the treatment plant;
  - iii) threatens the health and safety of humans or animals;
- c) if an occurrence happens that, in the opinion of the Council:
  - i) poses a serious threat to the environment;
  - ii) renders it necessary in the public interest to cancel the right to discharge.
- d) in the event of a breach of a resource consent held by the Council issued under the Resource Management Act 1991.

#### 3.4.16.2 Notice of intention

- a) Before taking any steps envisaged in clause 3.4.16.1 the Council shall give twenty (20) working days written notice of its intention to the holder of a trade waste discharge consent or a right to discharge trade waste.
- b) During the notice period provided for in clause (a) the Council may enter into discussion with the holder of the trade waste discharge consent or the right to discharge trade waste affected by the notice to rectify the defect or to take steps to ensure compliance with the Council's requirements to the Council's satisfaction.
- c) If any process changes require more than twenty (20) working days, reasonable time may be given

to rectify the defects or comply with the Council's requirements.

### 3.4.16.3. Summary cancellation

Notwithstanding the requirements of clause 3.4.16.1 and 3.4.16.2, a trade waste discharge consent or right to discharge trade waste may at any time be summarily cancelled by the Council by giving to the consent holder or person discharging written notice of summary cancellation if:

- a)
  - i) a prohibited substance is discharged; or
  - ii) trade waste is unlawfully discharged;  
from that person's premises;

or

- b) the continuance of discharge, in the opinion of the Council,
  - i) may be a threat to the environment or public health;
  - ii) may result in a breach of a resource consent held by the Council in accordance with the Resource Management Act 1991; or
  - iii) puts at risk the ability of the Council to comply with conditions of a resource consent issued to it in accordance with the Resource Management Act 1991 or requires identified additional treatment measures or costs to avoid a breach of a resource consent;

or

- c) the Council is lawfully directed to terminate the consent summarily.

## 3.5 Trade waste approval criteria

### 3.5.1 Pre-treatment

- a) The Council may consent to a trade waste discharge subject to the provision of appropriate pre-treatment system to enable the person discharging trade waste to comply with this bylaw.
- b) The pre-treatment system shall be provided, operated and maintained by the person discharging the trade waste at their own expense.
- c) Except with the prior written consent of the Council, a person shall not use refuse or garbage grinders and macerators to dispose of solid waste from the trade premises to the sewerage system.
- d) Except with the prior written consent of the Council, a person shall not add or permit the addition of any potable, condensing, cooling or storm water to the trade waste stream in order to vary the

level of any characteristics of the waste.

### 3.5.2 Mass limits

- a) A conditional trade waste discharge consent may impose controls on trade waste discharged by specifying mass limits for one or more characteristics of the trade waste.
- b) Unless approved otherwise by the Council, a characteristic permitted by mass limit shall also have its maximum concentration limited to the value scheduled.
- c) When setting mass limit allocations for a particular characteristic the Council shall consider:
  - i) the operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
  - ii) whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge;
  - iii) conditions in the sewerage system near the trade waste discharge point and elsewhere in the sewerage system;
  - iv) the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
  - v) whether or not the applicant uses cleaner production techniques within a predetermined period to the satisfaction of the Council;
  - vi) whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
  - vii) any requirements of the Council to reduce the pollutant discharge of the sewerage system;
  - viii) how great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the sewerage system;
  - ix) the total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations; and
  - x) whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the public sewer reticulation, treatment process, or receiving water (or land).

## 3.6 Sampling, testing and monitoring

### 3.6.1 Flow metering

#### 3.6.1.1.

- a) Flow metering may be required by the Council:
- i) on discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste; or
  - ii) when the Council will not approve a method of flow estimation; or
  - iii) when the discharge represents a significant proportion of the total flow/load received by the Council; or
  - iv) in any other circumstances where flow metering is deemed necessary by the Council for the purpose of monitoring discharge.

#### 3.6.1.2.

The consent holder shall be responsible for the supply, installation, reading and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices shall be subject to the approval of the Council, but shall remain the property of the consent holder.

#### 3.6.1.3.

Records of flow and/or volume shall be available for inspection at any time by the Council, and shall be submitted to the Council at prescribed intervals by the consent holder in a format approved by the Council.

#### 3.6.1.4.

- a) Meters shall be:
- i) located in a position approved by the Council;
  - ii) provide the required degree of accuracy; and
  - iii) shall be readily accessible for reading and maintenance.
- b) The meters shall be located in the correct position according to the manufacturer's installation instructions.

#### 3.6.1.5.

- a) The consent holder shall arrange for *in situ* calibration of the flow metering equipment and instrumentation by a person and method approved by the Council upon installation and at least

once a year thereafter to ensure its performance.

- b) The meter accuracy should be  $\pm 10\%$  but with no greater a deviation from the previous meter calibration of  $\pm 5\%$ .
- c) A copy of independent certification of each calibration result shall be submitted by the consent holder to the Council.

#### 3.6.1.6.

Should any meter, after being calibrated, be found to have an error greater than that specified in clause 3.6.1.5(b) as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding twelve months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

### 3.6.2 Estimating discharge

#### 3.6.2.1.

Where no meter or similar apparatus is warranted, the Council may require that a percentage of the water supplied to the premises, or other basis that it deems reasonable be used for estimating the rate or quantity of flow for the purposes of charging.

#### 3.6.2.2.

- a) When a meter is inoperative or removed, the Council shall estimate the discharge for the period since the previous reading of such meter, based on the average of the previous twelve months charged to the person discharging trade waste and that person shall pay according to such estimate.
- b) When, due to a large variation of discharge due to seasonal or other causes, the average of the previous twelve months is an unreasonable estimate of the discharge, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such an estimate.

#### 3.6.2.3.

Where in the opinion of the Council a meter has been tampered with the Council, without prejudice to the other remedies available, may declare the reading void and estimate discharge as provided for in clause 3.6.2.2.

### 3.6.3 Sampling and analysis

#### 3.6.3.1.

As determined by the Council sampling, testing and monitoring may be undertaken to determine if a discharge of trade waste:

- a) complies with the provisions of this bylaw;
- b) is to be classified as a permitted, conditional, or prohibited, in accordance with clause 3.4.2;
- c) complies with the provisions of Schedule 1A for permitted discharge and a consent to discharge; and
- d) are subject to trade waste consent charges.

#### 3.6.3.2.

The taking, preservation, transportation and analysis of the sample shall be undertaken by:

- a) an authorised officer;
- b) an agent of the Council, or
- c) the person discharging

in accordance with accepted industry standard methods or by a method specifically approved by the Council.

#### 3.6.3.3.

The person discharging trade waste shall be responsible for all reasonable costs.

#### 3.6.3.4.

When a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

#### 3.6.3.5.

An authorised officer or agent of the Council may enter a premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:

- a) taking readings and measurements;
- b) carrying out an inspection; and/or
- c) taking samples for testing,

of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

Authorisation for entry to premises is given under the Local Government Act 2002 and entry shall be

in compliance with the health and safety procedures of that particular site.

## **3.7 Monitoring**

### **3.7.1 Monitoring for compliance**

#### **3.7.1.1.**

The Council is entitled to monitor and audit any trade waste discharge for compliance.

#### **3.7.1.2.**

Regardless whether for a permitted trade waste discharge consent or a conditional trade waste discharge consent, consent discharge monitoring may be carried out as follows:

- a) The Council or its authorised agent will take the sample and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods;
- b) The sampling procedure will be appropriate to the trade waste and the analysis;
- c) When the occupier has provided a meter, monitoring equipment or other apparatus for measuring the volume or composition of trade wastes passing into a public sewer due regard shall be had by the Council in making a composite sample, or when it is arriving at the average value from separate samples, for differences in the volume of trade wastes at the time of taking of separate samples.
- d) The Council will audit the sampling and analysis carried out by a person who monitors their own discharge of trade waste. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
- e) The Council will audit the sampling and analysis carried out by an analyst. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process; and
- f) The Council will audit the trade waste discharge consent conditions including any management plans.

The Council may at its discretion determine that the costs of monitoring shall be met by the person who discharges trade waste through direct payment to the laboratory or to the Council.

### **3.7.2 Sampling methodology**

#### **3.7.2.1.**

Normally a single grab or composite sample is sufficient. If required the grab or composite sample can be split equally into three as follows:

- a) One portion of the sample goes to the person who discharges the trade waste for appropriate

analysis and/or storage;

- b) A second portion of the sample shall be analysed at a laboratory approved by the Council;
- c) A third portion of the sample is retained by the Council for twenty (20) working days, calculated from date of the notice to the occupier, for additional analysis if required.

#### 3.7.2.2.

Due consideration will be given to changes that could occur in the trade waste samples and measures to mitigate the changes will be adopted where practicable.

#### 3.7.2.3.

The samples shall be handled in an appropriate manner to ensure that the characteristics being tested for are, as far as reasonably possible, preserved.

#### 3.7.2.4.

Samples shall be preserved, handled, transported and delivered to the approved laboratory according to the best practice and approved standards.

## 3.8 Waste in tankers

### 3.8.1

No person shall discharge trade waste from a tanker into the Council's sewerage system unless in compliance with the Liquid and Hazardous Wastes Code of Practice 2<sup>nd</sup> Edition 2012 or any amendments or revisions thereto.

### 3.8.2

The Council may accept the discharge of trade waste from a tanker at an approved location.

### 3.8.3

Tankered waste shall:

- a) be transported by a consent holder to discharge domestic septic tank or industrial wastes;
- b) have material safety data sheets (MSDS) supplied to the Council detailing the potentially hazardous components of the trade waste;
- c) be tested to determine its character if the contents of the trade waste is not known. Provided that specialist advice on pre-treatment or acceptance may be required by the Council. The cost of testing and advice shall be borne by the consent holder;
- d) not be collected and transported to the disposal site until the appropriate arrangements and

method for disposal have been determined by the Council;

#### **3.8.4**

A tanker shall be thoroughly cleaned before the collection of trade waste for disposal into the sewerage system to prevent contamination between different loads.

#### **3.8.5**

At least twenty four hours notice shall be given to the Council by a person intending to discharge trade waste other than from domestic septic tanks into the sewerage system.

#### **3.8.6**

A person who disposes of or causes the disposal of trade waste from a tanker:

- a) and incorrectly discloses the characteristics or amount thereof; or
  - b) into the Council's sewerage system other than at the approved location
- will be in breach of this bylaw.

### **3.9 Disinfected or super chlorinated water**

#### **3.9.1**

Water used during the repair and construction of water mains shall be de-chlorinated prior to the discharge into the sewerage system.

#### **3.9.2**

When a person intends to discharge water into the sewerage system as provided for in clause 3.9.1 that person shall apply to the Council for a temporary trade waste discharge consent.

#### **3.9.3**

No water referred to in clause 3.9.1 shall be disposed of into a storm water drain without the prior written consent of the Council.

### **3.10 Review of decisions**

#### **3.10.1**

The provisions of clause 5.0 of this bylaw shall apply to an appeal against a decision by an authorised officer.

### 3.10.2

A person appealing against the decision of an authorised officer shall lodge with the Council a written notice of appeal not later than twenty (20) working days from the date of the decision setting out the grounds of appeal and providing sufficient detail of matter to enable the appeal authority to adjudicate on the issues.

## 3.11 Accidental discharge and non-compliance

### 3.11.1

A person who discharges trade waste shall immediately upon becoming aware of:

- a) an accident relating to;
- b) spillage of; or
- c) a defect in the process of discharging

trade waste that may result in the non-compliance with the standards or processes determined by this bylaw inform the Council thereof.

### 3.11.2

A person who reports an accident, spillage or defect as provided for in clause 3.11.1 shall disclose any information that may contribute to:

- a) the restoration of the integrity of the trade waste disposal system,
- b) the cleaning of any spillage; or
- c) the determination of the risks associated with the trade waste.

### 3.11.3

In the event of any accident, spillage or defect referred to in clause 3.11.1 occurring when the person holds a conditional trade waste discharge consent, the Council may:

- a) review the consent under clause 3.4.15; or
- b) require the consent holder to review the contingency management procedures and re-submit the management plan to the Council for its approval.

### 3.11.4

In the event of any accident, spillage or defect referred to in clause 3.11.1 on the premises to which permitted discharge applies; the Council may require the person discharging to apply for a conditional trade waste discharge consent.

## **3.12 Charges and fees**

### **3.12.1 Charges**

#### **3.12.1.1.**

- a) The Council may determine a system of charging in respect of volume and strength of trade wastes and special wastes and charges pursuant to section 150 and 151 of the Act.
- b) The Council may determine and recover fees and charges in accordance with sections 150 and 151 of the Act.
- c) The Council may set separate charges for different categories of volume and strength of trade waste discharged into the sewerage system within the district.

#### **3.12.1.2.**

- a) The system of charging in respect of volume and strength of trade wastes and special wastes referred to in clause 3.12.1.1 (a) shall be contained in Schedule 1C of this bylaw;
- b) The trade waste charge categories shall be contained in Schedule 1D of this bylaw;

#### **3.12.1.3.**

Trade waste charges shall be levied as determined by the Council and the occupier of the premises concerned shall pay the charges so assessed within one calendar month after each period.

#### **3.12.1.4.**

When a person appeals the determination of a charge in accordance with clause 3.10, the calendar month shall run from the date of any decision made in accordance with that clause or the final determination of the matter under the Act.

### **3.12.2 Invoicing**

#### **3.12.2.1.**

Trade waste charges shall be invoiced in accordance with the Council's standard commercial practice.

#### **3.12.2.2.**

The invoice shall contain the information and calculations used to determine the extent of the charges and fees due in regard to trade waste discharges.

### **3.12.3 Cease to discharge**

#### 3.12.3.1.

The person discharging trade waste shall be deemed to be continuing the discharge until notice of discontinuance is given to the Council.

#### 3.12.3.2.

The person discharging trade waste shall be liable for all charges until the expiry of the period of the notice or the provision of the service to that person is terminated by the Council, whichever is the latter.

### **3.12.4 Failure to pay**

#### 3.12.4.1.

Fees and charges payable under this bylaw shall be recoverable as a debt.

#### 3.12.4.2.

If the person discharging trade waste fails to pay any fees and charges under this bylaw the Council may cancel that person's right to discharge in accordance with clause 3.4.16.1(a)(vi).

### **3.12.5 Entry to trade waste premises by authorised officers**

#### 3.12.5.1.

In addition to the provisions of the Act an authorised officer may at any reasonable time enter a premises believed to be discharging trade waste to determine the characteristic of any discharge by:

- a) taking readings and measurements;
- b) taking samples or any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged;
- c) observing accidental occurrences and clean-up.

#### 3.12.5.2.

Entry by an authorised officer on to a premises under clause 3.12.5.1 shall be in compliance with the health and safety policies of that particular premises. Nothing in the health and safety policies of a trade premises shall prevent the entry of an authorised officer to that premises under clause 3.12.5.1.

### 3.12.6 Transfer or termination of rights and responsibilities

#### 3.12.6.1.

A trade waste consent shall be issued in the name of the consent holder.

#### 3.12.6.2.

With the exception of permitted discharges to which this clause does not apply, the holder of a consent to discharge trade waste shall not, unless written approval is obtained from the Council:

- a) transfer to any other party the rights and responsibilities provided for in the trade waste discharge consent or this bylaw;
- b)
  - i) allow a point of discharge; or
  - ii) allow the drain to that point to extend by pipe or any other means to serve another premises;
- c) allow sewage from another party to be discharged at the point of discharge to which the trade waste discharge consent applies.

#### 3.12.6.3.

With the exception of permitted discharges to which this clause does not apply, the Council shall not withhold the approval of the renewal of a trade waste discharge consent on a change of ownership of the premises provided that the characteristics of the trade waste discharge remain unchanged.

#### 3.12.6.4.

- a) The person discharging trade waste shall give 48 hours notice in writing to the Council of that person's requirement for disconnection of the discharge connection and/or termination of the trade waste discharge consent.
- b) Notwithstanding clause (a), when the demolition or relaying of the trade waste discharge drain is required the person discharging trade waste shall give seven (7) working days notice to the Council.
- c) When the disconnection is permanent the Council may at its discretion determine that the person discharging trade waste shall be liable for trade waste charges to the end of the current charging period.
- d) The person discharging shall notify the Council of an address to enable the Council to provide that person with the final invoice or other notices.

#### 3.12.6.5.

- a) When a person discharging trade waste ceases to occupy the premises from which the discharge occurs into the sewerage system the trade waste discharge consent granted shall terminate.
- b) Notwithstanding clause (a) the person discharging trade waste shall remain liable for any obligations existing at the date of termination.

### 3.13 Service of documents

#### 3.13.1 Delivery or post

Any notice or other document required to be given, served or delivered under this bylaw to a Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

- a) sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at that Person's last known place of residence or business; or
- b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in a Consent to discharge; or
- c) where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- d) personally served on the Person discharging.

#### 3.13.2 Service

If any notice or other document is:

- a) sent by post it will be deemed received on the first day (excluding weekends and public holidays) after posting; or
- b) sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- c) sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the Trade Premises or is handed to a designated Person(s) nominated by the Consent Holder then that shall be deemed to be service on, or delivery to the Consent Holder at that time.

### **3.13.3 Signature**

Any notice or document to be given, served or delivered shall be signed by an Authorised Officer.

### **3.13.4 Offences**

Every Person or Consent Holder or Owner or Occupier of Trade Premises who:

- a) fails to comply with or acts in contravention of any provision of this bylaw; or
- b) breaches the conditions of any consent to discharge granted pursuant to this bylaw; or
- c) fails to comply with a notice served under this bylaw, commits an offence under section 239 of the Local Government Act 2002, and is liable to a fine as specified in section 242 of the Local Government Act 2002, or the issue of an Infringement notice under section 245 of the Local Government Act 2002.

In all cases the Council may recover costs associated with damage to the Council Sewerage System and/or breach of this bylaw in accordance with section 175 and section 176 of the Local Government Act 2002 respectively.

## **3.14 Powers of Chief Executive**

The Chief Executive of the Council may determine and prescribe the manner or time in which:

- (a) any process under this bylaw is conducted; and
- (b) any forms are utilised or amended; and
- (c) flow metering, monitoring, sampling, or testing is to be undertaken.

## **3.15 Trade waste agreements**

The Council can at any time and in its complete discretion enter into an agreement for the discharge and reception of trade wastes in addition to, or in substitution for, a trade waste consent.

## **4.0 Wastewater**

### **4.1 Acceptance of discharge**

#### **4.1.1 Domestic wastewater**

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

- a) the premises lying within an area which is served by the sewerage system,
- b) payment of the appropriate charges for wastewater services in respect of the premises;
- c) payment of the appropriate rates and charges due to the Council in respect of that premises in

general; and

d) compliance with the requirements of this bylaw.

#### **4.1.2 Trade waste**

The acceptance of trade waste from domestic premises within the sewerage system is subject to the provisions of clause 3 of this bylaw.

### **4.2 Approval to connect<sup>1</sup>**

No person other than authorised officers or agents of the Council, shall without prior written permission, make any connection to or otherwise interfere with any part of the Council's sewerage system.

### **4.3 Premises**

#### **4.3.1 Flow rate**

The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec.

#### **4.3.2 Prohibited characteristics**

No wastewater with prohibited characteristics as determined in Schedule 1B of this bylaw shall be discharged into the sewerage system.

#### **4.3.3 Waste minimisation**

In order to meet the requirements of sustainable management as promoted by the Resource Management Act 1991, the Council recommends that the devices contained in Schedule 4 (table 1.1) be installed on installations made from the date of adoption of the Schedule.

#### **4.3.4 Access**

##### **4.3.4.1 Access for inspection**

Subject to the provisions of the Local Government Act 2002, which shall remain applicable,

a) an authorised officer or authorised agent may between 7.30 am and 6 pm on any day enter a premises to gain access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work; and

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<sup>1</sup> The Council does not guarantee to receive wastewater without interruption, however the Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

- b) for the purpose of ascertaining whether the drains are being misused pursuant to section 182 of the Local Government Act 2002, the occupier of the premises shall allow the authorised officer or authorised agent unrestricted access to and about the point of discharge at any hour.

#### 4.3.4.2. Non-complying connections

The occupier shall allow the Council, access to any area of the premises with any necessary equipment for the purposes of ascertaining whether connections that do not comply with the requirements of this part of the bylaw have been made.

#### 4.3.4.3. Prevention of inflow and infiltration

The owner or occupier of the premises shall prevent any storm water or groundwater entering the sewerage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

#### 4.3.5 Disconnection

##### 4.3.5.1. Notice of intention to demolish or remove building

- a) When the owner of a premises intends to demolish or remove a building that is connected to the sewerage system that person shall give the Council seven (7) working days prior written notice of the intention.
- b) The demolition or removal shall not commence until the property has been disconnected from the sewerage system by the Council.

##### 4.3.5.2. Notice of requirement for disconnection

When the owner of a premises requires the disconnection of the discharge connections to the sewerage system due to relaying of the drain that person shall give the Council two (2) working days prior written notice of the intention.

#### 4.3.6 Sewerage system

##### 4.3.6.1. General

- a) The restrictions contained in clauses 4.3.6.2 to 4.3.6.4 shall apply to:
- i) building work or loading over buried services; and
  - ii) excavation near sewers.
- b) The Council may at its own discretion impose additional restrictions on for the protection of the sewerage system after consideration of:

- i) proposed work methods;
- ii) the depth of excavation;
- iii) the soil physical properties, and
- iv) other site specific factors.

#### 4.3.6.2. Building over buried services

- a) No building shall be built over buried services, or closer than the greater of:
  - i) 1.5 metres from the centre of any main or public sewer, or
  - ii) the depth of the centre line of the public sewer, plus the diameter of the public sewer, plus 0.2 metres from the centre of that public sewer, subject to compliance with clause 3.1 of NZS 3604.
- b) Subject to prior written permission of the Council, a building developer may meet the cost of diverting the sewerage system (including any manholes) in accordance with the standards that have been adopted by Council;
- c) When clause (a) and (b) 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. These may include the provision of access points, pipe strengthening, pipe replacement, ducting, additional support of the building's foundations and relocatable construction.

#### 4.3.6.3. Loading or material over public sewers

- a) No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a H N-HO-72 wheel or axle load (as defined by the New Zealand Transport Association Bridge Manual).
- b) No person shall place any additional material over or near a public sewer without approval.
- c) Access points shall not be covered in any way by any person unless such action is approved by the Council. Removal of any covering material or adjustment of the access point shall be at the property owner's expense.

#### 4.3.6.4. Excavation near public sewers

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 the prior written permission of the Council. The Council may impose conditions on the carrying out of any work near the public sewer.

#### **4.3.7 Storage of hazardous materials**

The occupier 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 the Council sewerage system or the health and safety of the Council staff and the public, without taking all reasonable steps to prevent entry into the public or private sewer from leakage, spillage or other mishap.

## **5.0 Suspension and revocation of licence, permit, consent or approval and right of appeal to decisions**

### **5.1 Suspension and revocation**

#### **5.1.1**

Unless otherwise provided elsewhere in this bylaw, no licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval shall be transferable to any other person and no such licence, permit, consent or approval shall authorise any person other than the person named therein to act in any way under its terms or conditions

#### **5.1.2**

Except as may be otherwise provided in any enactment or elsewhere in this bylaw:

If the holder of a licence, permit, consent or approval is convicted of an offence constituting a breach of the terms of, or conditions included in that licence, permit, consent or approval, or of an offence touching his character as a licensee or permit holders, the Council may revoke that licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

If the holder of a licence, permit, consent or approval:

acts in a manner contrary to the true intent and meaning of this bylaw; or

fails to observe or comply with the terms of or any conditions included in a licence, permit, consent or approval; or

acts in a way which in the opinion of the Council renders the holder unfit to hold a licence, permit, consent or approval;

or

If any premises under this bylaw:

are no longer being used for the purpose stated in the licence, permit, consent or approval; or  
have fallen into a state of disrepair or are not being kept or maintained in accordance with the licence,  
permit, consent or approval; or

that in any other manner the provisions of this bylaw or any Regulations applicable in respect of those  
premises are not being observed in accordance with their true intent and meaning;

then

the Council may, by notice served upon the holder of a licence, permit, consent or approval or the  
occupier or owner of the licensed premises, as the case may be, require that person to appear before  
the Council or its nominated Committee at a time and place specified in that notice, to show cause  
that licence, permit, consent or approval should not be revoked or suspended.

### **5.1.3**

If the Council or the Committee considers the acts or failures of the holder of a licence, permit, consent  
or approval, or the circumstances of the premises to which the licence, permit, consent or approval  
applies so warrant, or if there is no response by the licensee, permit holder, owner or occupier, then  
the Council or that Committee may revoke the licence, permit, consent or approval or suspend it or  
impose further or amended conditions on it for as long as the Council or that Committee thinks fit.

## **5.2 Right of appeal to decisions**

- a) There shall be a right of appeal by an affected party from any decision by a delegated authority  
to original holder of the power and duty. Provided that the original holder of the power and duty  
may, after consultation with the Chief Executive refer the appeal to the Council when in his  
opinion this is justified.
- b) Where the original holder of the delegated power and duty is the Council the right of appeal may  
be to a committee of the Council appointed for this purpose, who shall be the final arbitrator of  
the merits of the matter.

## **6.0 Enforcement**

### **6.1 Removal by Council of works**

#### **6.1.1**

The Council may pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing erected or being in contravention of this bylaw of the Council, section 357 of the Local Government Act 1974 or section 163 of the Local Government Act 2002.

#### **6.1.2**

The Council may recover from any person responsible for the erection or from any person permitting the continued existence of any such work material or object all costs incurred by it, in connection with such pulling down, removal or alteration.

#### **6.1.3**

The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such work, material or object.

### **6.2 Encroachment to be removed upon notice**

If any building, structure or object or any part thereof shall have been erected, constructed or placed upon, under, over or across any public place without the permission of the Council, the Council may by notice in writing require the owner of such building, structure or object to remove the same or such part thereof as specified in the notice.

## **7.0 Offences and Penalties**

Every person who fails to comply with any part of this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Health Act 1956.

## **8.0 List of schedules passed**

- a) Schedule 1: Appendix A Application for Trade Waste Discharge;
- b) Schedule 1: Appendix B Description of Trade Waste and Premises;
- c) Schedule 1: Appendix C Application for Temporary Discharge;
- d) Schedule 1: Appendix D: Consent Form;

- e) Schedule 1A: Permitted Discharge Characteristics;
- f) Schedule 1B: Prohibited Characteristics;
- g) Schedule 1C: System of Charging in respect of Volume and Strength of Trade Wastes and Special Wastes;
- h) Schedule 1D: Trade Waste Charge Categories;
- i) Schedule 2: Abbreviations;
- j) Schedule 3: Codes and Standards
- k) Schedule 4: Waste Minimisation Devices (Table 1.1)
- l) Schedule 5: Wastewater Drainage Policy for the Discharge and Acceptance of Wastewater
- m) Schedule 5: Appendix A Example of a Memorandum of Encumbrance
- n) Schedule 5: Appendix B Example of a Deed of Covenant
- o) Schedule 5: Appendix C Application Form for Domestic Wastewater Service Connection
- p) Schedule 5: Appendix D Point of Discharge Location
- q) Schedule 5: Appendix E Layout at Point of Discharge

## Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 29 July 2015, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

\_\_\_\_\_ Mr. John Tregidga, Mayor

\_\_\_\_\_ Mr. Peter Thom, Acting Chief Executive Officer

## Schedule 1

### Appendix A: application for trade waste discharge

<p>HAURAKI DISTRICT COUNCIL</p> <p>APPLICATION FOR TRADE WASTE DISCHARGE</p> <p>PLEASE PRINT CLEARLY</p>	
--	---

<p><b>TRADE NAME &amp; STREET ADDRESS OF TRADE PREMISES</b></p> <p>.....</p> <p>Phone: .....</p> <p>After Hours Contact: .....</p> <p>Phone: .....</p> <p>Fax: .....</p> <p>E-mail: .....</p>
<p><b>POSTAL ADDRESS OF CUSTOMER FOR CHARGING</b></p> <p>Name: .....</p> <p>Address: .....</p> <p>.....</p>
<p><b>OWNER OF PREMISES (if different from above)</b></p> <p>Name: .....</p> <p>Address: .....</p> <p>.....</p>
<p><b>ADDRESS FOR SERVICE FOR FUTURE ENQUIRIES CONCERNING THIS APPLICATION</b></p> <p>Name: .....</p> <p>Address: .....</p> <p>.....</p> <p>Phone: .....</p> <p>Fax: .....</p> <p>E-Mail: .....</p>

<p><b>LEGAL DESCRIPTION OF THE PROPERTY</b></p> <p>.....</p> <p>.....</p> <p>.....</p>
--

<p><b>DESCRIPTION OF MAIN TRADE ACTIVITY</b></p> <p>.....</p> <p>.....</p> <p>.....</p>
---

<p><b>THIS APPLICATION RELATES TO:</b></p> <p><input type="checkbox"/> Proposed new discharge</p> <p><input type="checkbox"/> An existing discharge for which no consent exists. Current point or place discharge</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> Renewal of a consent</p> <p><input type="checkbox"/> Variation to an existing consent; Nature of variation:</p> <p>.....</p> <p>.....</p>
---

**TERM OF CONSENT SOUGHT**

From: .....

For a period of:

1 year       2 year       5 year

other (specify) .....

**ARE THE PREMISES ALREADY CONNECTED TO PUBLIC SEWER?**

Yes       No

**CONNECTIONS REQUIRED**

Size: ..... No: .....

Size: ..... No: .....

*Note – minimum size 100mm*

**SIGNATURE BLOCK**

.....

(Full name)

.....

(Position)

- I am duly authorised to make this application.
- I believe that all the information contained in this application is true and correct.

Signature: .....

E-mail: .....

**FOR OFFICE USE ONLY**

**APPLICATION NUMBER**

.....

**APPLICATION RECEIVED AND CHECKED BY**

Inspector/Clerk: ..... Date: .....

Permitted      Controlled      Conditional

**PROPERTY LINK IDENTIFICATION NUMBER**

.....

**BUILDING CONSENT NUMBER**

.....

**TRADE WASTE CONSENT**

Approved By: .....

No: ..... Date: .....

**APPLICATION FEE**

	\$ .....
GST	\$ .....
<b>TOTAL</b>	<b>\$ .....</b>

**DIAGRAM FOR CONNECTION LOCATION** (show distances from boundaries, kerbs, buildings) (Submit separate plan if necessary)

## Appendix B: Description of trade waste and premises

### DESCRIPTION OF TRADE WASTE AND PREMISE – PLEASE PRINT CLEARLY

<p>1.1 Trade name and street address of trade waste premises ..... ..... Phone: ..... Fax: ..... E-mail: .....</p> <p>1.2 Name and Address of owner/occupier Name: ..... Address: ..... ..... Phone: ..... Fax: ..... E-mail: .....</p> <p>1.3 Contact for enquiries (if different from above) Name: ..... Address: ..... ..... Phone: ..... Fax: ..... E-mail: .....</p> <p>1.4 Total volume of wastes: Average daily volume .....m<sup>3</sup> Maximum volume in any 8 hr period .....m<sup>3</sup> Maximum daily volume .....m<sup>3</sup> Seasonal fluctuation (range) .....</p> <p>1.5 General characteristics of wastes:      TYPICAL    RANGE Temperature (°C) ..... BOD<sub>5</sub> (mg/L) ..... COD (mg/L) ..... Suspended solids (mg/L) ..... pH ..... Fat, oil and grease (g/m<sup>3</sup>) ..... TKN ..... Total Nitrogen (g/m<sup>3</sup>) ..... Total Phosphorus (g/m<sup>3</sup>) .....</p> <p>1.6 The source of water used on the premises is: (a) from ..... Council .....m<sup>3</sup>/ working day (b) from other sources (<i>state source</i>) .... m<sup>3</sup>/ working day .....</p> <p>1.7 The waste do/do not, contain condensing water or storm water and the layout of drains on the premises is/ is not, such as to reasonably exclude the possibility of such becoming mixed with trade waste.</p> <p>1.8 It is/ is not proposed that domestic wastewater and trade waste should be discharged at the same point of discharge.</p> <p>1.9 The proposed method for flow measurement is: <input type="checkbox"/> A permanent installation of suitable flow measuring equipment. <input type="checkbox"/> Based on water usage as measure by meter <input type="checkbox"/> Other (<i>specify</i>)</p>	<p>1.10 List any substances contained in Schedule 1A or 1B of the Hauraki District Council Trade Waste and Wastewater Bylaw 2015 which are stored, used, or generated on the premises. ..... ..... Described mitigation measures employed to prevent accidental spillages of these substances from entering the public sewer or storm water system. ..... .....</p> <p>1.11 Site plans of the premises are attached which clearly show the location of the following as appropriate: <input type="checkbox"/> Process areas                      <input type="checkbox"/> flow measuring devices <input type="checkbox"/> Trade waste drains                <input type="checkbox"/> emergency spill <input type="checkbox"/> Stormwater drains                <input type="checkbox"/> emergency spill <input type="checkbox"/> Other (<i>specify</i>)</p> <p>Main trade waste pre-treatment systems <input type="checkbox"/> Screens                                <input type="checkbox"/> pH control <input type="checkbox"/> flow balance                        <input type="checkbox"/> grease traps <input type="checkbox"/> chemical treatment               <input type="checkbox"/> biological treatment</p> <p>1.12 Detailed drawings and descriptions for the following are attached as appropriate: <input type="checkbox"/> Pre-treatment systems <input type="checkbox"/> Flow measuring devices <input type="checkbox"/> Emergency spill containment <input type="checkbox"/> Sampling points <input type="checkbox"/> Method of flow meter calibration</p> <p>1.13 An independent waste audit of the premises has/ has not been carried out by: .....</p> <p>1.14 A discharge Management Plan is/ is not attached. .....</p> <p>1.15 The health and safety requirements and security arrangements for wastewater authority staff entering the premises are as follows: (<i>specify</i>) .....</p>
--	--

2. Process  
*(use a separate page for each process and attach copies of typical analyses for wastewater from each separate process)*

2.1 Process name and description:  
 .....  
 .....  
 .....  
 .....  
 .....

2.2 Type of product processed:  
 .....  
 .....

2.5 The wastewater contains the following characteristics which when mixed with other wastewaters and discharged from the premises, are near or in excess of the limits stipulated in Schedule 1B and this bylaw.

(NOTE – the characteristics in table 1.A.2 and table 1.A.3 have a limit of zero unless approval for that particular characteristic is applied for).

.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

2.3 Volume of wastewater  
 Average daily volume: ..... m<sup>3</sup>  
 Maximum daily volume: ..... m<sup>3</sup>  
 Maximum flow: ..... L/s

2.4 If batch discharges:  
 Quantity: ..... m<sup>3</sup>  
 Frequency ..... m<sup>3</sup>  
 Rate of discharge: ..... m<sup>3</sup>

VALUE OF CONCENTRATION			
From process		At point of discharge	
Typical	Max.	Typical	Max.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

2.6 The following steps have been/ will be taken to improve the trade process as part of a strategy of cleaner production:  
 .....  
 .....  
 .....

Date of improvements: .....

## Appendix C: Application for temporary discharge

### HAURAKI DISTRICT COUNCIL APPLICATION FOR TRADE WASTE DISCHARGE



PLEASE PRINT CLEARLY

**APPLICANT**

Phone: .....

After Hours Contact: .....

Phone: .....

Fax: .....

Applicant responsible for liquid waste

Transportation

Generation

**GENERATOR/TRANSPORTER OF LIQUID WASTE**  
(delete applicant's responsibility)

Name: .....

Company: .....

.....

Address: .....

**APPLICATION SOUGHT FOR**

One discharge

A number of discharges of the same kind of liquid

**PROPOSED POINT OF DISPOSAL**

.....

.....

If from premises to public sewer, which is existing trade waste consent number?

**PROPOSED TIMING OF DISPOSAL**

Time: .....

Date: .....

**LIQUID WASTE**

Quantity:..... m<sup>3</sup>

Source: : .....

.....

.....

.....

Process in which waste is produced: .....

.....

.....

.....

.....

General characteristics:

BOD<sub>5</sub>: ..... (g/m<sup>3</sup>)

COD: ..... (g/m<sup>3</sup>)

Suspended solids: ..... (g/m<sup>3</sup>)

pH: .....

Fat, oil and grease: ..... (g/m<sup>3</sup>)

TKN: ..... (g/m<sup>3</sup>)

Total N: ..... (g/m<sup>3</sup>)

Total P: ..... (g/m<sup>3</sup>)

List any characteristics which are likely to be greater than 50% of concentrations stipulated in Schedule 1A of the Trade Waste and Wastewater Bylaw 2015.

.....

.....

.....

.....

**ANALYSIS**

Appended

Not required

**DECLARATION**

We hereby certify that the above liquid waste is accurately described

Applicant: .....

**FOR OFFICE USE ONLY**

<p><b>APPLICATION NUMBER</b></p> <p>.....</p>	<p><b>TEMPORARY DISCHARGE FEE</b></p> <p>..... \$ .....</p> <p>GST \$ .....</p> <p>—</p> <p>TOTAL .....</p>
<p><b>APPLICATION</b></p> <p>Received by:.....Date:.....</p> <p>Discharge: <input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Not approved</p> <p>By .....</p>	<p>Cashier Receipt: .....</p>
<p><b>TEMPORARY DISCHARGE</b></p> <p>If approved:</p> <p>Where discharged:.....</p> <p>Time and date:.....</p> <p>If not approved:</p> <p>Where referred to:.....</p> <p>.....</p>	<p>File No. ....</p>

## Appendix D: Consent form

<p><b>HAURAKI DISTRICT COUNCIL</b></p> <p><b>CONSENT TO DISCHARGE TRADE WASTE</b></p> <p><b>TO THE PUBLIC SEWER</b></p> <p>Pursuant to the Hauraki District Council Trade Waste and Wastewater Bylaw 2015</p>	
---	---

To:.....  
(Consent holder trade name)

Address:.....  
...  
(Street address of trade premises)

Phone:..... Fax:.....

Name:.....  
(Contact name)

Address:.....  
(Address for charging and service of documents)

.....  
(Trade activity)

In response to, and in terms of, the information declared in your application of.....(date) to discharge Trade Waste from the above premises, the consent of the Council is hereby given for the term and subject to the conditions set out below:

6. That this consent is subject to the specific conditions set out in Schedule 1A which is attached.

For and on behalf of the Hauraki District Council

1. That this consent relates to a proposed new discharge/an existing non-consented discharge/renewal of a consent/variation to an existing consent.
2. That this is a permitted conditional consent.
3. That the provisions of the Hauraki District Council Trade Waste and Wastewater Bylaw 2015 are complied with at all times.
4. That this consent is valid for a period of...years and will expire on.....
5. That the Trade Waste discharged under this consent shall consist only of wastes from the following processes:

Authorised Officer:

Name:.....

Signature:.....

Date:.....

.....  
.....  
.....  
.....

**FOR OFFICE USE ONLY**

Consent No:.....

Application No:.....

Document No:.....

## Schedule 1A: Permitted discharge characteristics

### 1A.1 Introduction

#### 1A.1.1

The nature and levels of the characteristics of any trade waste discharged to the Council's system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of a consented approval to discharge a trade waste or a trade waste agreement.

#### 1A.1.2

The Council shall take into consideration the combined effects of trade waste discharges and may make any modifications to the following acceptable characteristics for individual discharges the Council believes are appropriate.

#### 1A.1.3

An additional column in tables 1A.1, 1A.2, 1A.3 and 1A.4 for mass limits may be added as required.

#### 1A.1.4

The nature and levels of any Characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council, refer to clause 3.4.15 of this bylaw.

### 1A.2 Physical characteristics

For more detailed commentary on these limits see NZS 9201: Part 23:2004.

#### 1A.2.1 Flow

- (a) The 24 hour flow volume shall be less than 5 m<sup>3</sup>.
- (b) The maximum instantaneous flow rate shall be less than 2.0 L/s.

#### 1A.2.2 Temperature

The temperature shall not exceed 40 °C.

#### 1A.2.3 Solids

- (a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm.
- (b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 2000 g/m<sup>3</sup>. For significant industry this may be reduced to 600 g/m<sup>3</sup>.
- (c) The settleable solids content of any trade waste shall not exceed 50 (g/m<sup>3</sup>).
- (d) The total dissolved solids concentration in any trade waste shall be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.
- (e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of sewage in the drainage system or treatment plant shall not be present.

#### 1A.2.4 Oil and grease

- (a) There shall be no free or floating layer.
- (b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable shall not exceed 200 g/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0.
- (c) A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall not exceed 500 g/m<sup>3</sup> when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.
- (d) Emulsified oil, fat or grease shall not exceed 100 g/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

#### 1A.2.5 Solvents and other organic liquids

There shall be no free layer (whether floating or settled) of solvents or organic liquids.

#### 1A.2.6 Emulsions of paint, latex, adhesive, rubber, plastic

- (a) Where such emulsions are not treatable these may be discharged into the public sewer subject to the total suspended solids not exceeding 1000 g/m<sup>3</sup> or the concentration agreed with the Council.
- (b) The Council may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the Council treatment plant e.g. reduces % UVT (ultra violet transmission).
- (c) Such emulsions of both treatable and non-treatable types, shall be discharged to the public sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.

#### 1A.2.7 Radioactivity

Radioactivity levels shall not exceed the Office of Radiation Safety's Office of Radiation Safety Code of Practice CSP<sub>1</sub> for the Use of Unsealed Radioactive Material.

#### 1A.2.8 Colour

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated sewage discharge consent.

### **1A.3 Chemical characteristics**

#### **1A.3.1 pH value**

The pH shall be between 6.0 and 10.0 at all times.

#### **1A.3.2 Organic strength**

##### **1A.3.2.1**

The Biochemical Oxygen Demand (BOD<sub>5</sub>) of any waste may require to be restricted where the capacity for receiving and treating BOD<sub>5</sub> is limited. A BOD<sub>5</sub> restriction may be related to mass limits.

BOD<sub>5</sub> shall not exceed 1000 g/m<sup>3</sup>. For significant industry this may be reduced to 600 g/m<sup>3</sup>.

NOTE – For biological process inhibiting compounds see schedule 3(b) for the *Guidelines for Sewerage Systems: Acceptance of trade wastes (industrial waste)*

#### **1A.3.3 Maximum concentrations**

The Maximum Concentrations permissible for the chemical characteristics of an acceptable discharge are set out in table 1A.1, table 1A.2, table 1A.3 and table 1A.4.

**Table 1A.1 – General chemical characteristics**

Characteristic	Maximum concentration
	(g/m <sup>3</sup> )
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	250
Total phosphorus (as P)	50
Sulphate (measured as SO <sub>4</sub> )	500
Sulphite (measured as SO <sub>2</sub> )	15
Sulphide – as H <sub>2</sub> S on acidification	5
Chlorine (measured as Cl <sub>2</sub> )	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br <sub>2</sub> )	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	1

**Table 1A.2 – Heavy metals**

(Mass limits may be imposed, refer to clause 3.5.2 of this bylaw)

<i><b>Metal</b></i>	<i><b>Maximum concentration</b></i> <i><b>(g/m<sup>3</sup>)</b></i>	<i><b>Metal</b></i>	<i><b>Maximum concentration</b></i> <i><b>(g/m<sup>3</sup>)</b></i>
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	5	Zinc	10

**Table 1A.3 – Organic compounds and pesticides**

(Mass limits may be imposed, refer to clause 3.5.2 of this bylaw)

<i>Compound</i>	<i>Maximum concentration (g/m<sup>3</sup>)</i>
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenois) excluding chlorinated phenois	50
Chlorinated phenois	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides`	0.1

**Table 1A.4 – Liquid pharmaceutical waste including Liquid antibiotics**

(Mass limits may be imposed, refer to clause 3.5.2 of this bylaw)

<i>Volume limit</i>	<i>Active concentration</i>
10 Litres	125 mg / 5 ml
5 Litres	250 mg / 5 ml
3 Litres	Above 250 mg / 5ml

## Schedule 1B: Prohibited characteristics

### 1B.1 Introduction

This schedule defines prohibited trade wastes.

### 1B.2 Prohibited characteristics

#### 1B.2.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of sewage in the sewerage system;
- (b) Damage any part of the sewerage system;
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act, or water right, permit or other governing legislation;
- (d) Prejudice the occupational health and safety risks faced by sewerage workers;
- (e) After treatment be toxic to fish, animals or plant life in the receiving waters;
- (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a nuisance; or
- (g) Have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

#### 1B.2.2

A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically approved for that particular consent or trade waste agreement.

#### 1B.2.3

A discharge has a prohibited characteristic if it has any amount of:

- (a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- (b) Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;

- (c) Asbestos;
- (d) The following organo-metal compounds:
  - Tin (as tributyl and other organotin compounds);
- (e) Any organochlorine pesticides;
- (f) Genetic wastes, as follows:
  - All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- (g) Any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes; or
- (h) Radioactivity levels in excess of the Office of Radiation Safety's Office of Radiation Safety Code of Practice CSP1 for the Use of Unsealed Radioactive Material.
- (i) Any cytotoxic waste.

1B.2.4

Any condensing water or stormwater which can practically be removed, or any trade wastes to which either condensing water or stormwater has been added, unless permitted in a trade waste agreement.

## Schedule 1C: System of charging in respect of volume and strength of trade wastes and special wastes

### 1C.1 Charging system

The charging methods are based on the assessed full life costs of the sewerage infrastructure, treatment plant, the disposal systems and costs associated with the administration, management and monitoring of trade wastes. Charges are then allocated by either a uniform annual charge or unit costs for volume and the various pollutants that are removed. The total treatment costs include the costs of the reticulation network, individual treatment process units, the disposal system, administration and management. All charges will be reviewed annually as part of the Hauraki Long Term Plan and/or Annual Plan process, or separately under section 150 of the Local Government Act 2002.

Trade waste agreements are subject to agreed charging mechanisms and these charges and charging categories may not apply.

Note: Please check for the latest years charges.

### 1C.2 Charging categories

In addition to an Annual Trade Waste Consent Fee, there are three charging categories which are based on a customer's sewage contribution to the sewerage system.

#### 1C.2.1 Annual Trade Waste Consent Fee

All trade waste customers will pay an annual trade waste consent fee in relation to their discharge. The consent fee will be reviewed on an annual basis.

#### 1C.2.2 Volume Only Based Charges

This charging mechanism will apply to small industrial / commercial trade waste customers. Charges will be based on metered water use and calculated in proportion to the normal domestic discharge.

#### 1C.2.3 Tankered Waste Charges

Tankered waste dischargers may be charged using either a Fixed Tankered Waste Charge or Flow and Load Based Charge. It is at the discretion of the Council to which charge applies.

- (a) The Flow and Load Based Charge will be calculated using the formula in schedule 1C.3.
- (b) The Fixed Tankered Waste Charge shall be calculated using a set fee per cubic metre.

#### 1C.2.4 Flow and Load Based Charges with Council Monitoring

This charging mechanism will apply to trade waste customers who have a significant pollutant load discharging into the sewerage system. Results of monitoring will be used to determine trade waste charges on a flow and pollutant load basis. Self-monitoring may be acceptable for some trade waste discharges.

#### **1C.3 Charging Formula**

The flow and load charges are derived from the following formula, unless otherwise calculated in a trade waste agreement.

$$(V \times V_{\text{rate}}) + (TSS \times TSS_{\text{rate}}) + (CBOD_5 \times CBOD_{5\text{rate}}) + (TKN \times TKN_{\text{rate}}) + (P \times P_{\text{rate}}) + (As \times As_{\text{rate}})$$

Table of Parameters with descriptions

V	The Volume (V) discharged (m <sup>3</sup> )
V <sub>rate</sub>	The V unit rate (\$/m <sup>3</sup> )
TSS	Total Suspended Solids discharged (kg)
TSS <sub>rate</sub>	The TSS unit rate (\$/kg)
cBOD <sub>5</sub>	The mass of Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) discharged (kg)
cBOD <sub>5rate</sub>	The CBOD <sub>5</sub> unit rate (\$/kg)
TKN	The average mass of Total Kjeldahl Nitrogen (TKN) discharged (kg)
TKN <sub>rate</sub>	The TKN unit rate (\$/kg)
P	Total Phosphorous (P) discharged (kg)
P <sub>rate</sub>	The P unit rate (\$/kg)
As	The Total Arsenic (As) discharged (kg)
As <sub>rate</sub>	The As unit rate (\$/kg)

Note: The Council may substitute CBOD<sub>5</sub> with Chemical Oxygen Demand (COD) or with Biological Oxygen Demand (BOD).

The unit rates for each parameter of the above formula are based on the operating and capital expenditure for the previous January – December period and remain constant throughout the following financial year.

## Schedule 1D: Trade waste charge categories

Fees and charges are set by the Council pursuant to Section 150 of the Local Government Act 2002. This may be done by the annual planning process, fee setting or a similar transparent public process in accordance with the Local Government Act 2002.

In the following table the Council states what categories it will charge, or may charge, under the tenure of clause 3 of this bylaw.

<b>A. Administrative Charges</b>	
<b>Category</b>	<b>Description</b>
A1 Connection fee	Payable on application for connection to discharge
A2 Compliance monitoring	The cost of sampling and analysis of trade waste discharges
A3 Disconnection fee	Payable following a request for disconnection from sewerage system
A4 Trade Waste application fee	Payable on an application for a trade waste discharge
A5 Re-inspection fee	Payable for each re-inspection visit by the Council where a notice served under clause 3 of the Hauraki District Council Trade Waste and Wastewater Bylaw 2015 has not been complied with by the trade waste discharger.
A6 Special costs for loan charges	Additional costs for servicing loans raised for the purposes of constructing or improving the sewerage system.
A7 Temporary Discharge fee	Payable prior to receipt of Temporary Discharge
A8 Annual trade waste charges	An annual management fee for a trade waste discharge to cover the Council's costs associated with for example: <ul style="list-style-type: none"> <li>(a) Administration;</li> <li>(b) General compliance monitoring;</li> <li>(c) General inspection of trade waste Premises;</li> <li>(d) Use of the Sewerage System.</li> </ul> This charge may vary depending on the trade waste sector and category of the discharger.
A9 Rebates for Trade Premises within the District	Reduction in fees is provided for in s. 150(2). Section 150(4) of the Local Government Act, 2002 states that the fees prescribed by the Council shall not provide for the Council to recover more than the reasonable cost incurred by the Council for the matter for which the fee is charged.  In no event shall the resultant charge be less than the Council's sewerage charge for the equivalent period.
A10 New or Additional Trade Premises	Pay the annual fees and a <i>pro rata</i> proportion of the various trade waste charges relative to flows and loads.
<b>B. Tanker Charges</b>	
<b>Category</b>	<b>Description</b>
B1 Waste in a Tanker	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category
B2 Toxicity	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m <sup>3</sup>

## Schedule 2: Abbreviations

\$/kg	dollars per kilogram
\$/L/s	dollars per litre per second
\$/m <sup>3</sup>	dollars per cubic metre
°C	degrees Celsius
ANZECC	Australian New Zealand Environment and Conservation Council
As	arsenic
B	boron
BOD <sub>5</sub>	Biochemical Oxygen Demand
Br <sub>2</sub>	bromine
cBOD <sub>5</sub>	Carbonaceous Biochemical Oxygen Demand
Cl <sub>2</sub>	chlorine
CN	cyanide
COD	Chemical Oxygen Demand
DAF	dissolved air floatation
DP	deposited plan
DS	dry solids
F	fluoride
FOGs	fats, oils and greases
g/m <sup>3</sup>	grams per cubic metre
GST	goods and services tax
H <sub>2</sub> S	hydrogen sulphide
HAHs	halogenated aromatic hydrocarbons
HCHO	formaldehyde
HCN	hydrogen cyanide
Hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second

LGA	Local Government Act
HLTP	Hauraki Long Term Plan
m <sup>3</sup>	cubic metre
max.	maximum
MBAS	methylene blue active substances
MfE	Ministry for the Environment
mg/L	milligram per litre
mL/L	millilitre per litre
mm	millimetres
MSDS	material safety data sheets
N	nitrogen
NH <sub>3</sub>	ammonia
NH <sub>3</sub> -N	ammoniacal nitrogen
P	phosphorus
PAHs	polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	polybrominated biphenyls
PCBs	polychlorinated biphenyls
pH	measure of acidity/alkalinity
s	second
s.	section
s. s	sections
SBR	sequencing batch reactor
SO <sub>4</sub>	sulphate
SS	suspended solids concentration
TAs	territorial authorities
TWA	trade waste agreement
UV	ultra violet
UVT	ultra violet transmission
WC	water closet
WWA	wastewater authority

## Schedule 3: Codes and standards

The following Codes and Standards apply as a source of reference to activities regulated by this bylaw.

### a) CODES AND STANDARDS

REFERENCE	CODES AND STANDARDS
<b>(i) TRADE WASTE</b>	
<u>New Zealand Standards</u>	
NZS 4304:2002	Management of healthcare waste
NZS 5465:2001	Self containment for motor caravans and caravans
<u>Joint Australian/New Zealand Standards</u>	
AS/NZS 5667	Water quality – Sampling Part 1:1998 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples Part 10:1998 Guidance on sampling of waste waters
<u>British Standards</u>	
BS 3680	Measurement of liquid flow in open channels
Part 11A:1992	Free surface flow in closed conduits – Methods of measurement
Part 11B:1992	Free surface flow in closed conduits – Specification for performance and installation of equipment for measurement of free surface flow in closed conduits
BS 5728	Measurement of flow of cold potable water in closed conduits
Part 3:1997	Methods for determining principal characteristics of single mechanical water meters (including test equipment)
BS 6068	Water quality Part 6:- - - Sampling Section 6.10:1993 Guidance on sampling of waste waters
BS EN 25667-1:1994	Water quality. Sampling. Guidance on the design of sampling programmes BS 6068-6.1:1981
BS EN 25667-2:1993	Water quality. Sampling. Guidance on sampling techniques BS 6068-6.2:1991
BS EN 5667-3:2012	Water quality. Sampling. Guidance on the preservation and handling of water BS 6068-6.3:2003 samples

**b) SOURCES OF REFERENCE**

REFERENCE	SOURCES OF REFERENCE			
<b>(i) TRADE WASTE</b>				
Other Publications	Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) and Australia New Zealand Environment and Conservation Council (ANZECC) Guidelines for Sewerage Systems: Acceptance of trade wastes (industrial waste) 12 (1994) <sup>2</sup>			
	American Water Works Association Standard methods for the examination of water and wastewater 20th Edition (1999) <sup>3</sup>			
	Building Industry Authority New Zealand Building Code (NZBC) 1992 and Approved Documents <sup>4</sup>			
	Ministry for the Environment (MfE) Landfill Acceptance Criteria (2004) The New Zealand Waste Strategy (2002) <sup>5</sup>			
	National Radiation Laboratory (NRL) NRL C1 Code of safe practice for the use of unsealed radioactive materials (1996). <sup>6</sup>			
	New Zealand Water and Wastes Association (NZWWA) Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003) Liquid and Hazardous Wastes Code of Practice (2003) <sup>7</sup>			
	New Zealand Water Environment Research Foundation (NZWERF) New Zealand Municipal Wastewater Monitoring Guidelines (2002) <sup>8</sup>			
	Sydney Water Corporation Trade Waste Policy (2004) <sup>9</sup> <sup>10</sup>			
	United States Environment Protection Agency (US EPA) Method 9095A Paint Filter Liquids Test (1996) <sup>11</sup>			

<sup>2</sup> Document available from Australian Water Association (AWA) [www.awa.asn.au](http://www.awa.asn.au)

<sup>3</sup> Document available from American Water Works Association [www.awwa.org](http://www.awwa.org)

<sup>4</sup> Document available from Building Industry Authority (BIA) [www.bia.govt.nz](http://www.bia.govt.nz)

<sup>5</sup> Documents available from Ministry for the Environment New Zealand [www.mfe.govt.nz](http://www.mfe.govt.nz)

<sup>6</sup> Document available from National Radiation Laboratory [www.nrl.moh.govt.nz](http://www.nrl.moh.govt.nz)

<sup>7</sup> Documents available from New Zealand Water & Wastes Association (NZWWA) [www.nzwwa.org.nz](http://www.nzwwa.org.nz)

<sup>8</sup> Document available from New Zealand Water Environment Research Foundation (NZWERF) [www.nzwerf.org](http://www.nzwerf.org)

<sup>9</sup> Document available from Sydney Water Corporation [www.sydneywater.com.au](http://www.sydneywater.com.au)

<sup>10</sup> Document available from United States Environmental Protection Agency [www.epa.gov](http://www.epa.gov)

## Schedule 4: Waste minimisation devices

**TABLE 1.1 -**

Device	Value
Dual flush cistern	Flush 1 - 3 litres Flush 2 - 6 litres
Low flow shower heads	Max. - 10 litres/min
Urinal flushing control	On-demand controller

## **Schedule 5: Wastewater drainage policy for the discharge and acceptance of wastewater**

### **1. Introduction**

The discharge and acceptance of wastewater is subject to the relevant Acts, Regulations, Bylaws, Codes and Standards and the codes and standards listed in Schedule 3 of this bylaw.

### **2. Domestic wastewater**

#### 2.1 Definition of wastewater

"Domestic wastewater" is defined in this bylaw as that discharged from premises used solely for domestic residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to a maximum discharge restriction (refer clause 13.4 of this schedule) and clause 4.3.1 of this bylaw.

No domestic wastewaters shall:

- (a) Exceed the substance limits scheduled in this bylaw;
- (b) Contain the substances prohibited in this bylaw.

#### 2.2 Definition of trade wastewater

Where part of domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

### **3. Acceptance and duration**

#### 3.1 General

The Council shall continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made. Disconnection of the public sewer or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaw by the customer. Refer to clause 15 of this schedule for remedies which are available.

For the customer's obligations refer to clause 13.

### 3.2 Change of ownership

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

### 3.3 Trade wastes

Refer to this bylaw.

## **4. Application to connect**

### 4.1 Application

#### 4.1.1 Domestic wastewater

Every application for a wastewater service connection shall be made in writing on the form provided in Schedule 5 Appendix C together with the prescribed charges. The applicant shall provide all the details required by the Council. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

#### 4.1.2 Trade waste

Refer to this bylaw.

#### 4.1.3 Domestic wastewater and trade waste

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, the customer shall pay such charges as fixed by the Council for this work.

The Council shall supply and install the public sewer up to the point of discharge except as provided for in clause 4.2 of this schedule.

#### 4.1.4 Payment of connection charges

Refer clause 14.0 of this schedule for payment of connection charges.

### 4.2 Subdivision

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

## **5. Point of discharge**

### 5.1 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 premises, and any private sewer shall not extend by pipe or any other means to serve another premises unless it is a common private sewer.

#### 5.2 Single ownership

For single dwelling units the point of discharge shall be located at the boundary as shown in figure 2.1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Council and recorded on the drainage plan.

Where a private sewer discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

#### 5.3 Location and Layout

The typical location of the point of discharge is shown in Schedule 5 Appendix D of this bylaw. The typical layout at a point of discharge is shown in Schedule 5 Appendix E of this bylaw.

#### 5.4 Multiple ownership

##### 5.4.1

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). Each owner shall have an individual private sewer with the point of discharge determined by agreement with the Council.

##### 5.4.2

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

#### 5.5 Common drains

##### 5.5.1

Common drains shall not be permitted unless by agreement with Council.

#### 5.5.2

Any permitted common private sewer shall serve a maximum of 2 single dwelling units as determined by agreement with the Council, and may also have one point of discharge only (in common).

#### 5.5.3

All permitted 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.

### **6. Level of service**

The Council shall provide wastewater services in accordance with the level of service contained in the annual plan of the Council. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s). Please consult the current annual plan for the current levels of service.

### **7. Liability**

The Council shall endeavour to meet the level of service requirements of clause 6 of this schedule, but it 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.

### **8. Emergency**

#### 8.1 Natural Hazards

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, and exempted from the levels of service requirements of clause 6.

#### 8.2 Restrictions

During an emergency the 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 the Council, or where immediate action is required the officer of the Council authorized for that purpose subject to subsequent Council ratification.

### **9. Maintenance and repair**

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.

#### **10. Blockages**

A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private sewer.

If the drainlayer finds that the blockage is within the public sewer, then the drainlayer shall contact the Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private sewer, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

#### **11. Trees**

In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer the Council procedure, shall follow that set out in sections 171 to 173 of the Local Government Act 2002.

Note that the law does not differentiate between a sewer on private or public land, i.e. the occupier or owner cuts down or removes the tree at their expense with no compensation payable.

#### **12. Working around buried services**

##### 12.1 Drainage plans

The Council shall keep and maintain drainage plans of the known 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.

##### 12.2 Location

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 10 days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council may mark out to within  $\pm 1.0$  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 Damage to existing 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.

### 12.4 Damage reporting

Any damage which occurs to a Council service shall be reported to the Council immediately. Repair costs may be charged for.

## **13. Customer's drainage system**

### 13.1 General

#### 13.1.1

The customer's drainage system is governed by the Building Act from inside the building to the point of discharge. The Council may 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 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, 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 and the New Zealand Building Code shall nevertheless have a drainage system which complies with the Building Act and Code.

## 13.2 Inflow and infiltration

### 13.2.1 General

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

- (a) There is no direct connection of any stormwater pipe or private sewer to the wastewater.
- (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 Contaminated stormwater

Stormwater which is contaminated may be accepted as a trade waste discharge. Refer to this bylaw.

### 13.2.3 Large impervious areas

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 First foul flush

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

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 will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

### 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 private wastewater pump station serving more than one residential dwelling unit will not be permitted unless by agreement with the Council.

A Council agreement would require a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act.

A "Common Pump Station Agreement" would be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

### 13.4 Swimming pools

Customers with swimming or spa pools shall be required to demonstrate that the pool private sewer 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 Payment**

### 14.1 Discharge payments

Payment for the discharge of wastewater and related services shall be in accordance with the Council schedule of rates and charges.

### 14.2 Payment schedule

Because of the procedures involved in setting charges as part of a bylaw, the items included in the schedule of rates and charges, and the terms on which they will be charged shall be made by resolution under the annual plan of the Council.

## **15 Breaches and remedies**

### 15.1 Powers

#### 15.1.1 Powers of enforcement

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 2002 provides general enforcement measures and also deals specifically with trade wastes and drainage. Other relevant pieces of legislation are more indirect in application. The Local Government (Ratings) Act 2002 allows for action to be taken when rates are unpaid, and payment for discharge can be treated as a rate.

### 15.1.2 Relevant legislation

The relevant legislation includes:

Local Government Act 2002	Part 9
Health Act 1956	Part 2
Building Act 2004	Part 5

### 15.2 Failure to pay

Any money owing for charges and rates for wastewater services becomes a charge on the land. An example of a Memorandum of Encumbrance and Deed of Covenant is given in Schedule A and Schedule B. The memorandum, once registered, will run with the land, and will bind successive landowners. Further, the memorandum specifically provides that when a person, bound by it, transfers the land, then that person ceases to have any liability or obligations under the memorandum.

## Appendix A: Example of a memorandum of encumbrance

### MEMORANDUM OF ENCUMBRANCE FOR SECURING A SUM OF MONEY

.....of.....(hereinafter together with his/her successors, assigns and personal representatives called "**the Owner**") being registered as proprietor of an estate in fee simple subject however to such encumbrances, liens and interest as are notified by Memorandum underwritten in that parcel of land containing by measurement.....square metres more or less being Lot .....Deposited Plan.....and being all the land comprised and described in Certificate of Title.....

**AND** desiring to render the land available for the purpose of securing to and for the benefit of the **HAURAKI DISTRICT COUNCIL** the rent charge hereinafter mentioned does hereby encumber the land for the benefit of the **HAURAKI DISTRICT COUNCIL** with the annual rent charge of **TEN THOUSAND DOLLARS** (\$10,000) (plus GST) to be raised and paid at the times and in the manner following, that is to say in one (1) annual sum on the 1st day of.....200.....and on the 1st day of.....in every year thereafter **PROVIDED ALWAYS** that if during the twelve (12) months immediately preceding the 1st day of.....in any year there shall have been no breach of any of the obligations of the Owner under the Deed, a copy of which is attached hereto, then the annual rent charge payable on such 1st day of.....shall be reduced to **ONE DOLLAR** (\$1.00) **AND** the Owner covenants that he/she shall at all times perform and observe all the obligations and covenants as set out in the Deed

**AND PROVIDED ALSO** that if and whenever the obligations of the Owner under the Deed shall have been duly and wholly complied with or shall by effluxion of time or otherwise become no longer enforceable then this Memorandum of Encumbrance shall be wholly discharged by the **HAURAKI DISTRICT COUNCIL**.

**AND PROVIDED ALWAYS** that if and when the said.....or the registered proprietor for the time being of the land sells, transfers or transmits their interest in the land or any part thereof, then all liability of the said.....or the said registered proprietor thereof for the time being shall immediately cease and he/she or they shall be released as from the date of the said sale, transfer or transmission **TO THE INTENT** that the liability under this Memorandum of Encumbrance and Deed is only to run with the registered proprietor for the time being of the said land or part thereof.

**AND SUBJECT AS AFORESAID** the **HAURAKI DISTRICT COUNCIL** shall be entitled to all the powers and remedies given to Mortgagees and rent chargees by the Land Transfer Act 1952 and the Property Law Act 1952.

## Appendix B: Example of a deed of covenant

**THIS DEED** made the.....day of.....200...

**BETWEEN**.....of.....

(hereinafter together with his/her successors, assigns and personal representatives called "**the Owner**") of the first part

**AND THE HAURAKI DISTRICT COUNCIL** (hereinafter with its successors and assigns called "**the Council**") of the second part

WHEREAS

- A** The Owner is the registered proprietor of an estate in fee-simple in the land described in the Schedule hereto ("the land") and
- B** A carport has been erected on part of the land and
- C** A stormwater public sewer and a foul public sewer of the Council runs through the land and partly under the area over which the carport has been erected
- D** The carport's position partly over the said sewers is a contravention of and constitutes a continuing breach of the bylaws of the Council as the Owner does hereby admit and by reason thereof the Council would not ordinarily agree for the carport to remain in its present position but has nevertheless agreed for the carport to remain in consideration of the Owner entering into these premises in manner hereinafter appearing.

**NOW THIS DEED WITNESSES** that in consideration of the aforesaid premises the Owner hereby agrees with the Council as follows:

- 1 THE** carport covering the said sewers shall remain in its present position and shall not at any time be covered in. The Owner shall not make any alterations or modifications to the said carport except pursuant to this Deed or in accordance with a permit issued by the Council.
- 2 EXCEPT** in the case of an emergency (as determined in the sole and absolute discretion of the Council), any work carried out by the Council pursuant to this Deed will be carried out during the normal working hours of employees of the Council.
- 3 THE** granting of the permission by the Council for the said carport to remain in its position is on the strict condition that all the agreements and provisions hereof on the part of the Owner shall be complied with faithfully in all respects and is without prejudice (in the event of any default by the Owner hereunder) to the right of the Council to exercise all or any of the rights,

powers and remedies whether civil or criminal conferred upon the Council by the Council's bylaws or by statute or otherwise.

- 4 **THE** Owner hereby agrees to indemnify the Council from and against all costs (including costs as between Solicitor and client), damages and expenses, claims, actions and proceedings of or against the Council in consequence of or arising out of any breach by the Owner of the agreements and provisions hereof and/or the exercise by the Council of any rights, powers and remedies available under this Deed.
  
- 5 **IN** addition to clause 4 hereof the Owner accepts that the Council will not be liable for any damage to the said carport arising directly or indirectly from a partial or total collapse of either or both the sewers, and will be responsible for the removal of the carport or parts thereof in the event of any such damage as requested by the Council.
  
- 6 **ALL** costs (including costs as between solicitor and client) of and incidental to this Deed (including the preparation thereof) and the Memorandum of Encumbrance aforesaid (including the preparation and registration thereof against the Title of the land) shall be borne by the Owner and shall be paid prior to and as a condition of the Council's granting of the permit aforesaid.
  
- 7 **IT** is hereby acknowledged and declared by the Council that if and when the said .....or the registered proprietor for the time being sell, transfer or transmit their interest in the land or any part thereof, then all liability of the said .....or the said registered proprietor thereof for the time being shall immediately cease and he/she or they shall be released as from the date of the said sale, transfer or transmission TO THE INTENT that the liability under this Deed of Covenant and Memorandum of Encumbrance made in pursuance thereof is only to run with the Owner for the time being of the said land or part thereof.

**IN WITNESS WHEREOF** these presents have been executed the day and year first before written.

SIGNED BY.....)

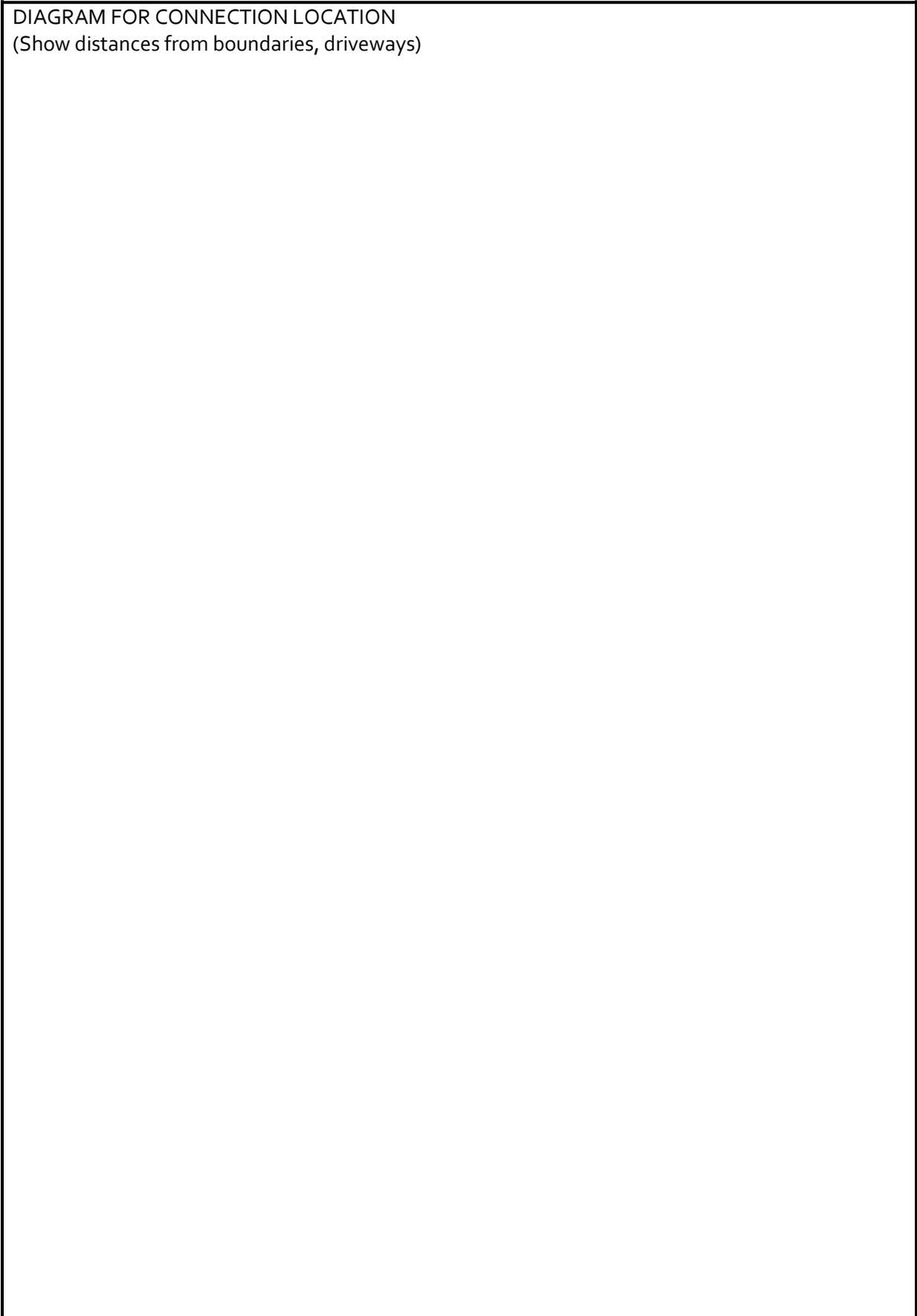
in the presence of )

THE COMMON SEAL of )

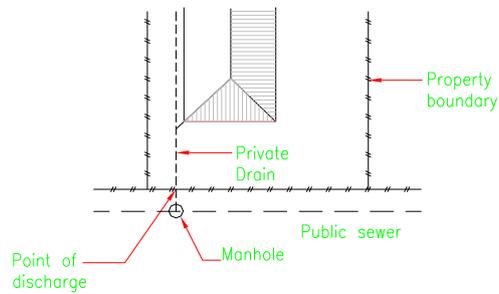
THE.....COUNCIL )  
was hereto affixed in the presence of )



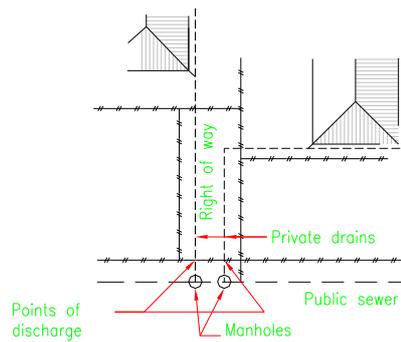
DIAGRAM FOR CONNECTION LOCATION  
(Show distances from boundaries, driveways)



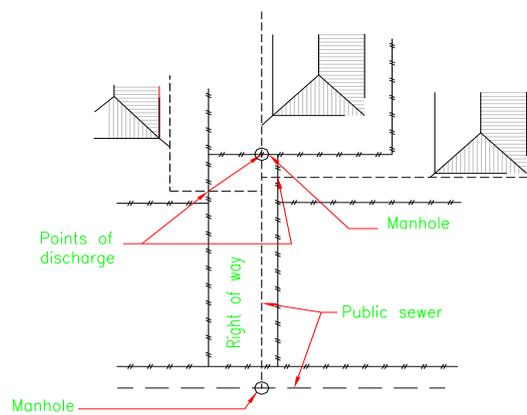
## Appendix D: Point of discharge location



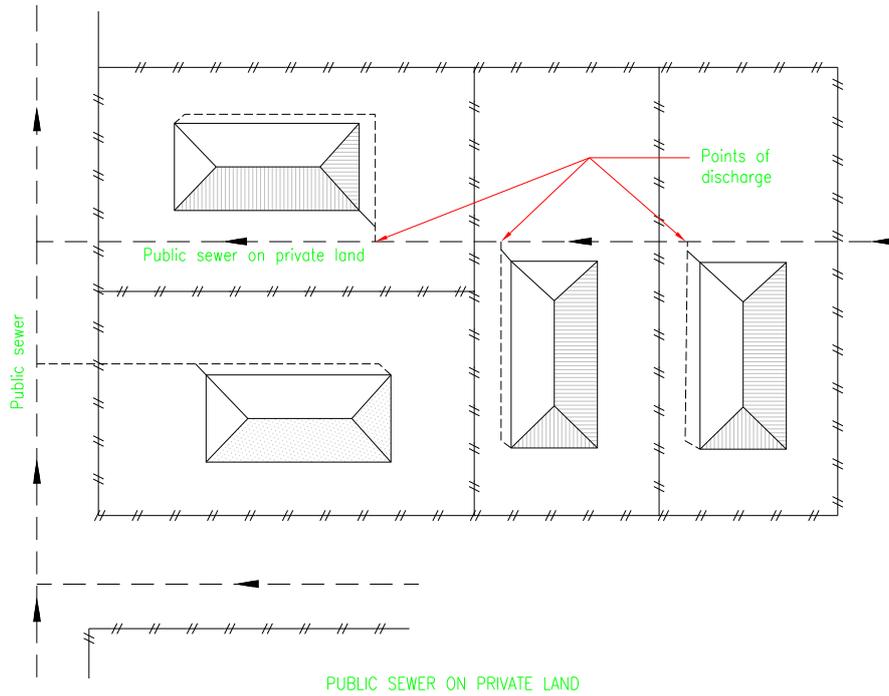
**Figure D1: Point of discharge for a single dwelling**



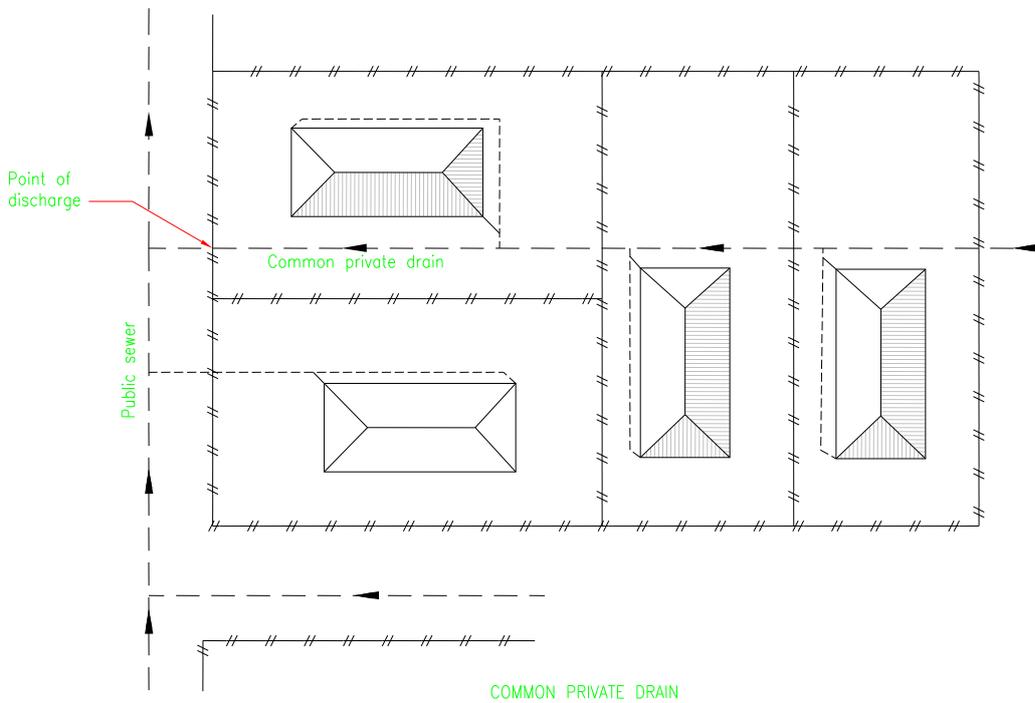
**Figure D2: Point of discharge for pre-existing situations only.  
This is not permitted for any new installations**



**Figure D3: Point of Discharge for multiple dwellings.**

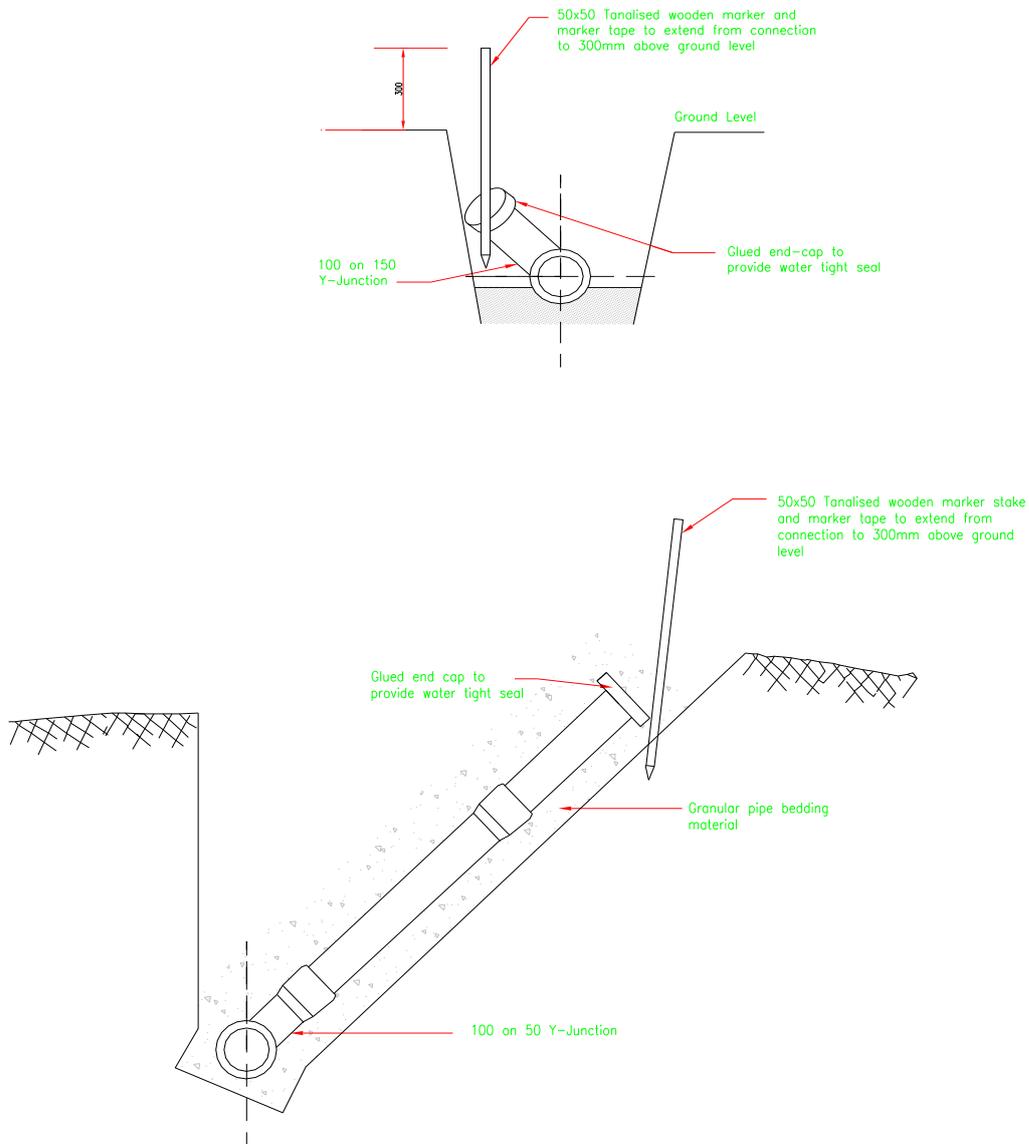


**Figure D4: Point of Discharge for multiple dwellings into public sewer across private property**



**Figure D5: Point of Discharge for multiple dwellings into common private drain across private property. This is for existing situations only; this arrangement will not be approved for new work.**

## Appendix E: Layout at point of discharge



**FIGURE E1 – layout at point of discharge**



For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
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