

# Napier City Council Integrated Trade Waste and Wastewater Bylaw 2022

## Bylaw Structure

There are three parts to this Bylaw:

- Part A Requirements Common to All Wastewater Services
- Part B Trade Waste
- Part C Wastewater Drainage

## Part A. Requirements Common to All Wastewater Services

### A.1 Title and Commencement

A.1.1 This Bylaw is the “Integrated Trade Waste and Wastewater Bylaw 2022”.

A.1.2 This Bylaw comes into force on 01<sup>st</sup> August 2022.

### A.2 Administration Manual

A.2.1 This Bylaw is supported by an Administration Manual which provides technical, administrative or operational material complementary to the Bylaw. The Administration Manual is made under the Bylaw and will guide the implementation and operation of the Bylaw and simplify its administration.

A.2.2 The Administration Manual will be updated from time to time, as necessary, to ensure that it is up to date and reflects current practice. All matters that the Administration Manual defines, regulates, controls or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of Council under section 151(2) of the Local Government Act 2002.

### A.3 Revocation

A.3.1 The Trade Waste Bylaw 2014 is revoked.

### A.4 Area within which Bylaw applies

A.4.1 This Bylaw applies to those areas of the District which are serviced by the Public Wastewater System. The Public Wastewater System is core infrastructure installed, owned and managed by the Council. It provides for the collection, treatment and discharge of Wastewater, including Domestic Wastewater and Trade Waste.

### A.5 Interpretation

A.5.1 The Legislation Act 2019 applies to this Bylaw and the Administration Manual.

A.5.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.

A.5.3 Any reference in this Bylaw to repealed legislation, bylaws, regulations or standards, is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation, bylaw, regulation or standard, repealed.

A.5.4 So far as they are applicable, and are not contrary to the application of this Bylaw, the provisions of the Napier City Introductory Bylaw are incorporated into and form part of this Bylaw.

## **A.6 Compliance with Other Acts and Regulations**

A.6.1 This Bylaw is made under section 146 of the Local Government Act 2002 for the provision of Wastewater Services by the Council.

A.6.2 Compliance with this Bylaw does not remove the need to comply with the requirements of any other applicable legislation, bylaws, regulations or standards. In the event of any inconsistency, the more stringent requirement applies.

A.6.3 Nothing in this Bylaw overrides the conditions of any resource consent granted by the Hawke's Bay Regional Council which specifically address Wastewater drainage and disposal.

## **A.7 Parties required to comply with the Bylaw**

A.7.1 This Bylaw applies to the following parties who utilise the Wastewater Services:

- a. Customers discharging Domestic Wastewater to Council's Public Wastewater System; and
- b. Operators discharging Trade Waste to Council's Public Wastewater System.

## **A.8 Delegation**

A.8.1 Any of the various powers and functions of the Council as detailed and set out in this Bylaw may be delegated by the Council to any officer or authorised agent of the Council.

## **A.9 Definitions**

A.9.1 For the purpose of the Bylaw and the Administration Manual, unless inconsistent with the context, the following definitions apply:

**Acceptable Discharge** means a discharge of Domestic Wastewater with Characteristics that comply with the requirements of Permitted Trade Waste as defined in Part B of this Bylaw.

**Administration Manual** means the Administration Manual for the Bylaw, as approved by the Council when the Bylaw was made and as amended from time to time by the Council.

**Approval** means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose or other Person authorised to give such approval on behalf of Council.

**Approval Notice** means an Approval authorising a Person to discharge Permitted Trade Waste to the Public Wastewater System.

**Authorised Officer** means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer warranted and appointed under sections 171 and 177 of the Local Government Act 2002.

**Boundary Kit** means the isolation valve and non-return valve installed on an individual Premise's Low Pressure Sewer lateral located on the legal boundary.

**Building** means any Building within the meaning of sections 8 and 9 of the Building Act 2004. A Building also includes any mobile or temporary structures with permanent or temporary connections to the Wastewater Services.

**Buried Services** means all Public Wastewater System features, sewers, pipes, rising mains, trunk sewers including Low Pressure Sewers and other underground utilities under the responsibility of the Council, whether in public or private land.

**Bylaw** means this Bylaw.

**Characteristic** means any of the physical, biological or chemical characteristics of Trade Waste or Wastewater.

**Condensing or Cooling Water** means any water used in any trade, industrial, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

**Conditional Trade Waste** means Tankered Waste, Trade Waste discharged from Mobile Facility and Vendor Operations, and any Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics set out in Schedule A of the Administration Manual unless otherwise specified in a Trade Waste Consent, and may have a discharge volume of more than 5 m<sup>3</sup>/day and/or a flow of more than 2 L/s.

**Consent Holder** means an Operator who has obtained a Trade Waste Consent to discharge from specified Premises to the Public Wastewater 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.

**Construction Debris** includes debris that may originate from all forms of construction and includes materials such as timber, Building paper, gravel, sand, concrete, concrete slurry, board materials, cardboard and other packaging materials, metal strips and other materials.

**Contaminant** has the same meaning as defined in section 2 of the Resource Management Act 1991.

**Controlled Wastewater** means Wastewater that meets the definition of Controlled Wastewater in the Administration Manual.

**Controlled Trade Waste** means Trade Waste that, after Pre-treatment, complies with all of the physical and chemical Characteristics set out in Schedule A of the Administration Manual, and has a discharge volume of less than 5 m<sup>3</sup>/day and a flow of less than 2 L/s.

**Council** means the Napier City Council and includes any Person or committee acting under authority duly delegated by the Napier City Council.

**Culturally Offensive Characteristics** means those forms of waste which, if discharged into the environment or to the Public Wastewater System or Stormwater Network, have potentially adverse effects on human health, aquatic ecology, Māori cultural values, tourism and amenity values.

**Customer** means a Person occupying domestic Premises connected to Public Wastewater System and includes, where appropriate, employees and agents. If the Building or land is not occupied, or is subject to a residential tenancy, means the Owner.

**Discharge** has the same meaning as defined in section 2 of the Resource Management Act 1991.

**Disconnection** means the physical cutting and/or sealing of any of the Council's water services, utilities, drains or sewers against use by any Person for the purposes of disconnecting of Premises from the Public Wastewater System.

**District** means the District of the Council as defined in section 2 of the Resource Management Act 1991.

**Domestic Wastewater** means water or other liquid from domestic Premises, including waste matter in solution or suspension, discharged from Premises used solely for residential purposes, and including water or other liquid drained from domestic swimming and spa pools.

**Dwelling** includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the ground or not, used wholly or partly for human habitation and/or sanitation, and includes the land accessory to a Dwelling.

**Environmental Management Plan** means a plan for a Premises to support the effectiveness of the Public Wastewater System by making provision for matters including, but not limited to, cleaner production, waste minimisation, Pre-treatment, managing, monitoring and recording Trade Waste discharges, contingency management procedures, pollution prevention and site Stormwater management.

**Food Premises** means Premises from which a food business (as defined in section 10 of the Food Act 2014) operates.

**Hazardous Substance** has the same meaning as that term is defined in section 2 of the Hazardous Substances and New Organisms Act 1996.

**Household Equivalent** means any Wastewater generated by a Trade Premises that would otherwise be generated from a domestic Premises (e.g. toilets, sinks, staff kitchen and facilities) and which is not a direct consequence of commercial or industrial operations.

**Infiltration** means water entering a pipe from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include Inflow.

**Inflow** means water discharged into a pipe from unlawful connections or other drain laying faults. It includes Stormwater entering through unlawful Stormwater downpipe connections, and unlawful cross connections of Stormwater pipes into Wastewater pipes, or from low gully traps.

**Level of Service** means the measurable performance standards on which the Council undertakes to supply Wastewater Services, as determined from time to time in the Council's Annual Plan.

**Low Pressure Sewer System** means a sanitary sewerage system consisting of on-site, privately owned, operated and maintained Sewage pumps, with service pipes connected, directly or indirectly, to the Public Wastewater System.

**Maximum Concentration** means the instantaneous peak concentration that may be discharged at any instant time.

**Mass Limit** means the total mass of any Characteristic that may be discharged to the Public Wastewater System over any stated period from any single Point of Discharge or collectively from several Points of Discharge.

**Meter** means a Council owned meter which measures and records the flow and/or volume of Wastewater.

**Mobile Facility and Vendor Operations** includes a vehicle, trailer, or caravan that may be used for food preparation and sale and a range of mobile activities such as commercial cleaning where liquid wastes are containerised and transported to discharge points in the Public Wastewater System.

**Napier City Council Code of Practice for Subdivision and Land Development** means Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.

**Operator** means a Person occupying Trade Premises connected to Public Wastewater System and includes, where appropriate, employees and agents.

**On-Property Low Pressure Sewer** means equipment placed on a Premises to permit the disposal of Wastewater from that Premises to a Pressure Sewer System that complies with the

requirements in the Napier City Council Code of Practice for Subdivision and Land Development. This includes:

- a. A grinder pumping unit within a chamber, both specifically designed for pressure sewer applications; and
- b. A property discharge line that connects the pumping unit to the Boundary Kit; and
- c. A control/alarm panel that controls the operation of the pump unit, and contains alarm components, electrical connection to the property and associated circuit breaker; and
- d. A remote data connection, such as telemetry (if required by Council).

**Owner** means any Person who owns any Building or land connected to the Public Wastewater System.

**Permitted Trade Waste** means Trade Waste that meets the physical and chemical Characteristics as defined in Schedule A of the Administration Manual without Pre-treatment and has a discharge volume of less than 5 m<sup>3</sup>/day and a flow of less than 2 L/s.

**Person** includes the Crown, a corporation sole and also a body of Persons whether corporate or otherwise.

**Point of Discharge** is the boundary between the Public Wastewater System and a Private Drain, as further defined in Clause C.5 and Schedule D of the Administration Manual or in a Trade Waste Consent.

**Potable Water** means water that does not contain or exhibit any determinants to any extent that exceed the maximum acceptable values specified in drinking water standards issued under the Health Act 1956.

**Premises** means either:

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

**Pressure Sewer System** means a system in the Public Wastewater System where Wastewater is conveyed under pressure generated by single or multiple pump units.

**Pre-treatment** means any processing of Wastewater or Stormwater designed to reduce or vary any Characteristics before discharge to the Public Wastewater System.

**Private Drain** means that section of drain between a Premises and a Point of Discharge through which Wastewater is conveyed from the Premises.

**Prohibited Trade Waste** means Trade Waste that has the Characteristics defined in Schedule B of the Administration Manual.

**Public Stormwater Network** means any component of the stormwater network vested in, or under the control of, the Council, whether or not any part of the network passes through private land.

**Public Wastewater System** means the system for collection, treatment and disposal of Wastewater and Trade Waste, including all sewers, pumping stations, and storage tanks, Wastewater Treatment Plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of Wastewater. The Public Wastewater System does not extend beyond the Point of Discharge.

**Record of Title** means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

**Separated Trade Waste Network** means the sewer network used exclusively for Trade Waste that contains no human sewage.

**Service Opening** means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a Public Wastewater System.

**Stormwater** means surface water run-off resulting from rainfall.

**Stormwater Drain** means any passage, channel or pipe on, over or under the ground by which Stormwater is conveyed.

**Tankered Waste** means any water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal into the Public Wastewater System or the Separated Trade Waste Network, but excludes Domestic Wastewater discharged directly from house buses, camper vans, caravans, buses and similar vehicles and discharges from Mobile Facility and Vendor Operations.

**Te Whanganui a Orotū** means the Ahuriri Estuary.

**Trade Premises** means:

- a. Any Premises used or intended to be used for any industrial or commercial purposes; or
- b. Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- c. Any other Premises from which a Contaminant is discharged in connection with any industrial or commercial process; or
- d. Any other Premises discharging waste material other than Domestic Wastewater, and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

**Trade Waste** means any Wastewater that is not Domestic Wastewater, and is generated by commercial or industrial activities, and does not include Wastewater generated by churches, marae, or Household Equivalent discharges.

**Trade Waste Consent** means a consent given by the Council in writing authorising an Operator to discharge Trade Waste to the Public Wastewater System.

**Unit Title** means a Record of Title or computer unit title register issued for a stratum estate in freehold or a stratum estate in leasehold (as the case may be) in respect of a unit or units in accordance with the Unit Titles Act 2010.

**Waahi tapu** means places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense and are outlined in the District Plan.

**Wastewater** means any water with matter in solution or suspension, Domestic Wastewater, or Trade Waste that discharges to the Public Wastewater System, and includes Tankered Waste.

**Wastewater Services** has the same meaning as defined by section 124 of the Local Government Act 2002 and includes Domestic Wastewater and Trade Waste services.

**Wastewater Service Area** means the areas of the District served by the Public Wastewater System.

**Water Main** means a pipe or conduit that conveys Potable Water.

**Working day** has the same meaning as in section 5 of the Local Government Act 2002, and excludes Matariki.

#### **A.10 Connection to Wastewater Services – General**

A.10.1 All procedures and physical works associated with a Wastewater Services connection must be in accordance with Council's procedure for approved contractors to commission physical connections to Wastewater Services as set out in the Administration Manual and Napier City Council Code of Practice for Subdivision and Land Development.

#### **A.11 Level of Service**

A.11.1 The Council does not guarantee uninterrupted Wastewater Services and, in particular, a service which is in excess of an agreed Level of Service, but will use its best endeavours to ensure the continuity of Level of Service.

A.11.2 Where works of a permanent or temporary nature are planned by Council which will substantially affect existing Wastewater Services, the Council will, where practicable, notify all known affected Persons or publicly notify the works.

A.11.3 Council will not be liable for any loss, damage or inconvenience which a Customer or Operator (or any other Person using the Public Wastewater System) may sustain as a result of deficiencies in, or interruptions to, the Wastewater Services or as a result of work carried out on the Public Wastewater System by the Council or its Authorised Agents.

#### **A.12 Emergency**

A.12.1 Natural hazards (such as floods, droughts, earthquakes) or accidents or pandemics which result in disruptions to any or all of the Wastewater Services requiring specific actions by personnel associated with operating and maintaining the Public Wastewater System are deemed an emergency and are exempt from Level of Service requirements.

A.12.2 During an emergency the Council may restrict or prohibit the use of a Wastewater Service for any specified purpose, for any specified period, and for any or all Persons connected to the Wastewater Services.

A.12.3 Such restrictions will be publicly notified when deemed necessary by the Council. The Council may enact penalties over and above those contained in this Bylaw to enforce such restrictions.

#### **A.13 Protecting the Public Wastewater System**

A.13.1 Customers must prevent any Stormwater, groundwater or Trade Waste entering the Public Wastewater System through Infiltration or Inflow, surface water run-off or overland flow.

A.13.2 Stormwater must be excluded from the Wastewater system by ensuring that:

- a. There is no direct connection of any Stormwater pipe or drain to the Wastewater system.
- b. Gully trap surrounds are set above Stormwater ponding levels, or secondary overland flow path flood levels, or above the 1 in 50 year flood level.
- c. Inspection covers are in place and are appropriately sealed.

- A.13.3 Private drains must be kept and maintained in a state which is free from cracks and other defects which may allow Infiltration.
- A.13.4 Any water used during the repair and construction of water mains must be de-chlorinated to provide a residual chlorine level of less than 0.5 ppm prior to Discharge into the Public Wastewater System. Any chemical used to neutralise the chlorine must not introduce any substances that exceed the limits specified in Schedule A of the Administration Manual.
- A.13.5 No water described in Clause A.13.4 above may be disposed of to the Public Stormwater Network, water course, or water body receiving environment except in compliance with the Napier City Council Stormwater Bylaw and with prior Approval.

#### **A.14 Access and Inspection**

- A.14.1 The Council's powers of access and inspection are as contained in all relevant legislation, including the Local Government Act 2002 and/or the Local Government Act 1974.
- A.14.2 Customers or Operators must allow the Council, or its agents, access to and about the Point of Discharge for the purposes of monitoring, testing, and maintenance work.
- A.14.3 Except under emergency conditions, the Council will give 24 hours prior notice to the Customer or Operator of the intended entry. Under emergency conditions, the Council is not required to provide notice to the Customer or Operator of its intended entry.
- A.14.4 Under emergency conditions, a Customer or Operator must allow the Council free and unimpeded access to and about the Point of Discharge. Emergency conditions include situations involving blockages of the Public Wastewater System, or where the Council has reasonable grounds to suspect that the Public Wastewater System is being misused or that a non-complying connection to the Public Wastewater System has been made.

#### **A.15 Fees and Charges**

- A.15.1 Under sections 150 and 151 of the Local Government Act 2002 the Council may prescribe fees and authorise the recovery of reasonable costs incurred by the Council in respect of the matters for which the fees are charged. Fees are set at the annual planning process fee setting or similar transparent public process in accordance with the Local Government Act 2002.
- A.15.2 The methodology for setting Trade Waste fees and charges prescribed by this Bylaw is set out in Schedule C of the Administration Manual.
- A.15.3 A schedule of fees and charges can be found online at the Napier City Council website.
- A.15.4 Customers or Operators must pay all fees and charges associated with their use of the Public Wastewater System.
- A.15.5 Customers or Operators are deemed to be continuing the discharge of Wastewater from their Premises and are liable for all charges, until written notice of Disconnection is given to the Council and a final inspection of the Premises has been completed by the Council.
- A.15.6 All fees and charges payable under this Bylaw are recoverable as a debt in accordance with section 252 of the Local Government Act 2002.
- A.15.7 If a Person Discharging to the Public Wastewater System fails to pay any fees and charges under this bylaw the Council may cancel their consent to discharge and may Disconnect service in certain circumstances.

#### **A.16 Costs recovery**

- A.16.1 The Council may recover the following costs pursuant to the Local Government Act 2002:



- a. costs incurred by the Council in relation to activities Approved or consented under this Bylaw;
- b. the amount of the destruction or damage; or the cost incurred by the Council in removing the stoppage or obstruction; or any loss or expenses incurred by the Council by the stoppage or obstruction or interference caused by any Person who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with the Public Wastewater System; and
- c. the costs of remedying damage associated with a breach of this Bylaw by any Person, upon their conviction.

#### **A.17 Review of decisions**

A.17.1 If any Person is dissatisfied in relation to any decision by the Council made under this Bylaw, any Person may lodge a complaint with the Council in accordance with the Council's Complaints Policy.

#### **A.18 Offences and Penalties – General**

A.18.1 Every Person commits an offence against this Part of the Bylaw who fails to comply with or acts in contravention of any provision of Part A of this Bylaw.

A.18.2 A Person who is convicted of an offence against this Bylaw is liable under sections 239 and 242 of the Local Government Act 2002 to a fine not exceeding:

- a. \$20,000 for a breach of Part A or C of this Bylaw.
- b. \$200,000 for a breach of Part B of this Bylaw.

A.18.3 A Person who is alleged to have committed an infringement, as specified in regulations made under the Local Government Act 2002, by breaching the Bylaw, may be served with an infringement notice in accordance with section 245 of the Local Government Act 2002.

#### **A.19 Enforcement – General**

A.19.1 Authorised Officers appointed under section 177 of the Local Government Act 2002 may:

- a. seize and impound property that is not on private land in accordance with section 164 of the Local Government Act 2002;
- b. enter private property involved in the commission of an offence, and seize and impound property in accordance with sections 165 and 166 of the Local Government Act 2002;
- c. enter land for the purpose of detecting a breach of this Bylaw or the commission of an offence against this Bylaw in accordance with section 172 of the Local Government Act 2002;
- d. require certain information from Persons in accordance with section 178 of the Local Government Act 2002; and
- e. enter any land or building other than a Dwelling to check utility services in accordance with section 182 of the Local Government Act 2002.

A.19.2 Subject to the provisions of the Local Government Act 2002, Customers and Operators must allow Authorised Officers, with or without equipment, to access any area of their Premises for the purposes of determining compliance with this Bylaw.

A.19.3 The Council may:

- a. remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw; and

b. recover the costs of removal or alteration from the Person who committed the breach.

A.19.4 Nothing done under 0 relieves the Person who committed the breach from any other liability for the breach of this Bylaw.

A.19.5 The Council may prohibit the discharge of Wastewater (including Trade Waste) which contravenes this Bylaw by removing, closing or modifying the Point of Discharge in a manner that prevents a discharge of Wastewater from the Premises.

## **Part B – Trade Waste**

### **B.1 Objectives**

B.1.1 The specific objectives for this Part of the Bylaw are as follows:

- a. Protect the water quality and ecology within the District's waterways, estuaries and marine environment.
- b. Protect the health, safety and wellbeing of staff and people within the District.
- c. Protect the Public Wastewater System from Contaminants and other substances that have a detrimental effect on its operation and asset life.
- d. Manage the loads on the Public Wastewater System.
- e. Optimise the capacity of the Public Wastewater System.
- f. Ensure compliance with the conditions of the Council's Wastewater discharge consent.
- g. Provide a basis for monitoring discharges from Trade Premises.
- h. To provide for an equitable spread of costs between Domestic Wastewater and Trade Waste discharges.
- i. Encourage water conservation, sustainable and cleaner production methods.

### **B.2 Specific provisions for Trade Waste discharges**

B.2.1 This Part of the Bylaw provides for the:

- a. Establishment of four categories of Trade Waste: Permitted, Controlled, Conditional and Prohibited;
- b. The Pre-treatment of Trade Waste before it is accepted for discharge to the Public Wastewater System;
- c. Acceptance of long-term, intermittent, or temporary Discharges of Trade Waste that are Controlled, Conditional, or Permitted into the Public Wastewater System and the exclusion of Prohibited Trade Waste;
- d. Specification of the daily volume, flow and Contaminant levels for Permitted Trade Waste so that the hydraulic and treatment capacity of the Public Wastewater System is not exceeded;
- e. Regulation of Trade Waste that may increase the operational and maintenance costs of the Public Wastewater System;
- f. The evaluation of individual Trade Waste discharges against specified criteria as set out in the Bylaw and Clauses B.3, B.4 and Schedule A of the Administration Manual;

- g. Prohibition of Trade Waste that decreases the effectiveness, integrity, and safety of the Public Wastewater System;
- h. Correct storage of materials in order to protect the Public Wastewater System from spillage of Hazardous Substance and other Contaminants;
- i. Operators to be required to undertake sampling and monitoring of Trade Waste to ensure compliance with the Bylaw and Schedules A and B of the Administration Manual;
- j. Council to accept or refuse a Trade Waste discharge of specified Characteristics;
- k. Sampling and monitoring of Trade Waste discharges by Council to ensure compliance with the Bylaw;
- l. Implementation of cleaner production methods as set out in Environmental Management Plans, where required by a condition of a Trade Waste Consent;
- m. Where Trade Premises have operations that could result in Contaminants entering the Public Stormwater and / or Wastewater System, provision for Environmental Management Plans that include procedures that address this.
- n. Charges to be set to cover the cost of administration, monitoring and a user pays Trade Waste scheme, as set out in Schedule C of the Administration Manual;
- o. Installation of Meters, samplers or other devices to measure flow and quality of Trade Waste discharges;
- p. Establishment of waste minimisation and management programmes for Trade Waste producers;
- q. Disconnection of Premises from the Public Wastewater System in the event of unauthorised discharges of Trade Waste as a last resort, or to protect people, property, or the environment;
- r. Cancellation of Trade Waste Consents if Conditions are not complied with; and
- s. The use of enforcement powers, including penalties to be applied to Persons who Discharge or permit discharges of Trade Waste in a manner that does not comply with this Bylaw.

### **B.3 Application**

- B.3.1 This Bylaw applies to all Trade Premises, Mobile Facility and Vendor Operations, and Tankered Wastes within the District from which Trade Waste is discharged or sourced or likely to be discharged to the Public Wastewater System.
- B.3.2 Pursuant to section 196 of the Local Government Act 2002, Operators may only discharge Trade Waste into the Public Wastewater System in accordance with this Bylaw.

### **B.4 Registration and consenting of Trade Waste discharges**

- B.4.1 The Council requires all Operators to register and when required, apply for Trade Waste Consents.
- B.4.2 All Operators must register their Trade Waste discharges by completing the registration form on the Council's website before:
  - a. **1 December 2022** for existing Operators as at the date of this Bylaw coming into force.
  - b. Commencing any Trade Waste Discharge for New Operators (i.e. Operators who commence discharging Trade Waste after this Bylaw comes into force).

B.4.3 The registration and Trade Waste Consent application processes are set out below and further detailed in Clause B.4 of the Administration Manual.

## B.5 Characteristics of Trade Waste discharges

B.5.1 Trade Waste discharges are classified as one of the following types:

- a. **Permitted Trade Waste:** The discharge of Permitted Trade Waste does not require a Trade Waste Consent, but is subject to a registration process and requires an Approval Notice.
- b. **Controlled Trade Waste:** The discharge of Controlled Trade Waste requires a Trade Waste Consent.
- c. **Conditional Trade Waste:** The discharge of Conditional Trade Waste requires a Trade Waste Consent.
- d. **Prohibited Trade Waste:** A Prohibited Trade Waste discharge cannot be undertaken and no consent can be sought.

B.5.2 Trade Waste discharges that are Controlled or Conditional are subject to the additional requirements as set out in Sections B.6 and B.7 of this Bylaw and relevant sections of Part B of the Administration Manual.

## B.6 Trade Waste Consents

### Application for a Trade Waste Consent

B.6.1 No Person may discharge Controlled, or Conditional Trade Waste or Tankered Waste to the Public Wastewater System without a Trade Waste Consent. This requirement applies from:

- a. The date of this Bylaw coming into force for:
  - i. Existing Operators who, as at the date of this Bylaw coming into force, hold a Trade Waste Consent; and
  - ii. New Operators (i.e. Operators who commence discharging Trade Waste after this Bylaw comes into force).
- b. **1 December 2023** for existing Operators who, as at the date of this Bylaw coming into force, do not hold a Trade Waste Consent.

B.6.2 Any Person may apply to the Council to:

- a. discharge (either continuously, intermittently, or temporarily) any Controlled or Conditional Trade Waste or Tankered Waste into the Public Wastewater System; or
- b. vary an existing Trade Waste Consent;

provided that the application is in writing in the form provided on the Council's website, and accompanied by the prescribed fee.

B.6.3 Where the Trade Premises produces Trade Waste from more than one area, separate descriptions of the Trade Waste and the areas concerned must be included in any application for Trade Waste Consent. This applies whether or not the separate areas of a Premises are part of a single or separate Trade process.

B.6.4 Information requirements in respect of the application, the decision on the application and the application consideration criteria are as set out in Clause B.4 of the Administration Manual.

- B.6.5 In all cases where the Operator of the Premises changes, or there is a change of use of the Premises, a new application for a Trade Waste Consent must be made. It is the responsibility of the Consent Holder or the new Operator (as appropriate) to lodge the new application.

#### **Grant of Trade Waste Consent**

- B.6.6 The procedure for assessing applications Approval Notices and Trade Waste Consents is detailed in Clauses B.1, B.3 and B.4 of the Administration Manual.

#### **Trade Waste Consent Conditions**

- B.6.7 A Trade Waste Consent may be subject to conditions, including but not limited to conditions of the kind referred to in Clause B.4.5 of the Administration Manual.

#### **Review of Trade Waste Consent**

- B.6.8 The Council may, at any time during the term of a Trade Waste Consent, by written notice to the Consent Holder review the Trade Waste Consent using the process outlined in Clause B.4.7 of the Administration Manual.
- B.6.9 A Consent Holder may, by written application to the Council, seek to vary any condition of a Trade Waste Consent at any time during the term of the Trade Waste Consent.

#### **Duration of Trade Waste Consent**

- B.6.10 Subject to Section 0, Trade Waste Consents remain in force until they expire at the end of the term prescribed in the Trade Waste Consent, being a term of no more than two (2) years. However, a Trade Waste Consent may be granted for a term not exceeding five (5) years as outlined in B.4 of the Administration Manual.
- B.6.11 A Trade Waste Consent may expire earlier if:
- a. Cancelled under Clause B.6.22 to B.6.30; or
  - b. The Consent Holder fails to submit a plan in accordance with Clause 0.
- B.6.12 The Council will give at least 20 Working Days' notice prior to any relevant proposed amendments to Schedule A of the Administration Manual. Wherever possible this Notice will be given in writing to a Trade Waste Consent Holder.
- B.6.13 Within 20 Working Days of the adoption of relevant amendments to Schedule A of the Administration Manual, a Trade Waste Consent Holder must submit a plan that details the changes they will make to ensure compliance with the amendments, to be implemented in a reasonable timeframe as agreed with the Council. If a plan is not submitted within the required timeframe, then the Trade Waste Consent will expire.

#### **Duration of Approval Notice**

- B.6.14 A Permitted Trade Waste discharge authorised by an Approval Notice is able to be discharged indefinitely unless:
- a. The quantity and nature of the discharge changes or is likely to change significantly to such an extent that it becomes a Conditional, Controlled, or Prohibited discharge; or
  - b. The Council changes the Trade Waste management procedures or the Characteristics of the Trade Waste by any amendment to, or replacement of, this Bylaw or Administration Manual such that the discharge becomes a Conditional, Controlled, or Prohibited discharge; or

- c. Cancellation of the Approval Notice is necessary, in the Council's opinion, to meet the requirement(s) of any new or amended resource consent granted to the Council or any other legal requirements imposed on the Council;

in which case the Council may require the Approval Notice holder to apply for an appropriate Trade Waste Consent or cease the discharge of Trade Waste from the Premises.

- B.6.15 The Council will give at least 20 Working Days' written notice prior to any proposed amendments to Schedule A of the Administration Manual. Wherever possible this notice will be given in writing to Approval Notice holders.
- B.6.16 In the event that an Approval Notice is terminated in accordance with Clause B.6.14 above the Approval Notice holder must apply for a Trade Waste Consent within 20 Working Days of the Approval Notice being terminated, or cease discharging the Trade Waste. If the Trade Waste Consent is not granted, then the discharge must cease.

#### **Renewal of Trade Waste Consent**

- B.6.17 A Consent Holder may apply to renew a Trade Waste Consent.
- B.6.18 An application to renew a Trade Waste Consent must be lodged with the Council no later than eight (8) weeks before the expiry of the existing Trade Waste Consent.
- B.6.19 Where an application to renew a Trade Waste Consent has been received, the Consent Holder may continue to discharge Trade Waste in accordance with the conditions of the existing Trade Waste Consent until:
  - a. The Council issues a renewed Trade Waste Consent; or
  - b. The Council declines to issue a renewed Trade Waste Consent.
- B.6.20 The renewal of a Trade Waste Consent will not be unreasonably withheld.
- B.6.21 Where an application to renew a Trade Waste Consent has not been received the Council may require the Consent Holder to cease discharging Trade Waste at the expiry of their existing Trade Waste Consent until any new Trade Waste Consent is issued.

#### **Suspension or Cancellation of Trade Waste Consent**

- B.6.22 The Council may suspend or cancel any Trade Waste Consent at any time following not less than 20 Working Days' Notice, to the Consent Holder or Person discharging or Person allowing a discharge of any Trade Waste, where:
  - a. In the opinion of an Authorised Officer, the Consent Holder has:
    - iii. Failed to comply with any condition of the Trade Waste Consent;
    - iv. Failed to maintain effective control over the Trade Waste discharge from the Premises;
    - v. Failed to provide or update an Environmental Management Plan as required;
    - vi. Failed to adhere to an Environmental Management Plan;
    - vii. Failed to pay any charges under this Bylaw;
    - viii. Discharged or allowed the discharge of any Prohibited Trade Waste;
  - b. Following a review of the technical issues considered when setting conditions of consent;
  - c. Due to new information becoming available;

- d. To meet the requirement of any new or existing resource consent imposed on the discharge from the Public Wastewater System;
- e. To meet any other legal requirements imposed on the Council;
- f. If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Trade Waste Consent;

If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.

B.6.23 The Council may suspend or cancel any Trade Waste Consent to discharge at any time where in the opinion of an Authorised Officer:

- a. Any breach of a resource consent imposed on the discharge from the Public Wastewater Network has arisen from (whether wholly or partly) the Trade Waste discharge from a particular Premises; and/or
- b. To meet the requirement of any new resource consent imposed on the discharge from the Public Wastewater Network; and/or
- c. Any act or omission of the Consent Holder is, or is likely to:
- d. Adversely affect the safety of the Public Wastewater System; and/or
- e. Damage any part of the Public Wastewater System; and/or
- f. Adversely affect the health or safety of any Person; and/or
- g. Adversely affect the environment; and/or
- h. The Consent Holder has Discharged or allowed the Discharge of any Prohibited Trade Waste; and/or
- i. The Council is lawfully directed to withdraw or otherwise to terminate the Trade Waste Consent immediately; and/or
- j. The Consent Holder, or their contractor using a Tankered Waste disposal system, has discharged any Trade Waste unlawfully; and/or
- k. To meet any other legal requirements imposed on the Council; and/or
- l. If any other circumstances arise that render it necessary in the public interest to cancel the Trade Waste Consent.

#### **Transfer and Termination of Consent**

B.6.24 Trade Waste Consents will be issued in the name of the Operator, and in relation to specific Premises and processes.

B.6.25 A Consent Holder must not, without Approval:

- a. Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the Trade Waste Consent;
- b. Allow a Point of Discharge to serve another Premises, whether directly or indirectly; or
- c. Allow Wastewater or Trade Waste from any other party or Premises to be discharged at the Consent Holder's Point of Discharge.

- B.6.26 When a Consent Holder ceases to occupy a Trade Premises, any Trade Waste Consent granted to that Consent Holder will be terminated, unless the Trade Waste Consent is transferred prior to the Consent Holder vacating the Premises.
- B.6.27 The Consent Holder must give 48 hours' notice in writing to the Council of its requirement for Disconnection and/or termination of the Trade Waste Consent, except where demolition or relaying of the discharge drain is required, in which case seven (7) Working Days' notice must be given. The Consent Holder must notify the Council in writing of its new contact details for final invoicing as necessary.
- B.6.28 The Council will not unreasonably withhold Approval to renew a Trade Waste Consent on change of ownership or occupation of Premises if the Characteristics of the Trade Waste remain unchanged.
- B.6.29 Notwithstanding Disconnection or termination of a Trade Waste Consent the Consent Holder, or in the event the former Consent Holder is no longer in existence, the subsequent Operator and/or Owner, will remain liable for the failure to meet any obligations existing at the date of Disconnection or termination the Trade Waste Consent.
- B.6.30 If a Trade Waste Consent is terminated for any reason, a final site inspection must be carried out by an Authorised Officer to confirm that the site will be left in a state which poses no future risk to the environment, including by:
- a. leaving the Premises of any risks to the Public Wastewater System or Public Stormwater Network or the receiving environment; and
  - b. Remediating any contaminated land to prevent future contamination of Stormwater, Groundwater or other waters and the receiving environment; and
  - c. Capping or sealing any connections to the Public Wastewater Network as necessary;
- before the Consent Holder, Operator and/or Owner's liability for that Premises ceases.

## **B.7 Management and Pre-treatment of Trade Waste**

### **General**

- B.7.1 Operators must:
- a. Maintain service and maintenance contracts for Pre-treatment devices at the Operator's expense.
  - b. At their expense, use processes, equipment or storage facilities to control:
    - i. The quality, quantity and rate of Trade Waste discharged from the Trade Premises; and
    - ii. The Characteristics in Trade Waste in accordance with any Trade Waste Consent conditions, prior to the Point of Discharge.

### **Pre-treatment**

- B.7.2 The Council may approve a Trade Waste Consent subject to the provision of appropriate Pre-treatment system(s) to enable the Consent Holder to comply with this Bylaw. Such Pre-treatment systems must be provided, operated and maintained by the Consent Holder at their expense.
- B.7.3 Operation and servicing of commercially supplied equipment must be in accordance with the supplier's recommendations, Schedule A of the Administration Manual and the conditions of the Trade Waste Consent.



### **Discharges via Grease Traps and Oil Interceptors**

- B.7.4 Where Trade Waste includes, or is likely to include, fats, grease or oils in excess of 100 grams per 1000 litres, or is from a Food Premises where any fats, grease or oils could be present in the Trade Waste discharge:
- a. Grease traps must be installed at the Trade Premises with a functional capacity of no less than 500 litres and a minimum of 2 hours retention at peak water flow; and
  - b. Operators must use and maintain the grease traps to a standard that complies with the discharge limits for fats, oil and grease as set out in Schedule A of the Administration Manual.
  - c. All systems in place to remove Fat, Oils and Grease must be installed and operated as per Section B.7 of the Administration Manual and any Trade Waste Consent conditions.

### **Food Premises**

- B.7.5 Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Food Premises to the Public Wastewater System unless approved by Council.

### **Dilution of Trade Waste**

- B.7.6 No Operator may add or permit the addition of any Potable Water, non-Potable Water, Condensing or Cooling Water or Stormwater to any Trade Waste discharge in order to vary the Characteristics of the Trade Waste, unless the Council has granted a Trade Waste Consent allowing such activities.

### **Discharge or Storage of Hazardous Substances**

- B.7.7 No Person may discharge Hazardous Substances to the Public Wastewater System and/or Public Stormwater Network except in accordance with a Trade Waste Consent.
- B.7.8 No Person may store Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network or the health and safety of people at any Trade Premises. without taking all reasonable steps to prevent their entry into the Public Wastewater System and/or Public Stormwater Network.
- B.7.9 All codes of practice developed by the New Zealand Government's Environmental Protection Agency; the Hazardous Substances and New Organisms Act 1996, and related guidelines or other industry organisations must be followed to store Hazardous Substance on site. Section A.2 of the Administration Manual lists a number of relevant documents. This list is not exhaustive and is expected to be subject to changes from time to time.

### **Culturally Offensive Characteristics**

- B.7.10 No Trade Waste containing Culturally Offensive Characteristics may be discharged into the Public Wastewater System except in accordance with a Trade Waste Consent.
- B.7.11 Trade Waste containing Culturally Offensive Characteristics must not be Discharged (directly or indirectly) to the Public Stormwater Network, where there is a risk of the Wastewater entering Te Whanganui a Orotū or other receiving environments of cultural significance.

### **Collection, Transportation and Discharge of Tankered Waste**

- B.7.12 The Council may accept Tankered Wastes for discharge at an approved location, subject to:
- a. The Tankered Waste being fully documented in accordance with the Liquid and Hazardous Substances Code of Practice, including:
    - i. A description of the type of waste;

- ii. The name of discharger and location;
  - iii. The source, date and time of collection;
  - iv. The volume of waste collected; and
  - v. The identification number and vehicle registration number.
- b. Tankered Waste will be analysed to determine its Characteristics if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all analysis and advice will be borne by the Consent Holder;
  - c. Tankered Waste is not to be picked up and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council;
  - d. To prevent cross-contamination between tanker loads, the tanker must be thoroughly washed prior to collecting a load for disposal into the Public Wastewater System; and
  - e. 24 hours' notice must be given to the Council for the disposal of wastes other than those sourced from domestic septic tanks, wherever possible.
  - f. Any Tankered Waste Operator intending to discharge to a Council facility must have:
    - i. A current Conditional Trade Waste Consent; and
    - ii. A Certificate of Registration for Offensive Trade.
  - g. All Tankered Waste must be treated in accordance with the conditions of the relevant Trade Waste Consent.

B.7.13 Tankered Waste (including Hazardous Substance transported out of Council's District) must be transported by a Consent Holder to discharge domestic septic tank or industrial wastes.

B.7.14 Tankers must have Safety Data Sheets (SDS) meeting Worksafe New Zealand's requirements and available to Council upon request. If an SDS is not available, alternative information acceptable to Council must be made available in written or electronic form.

B.7.15 Tankered Waste may be randomly tested, from time to time and at the Council's discretion, to determine the Characteristics. The cost of any random tests must be borne by the Consent Holder.

### **Mobile Facilities and Vendor Operations**

B.7.16 Discharges the Public Wastewater System from Mobile Facility and Vendor Operations must be at a location and in a manner approved by Council.

B.7.17 Operators must not Discharge Trade Waste from a Mobile Facility and Vendor Operation to a designated campervan waste disposal station.

## **B.8 Sampling, Testing and Monitoring**

### **Flow metering**

B.8.1 Metering to measure the flow rate and volume of a Trade Waste discharge may be required by the Council in accordance with the Administration Manual.

B.8.2 Meters may be installed on lateral connections to measure Trade Waste flow.

B.8.3 Operators must ensure all Trade Waste flow and no Domestic Wastewater flow is passing through the Meter.

## **Estimating discharge**

- B.8.4 In Premises where there is no Meter or similar apparatus, or the Meter is out of repair or ceases to register, or where in the opinion of the Council the Meter has been, or has likely been, tampered with, the Council will estimate the rate and quantity of Trade Waste discharge in accordance with the Administration Manual.

## **B.9 Accidents and Non-Compliance**

- B.9.1 A Consent Holder or Operator must inform the Council immediately on becoming aware of any breach or potential breach of this Bylaw, the Administration Manual, or any Trade Waste Consent.

## **B.10 Offences**

- B.10.1 Every Person commits an offence against this Part of the Bylaw who:

- a. Discharges Trade Waste, including Tankered Waste, or waste from a Mobile Facility and Vendor Operation into the Public Wastewater System in a manner that contravenes the requirements of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.
- b. Discharges Trade Waste, Tankered Waste, or waste from a Mobile Facility and Vendor Operation into the Public Stormwater Network.
- c. Discharges Wastewater containing Culturally Offensive Characteristics from a Trade Premises, Tanker, or Mobile Facility and Vendor Operation into the Public Wastewater System without a Trade Waste Consent.
- d. Discharges (whether directly or indirectly) Trade Waste containing Culturally Offensive Characteristics to the Public Stormwater Network, where there is a risk of the Wastewater entering Te Whanganui a Orotū or other receiving environments of cultural significance.
- e. Discharges Hazardous Substances to the Public Wastewater System or the Public Stormwater Network except in accordance with a Trade Waste Consent.
- f. Fails to take reasonable steps to prevent Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network from entering the Public Wastewater System or the Public Stormwater Network from a Trade Premises except in accordance with a Trade Waste Consent.
- g. Discharges human sewage to the Separated Trade Waste Network.
- h. Connects a Trade Premises to, or Disconnects a Trade Premises from, the Public Wastewater System without Approval.
- i. Makes any false or inaccurate statement or disclosure as to the contents of any Tankered Waste or Trade Waste.
- j. Adds or permits the addition of Potable Water, non-potable water or Stormwater to any Trade Waste which discharges into the Public Wastewater System except in accordance with a Trade Waste Consent.
- k. Uses refuse or garbage grinders and macerators to dispose of solid waste from Trade Premises to the Public Wastewater System except in accordance with a Trade Waste Consent.
- l. Causes damage to any part of the Public Wastewater System by discharging or dealing with Trade Waste in a manner that contravenes this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

- m. Fails to comply with the conditions of an Approval Notice or Trade Waste Consent.
- n. Fails to notify the Council immediately on becoming aware of any breach or potential breach of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.
- o. Otherwise fails to comply with or acts in contravention of any provision of this Bylaw, an Approval Notice, Trade Waste Consent and/or the Administration Manual.

## **Part C – Wastewater**

### **C.1 Objectives**

C.1.1 The specific objectives for this Part of the Bylaw are as follows:

- a. Protect the Public Wastewater System from damage and misuse;
- b. Ensure the protection and safety of Council personnel and the general public;
- c. Protect the ability of the Council to meet the requirements of legislation;
- d. Encourage all Customers to adopt cleaner production processes and appropriate innovative solutions so as to ensure all kinds of discharges into Public Wastewater System are of appropriate and acceptable quality that can be adequately treated by the downstream processes, and protect the receiving environment;
- e. Define the obligations of Customers;
- f. Protect investment in existing and future infrastructure, treatment plant and disposal facilities;
- g. Protect the environment from adverse effects of harmful substances discharged to the Public Wastewater System;
- h. Ensure on-site Wastewater Systems work efficiently and effectively; and
- i. Prevent Inflow and Infiltration of Stormwater or Trade Waste into the Public Wastewater System.

The quality and quantity limits that separate Domestic Wastewater from Trade Waste can be found in the Part B of this Bylaw.

### **C.2 Acceptance of discharge**

C.2.1 Every domestic Premise is entitled to have its Wastewater accepted by the Council if the following requirements are met:

- a. There is availability of capacity in the Public Wastewater System; and
- b. The Premises is within the Wastewater Service Area (through either connection to gravity or Low Pressure Sewer Systems); and
- c. Connection is to an appropriate point of the Public Wastewater System (noting that the appropriate point will not necessarily be the closest point of the Public Wastewater System to the Premise); and
- d. Payment of the appropriate rates and charges in respect of that Premises; and
- e. The requirements of this Bylaw are fulfilled.

C.2.2 All Customers must comply with, and are subject to, the terms and conditions for supply of the Public Wastewater System as set out in Part C of the Administration Manual.

- C.2.3 The Council must continue to accept Wastewater from domestic Premises once an approved connection to the Public Wastewater System has been made, subject to Clauses A.11, A.12 and A.15.7.
- C.2.4 For areas outside of the Wastewater Service Area, the Council retains the right to refuse a connection to the Public Wastewater System.

### **C.3 Connecting to the Public Wastewater System**

#### **Application for Approval**

- C.3.1 No Person other than the Council, may without Approval, make any connection to, or Disconnect from, or otherwise interfere with, any part of the Public Wastewater System.
- C.3.2 Where a new connection to the Public Wastewater System is required as part of a subdivision or development, the developer must provide all the drainage works subject to the Approval of the design and construction of the works, and in accordance with the Napier City Council Code of Practice for Subdivision and Land Development.
- C.3.3 Every application must comply with the requirements contained in the Administration Manual, including in relation to the payment of charges.
- C.3.4 An application to connect must be made even if a Private Drain has already been laid up to the Point of Discharge.
- C.3.5 The Council must supply and install the Public Wastewater System up to the Point of Discharge.

#### **Application to connect using On-Property Low Pressure Sewer Equipment**

- C.3.6 An application to connect to the Public Wastewater System using On-Property Low Pressure Sewer Equipment to the Low Pressure Sewer System will be approved only for domestic Premises located in a Low Pressure sewer service area, if available. Connections to a gravity Public Wastewater System are subject to Approval.
- C.3.7 The On-Property Low Pressure Sewer Equipment must comply with all requirements of the Napier Pressure Sewer Systems Policy.

#### **Application to connect pumped sewer systems**

- C.3.8 Where an application to connect involves the proposed installation of a private pumped sewerage system this will be approved only if the Council determines that there are no practical alternatives for gravity flow discharge to the Public Wastewater System, or where ground conditions are such that a gravity system is not suitable or where there is a Pressure Sewer System available.
- C.3.9 A private Wastewater pump station serving more than one domestic Dwelling requires:
- a. A "Common Pump Station Agreement" between the parties approved by the Council, including appropriate maintenance of rising mains. The agreement must be registered against the Record of Title of each Premises that receives the benefit of it.
  - b. The combined rate of discharge to the Public Wastewater System must not exceed the rate specified by the Council for a single Premises.
  - c. The combined rate of discharge to the public sewer must not exceed the rate specified by the Council.
- C.3.10 A private Wastewater pump station must have installed an approved Boundary Kit in accordance with the Napier City Council Code of Practice for Subdivision and Land Development.

## **Change of ownership**

C.3.11 In the event of domestic Premises that have Approval to connect to the Public Wastewater Network changing ownership, the new Owner will automatically become a new Customer.

## **C.4 Premises**

### **General**

#### **Flow rate**

C.4.1 The maximum instantaneous flow rate discharged from a domestic Premise, including from domestic swimming pools and spa pools, must not exceed 2 litres per second, or as otherwise specified in the Administration Manual. For domestic Premises, the Council may also set a maximum daily flow rate discharged from that Premises.

#### **Prohibited characteristics**

C.4.2 Wastewater with one or more of the Prohibited Characteristics in Schedule B of the Administration Manual must not be discharged into the Public Wastewater system from a domestic Premise.

#### **Specific Forms of Wastewater Discharge**

C.4.3 Part C1 of the Administration Manual provides further specific requirements for:

- a. Domestic Swimming Pools and Spa Pool Water;
- b. Campervan / Motorhome Wastewater; and
- c. Impervious yard run off.

## **C.5 Point of discharge**

### **General**

C.5.1 The Point of Discharge is the point on the Public Wastewater System which marks the boundary of responsibility between the Customer or Operator and the Council, irrespective of Premises boundaries.

C.5.2 Unless otherwise approved there is one Point of Discharge only for each Premises, Trade Premises and any Private Drain must not extend by pipe or any other means to serve another Premises.

#### **Maintenance and access**

C.5.3 The Council owns and maintains the Public Wastewater System up to the Point of Discharge. The Customer owns and maintains the Private Drain beyond the Point of Discharge.

C.5.4 The Customer must maintain the area in and around the Point of Discharge, keeping it reasonably free of soil, growth, or other matter or obstruction including Construction Debris which prevents, or is likely to prevent, convenient access.

C.5.5 Where it is not practical to notify a Customer of a maintenance interruption to the Point of Discharge before work commences, the Council may shut down the Point of Discharge without notice, and the Customer will be advised as soon as possible.

## **C.6 Care of Public Wastewater System infrastructure**

## **Discharge or Storage of Hazardous Substances**

- C.6.1 No Person may store Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network or the health and safety of people at any domestic Premises without taking all reasonable steps to prevent their entry into the Public Wastewater System and/or Public Stormwater Network.

## **Damage to the Public Wastewater System**

- C.6.2 All Persons must take due care not to damage any part of the Public Wastewater System.
- C.6.3 Every Person who damages the Public Wastewater System must report the damage to the Council immediately.
- C.6.4 Customers must inform the Council immediately on becoming aware of any breach or potential breach of this Bylaw.

## **Blockages**

- C.6.5 A Customer who identifies that a Private Drain on their Premises is overflowing or has other reasons to suspect a blockage affecting the Private Drain, must first contact the Council who will determine if the Public Wastewater System is the cause of the blockage. If the blockage remains then the Customer must contact an appropriately qualified tradesperson to clear and remove any blockage affecting the Private Drain.
- C.6.6 If a blockage within the Public Wastewater System is found to have originated within the Customer's Premises or has been caused by an unlawful discharge from that Premises, the Council may recover the costs of the unblocking work from the Customer.
- C.6.7 In the event of the roots of any tree on any private Premises causing or being likely to cause damage, interference to the flow, or blockage to Wastewater Services, the Council may require the removal of the tree and/or its roots in accordance with the procedure set out in section 468 of the Local Government Act 1974.

## **Construction Debris**

- C.6.7 The Customer and any Person acting on behalf of the Customer must take all reasonable precautions to ensure Construction Debris does not enter any component of the Public Wastewater System or a Private Drain. If Construction Debris enters the Public Wastewater System or a Private Drain, the Customer must notify Council immediately.
- C.6.8 In the event a blockage or other downstream issue occurs as a result of Construction Debris entering the Public Wastewater System or Private Drain, where the responsible Premises can be identified, Council may recover the costs associated with the remedial works from the Customer.

## **Working around Buried Services**

- C.6.9 Every Person proposing to carry out excavation work must first:
- a. Establish whether Buried Services are located in the vicinity of the proposed excavation. Drainage plans showing the location of Buried Services can be accessed via the Council's utilities maps, beforeUdig database; and
  - b. Identify whether the area is listed as Waahi Tapu. If a site is listed as Waahi Tapu or an unknown archaeological site is discovered, the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be adhered to.
  - c. No Person may excavate, or carry out piling or similar work closer than:
  - d. Five (5) metres from the centre line of Buried Services, or

- e. Two (2) metres from the centre line of Buried Services, without Approval. Such Approval may be subject to conditions on the carrying out of any work near the Buried Services.

C.6.10 At least five (5) Working Days' written notice must be given to the Council before any excavation or physical works close to Buried Services commence. Where appropriate the Council may mark out to within 1m on the ground the location of any Buried Services, and may impose reasonable restrictions on the work it considers necessary to protect the Buried Services.

C.6.11 No Person may cause the crushing load imposed on any Buried Services to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined in the NZ Transport Agency Bridge Manual).

C.6.12 No Person may place any additional material over or near Buried Services without Approval.

C.6.13 Service Openings must not be covered in any way unless approved by the Council in writing.

C.6.14 Removal of any covering material or adjustment of the Opening will be at the Customer's expense.

C.6.15 When excavating and working around Buried Services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

C.6.16 Excavation within a road reserve is also subject to the permit process of the Council and/or road controlling authority as defined in section 2 of the Land Transport Act 1991, as appropriate.

C.6.17 No building foundations or structures may be built over Buried Services:

- a. Within the easement for the Buried Service; or
- b. Within what would be the width of the easement for the Buried Service as detailed in the Napier City Council Code of Practice for Subdivision and Land Development; or
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

C.6.18 No Person may allow trees or shrubs to be planted over a Buried Service

- a. Within the easement for the Buried Service; or
- b. Within what would be the width of the easement for the Buried Service as detailed in the Napier City Council Code of Practice for Subdivision and Land Development; or
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

## **C.7 Disconnection**

C.7.1 A Customer must give ten (10) Working Days' Notice in writing of his or her intention to demolish or remove a Building connected to the Public Wastewater System.

C.7.2 The demolition or removal must not commence until the Premises has been Disconnected from the Public Wastewater System by the Council.

C.7.3 Where a Building is being demolished or undergoing refurbishment, the Council retains the right to Disconnect the connection and provide a new connection for the new or Refurbished Building for the given connection charges.

## **C.8 Offences**



C.8.1 Every Person commits an offence against this Part of the Bylaw who:

- a. Discharges Domestic Wastewater or Household Equivalent waste into the Public Wastewater System in a manner that contravenes the requirements of this Bylaw and/or the Administration Manual.
- b. Discharges solid waste, wet wipes or Construction Debris into the Public Wastewater System.
- c. Discharges Stormwater into the Public Wastewater System without Approval.
- d. Discharges Domestic Wastewater or Household Equivalent waste into the Public Stormwater Network.
- e. Discharges Hazardous Substances from a domestic Premises to the Public Wastewater System or the Public Stormwater Network.
- f. Fails to take reasonable steps to prevent Hazardous Substances or any other material likely to be harmful to the Public Wastewater System or Public Stormwater Network from entering the Public Wastewater System or the Public Stormwater Network from a domestic Premises.
- g. Connects a domestic Premises to, or Disconnects a domestic Premises from, the Public Wastewater System without Approval.
- h. Makes a private connection to a Pressure Sewer System.
- i. Causes damage to any part of the Public Wastewater System by discharging or dealing with domestic Wastewater or Household Equivalent waste in a manner that contravenes this Bylaw and/or the Administration Manual.
- j. Erects any Building, fence, retaining wall or other structure, or places any material or fill, or undertakes any works or excavation, or allows any tree or shrub to grow in the vicinity of the Public Wastewater System in a manner that contravenes this Bylaw and/or the Administration Manual and/or without Approval.
- k. Fails to notify the Council immediately on becoming aware of any breach or potential breach of this Bylaw and/or the Administration Manual.
- l. Otherwise fails to comply with or acts in contravention of any provision of this Bylaw and/or the Administration Manual.