



# Drainage Bylaw 2022

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# Drainage Bylaw 2022

## Part One – Introduction

### 1 Preliminary provisions

- 1.1 This Bylaw is the **Drainage Bylaw 2022**.
- 1.2 This Bylaw is made under sections 145 and 146 of the Local Government Act 2002.
- 1.3 This Bylaw recognises the fundamental concept of Te Mana o Te Wai as prescribed under the National Policy Statement for Freshwater Management 2020, and in particular, the need to restore and preserve the balance between the water, the wider Environment, and the community.
- 1.4 Council recognises the interconnections between the three waters (water supply, Wastewater (including Trade Waste) and Stormwater) and takes an integrated and holistic approach, ki uta ki tai, to their management.

*Explanatory note: the Council also has powers under the Building Act 2004, Resource Management Act 1991, Local Government Act 1974, and other legislation regarding Wastewater and Stormwater discharges and drainage. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.*

### 2 Commencement

- 2.1 This Bylaw comes into force on 22 September 2022.

### 3 Purpose

- 3.1 The purpose of this Bylaw is to:
  - (a) Recognise the integrated approach of ki uta ki tai in the management of freshwater, particularly Stormwater, through greater Council control over the quality of discharges;
  - (b) to manage, regulate and protect from damage, misuse or loss, or for preventing the use of, the land, Structures, or infrastructure associated with the Public Wastewater Network and the Public Stormwater Network defined as the “Public Drainage Network”; and
  - (c) ensure that private drains are properly managed and maintained in order to protect the public from Nuisance, and protect, promote and maintain public health and safety, including by minimising flood risk.

### 4 Application

- 4.1 This Bylaw applies to:
  - (a) the discharge of Domestic Wastewater into the Public Wastewater Network;

- (b) Stormwater discharges into the Public Stormwater Network; and
- (c) works in, on or near the Public Drainage Network

*Explanatory Note: Consent may also be required from Horizons Regional Council for any work in or near a waterway, for any new or upgraded On-site Wastewater System, or for the discharge of Stormwater to ground or to a waterway that is not part of the Public Stormwater Network. For the avoidance of doubt, advice should be sought from Horizons prior to any discharge to private land.*

## 5 Interpretation and definitions

5.1 The Manawatū District Council Explanatory Bylaw 2022 applies to, and supplements, this Bylaw.

5.2 In this Bylaw, unless the context requires otherwise:

**Act** means the Local Government Act 2002.

**Acceptable Discharge** means either

- a)** a discharge of Wastewater to the Public Wastewater Network that complies with this Bylaw and (if applicable) the Council’s Trade Waste Bylaw 2022; or
- b)** a discharge of Stormwater only that discharges to a Road or Public Stormwater Drain.

**Buried Services** means all parts of the Public Drainage Network, including Rising Mains and Trunk Sewers, that are located underground.

**Characteristic** means any of the physical or chemical characteristics set out in Schedules 1 and 2 of the Council’s Trade Waste Bylaw 2022.

**Common Private Sewer and Drains** means: a Private Sewer or a Private Drain that serves between two and seven single Dwelling Units.

**Contaminant** means 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 -

- (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of the water; or
- (b) when discharged onto or into land or 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.

*Guidance note – this definition is the same as the definition of “contaminant” in the Resource Management Act 1991, meaning that any substance that is contaminant under that regime will also be one for the purposes of this Bylaw.*

**Customer** means the Owner or Occupier of a Premises who discharges, lawfully or otherwise:

- (a) Wastewater from their Premises to the Public Wastewater Network; or

(b) Stormwater from their Premises to the Public Stormwater Network.

**Disconnect or Disconnection** means the sealing off of any of Council's water services, utilities, drains or sewers to prevent use by a person or Premises.

**Domestic Premises** is a Premises used solely for residential activities or one from which only Domestic Wastewater is discharged.

*Explanatory note: Where part of a 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 may be treated as a Domestic Premises. Any trade activity which produces or has the potential to produce Trade Waste may be treated as coming from a Trade Premises.*

**Domestic Wastewater** means Wastewater which is discharged from sanitary fixtures or appliances in Premises that are used solely for residential activities, or wastes of the same character discharged from other Premises, with maximum strength parameters as follows:

- (i) Biological dissolved oxygen (BOD<sub>5</sub>) 350g/m<sup>3</sup>
- (ii) Total suspended solids (TSS) 400g/m<sup>3</sup>
- (iii) Ammonia (NH<sub>4</sub>) 60g/m<sup>3</sup>
- (iv) Phosphate (PO<sub>4</sub>) 30g/m<sup>3</sup>; and
- (v) Total Kjeldahl Nitrogen (TKN) 65g/m<sup>3</sup>.

**Dwelling Unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Infiltration** means any water or liquid, including Stormwater and groundwater, entering the Public Wastewater Network or a Private Sewer through defects in the Public Wastewater Network or Private Sewer, such as, but not limited to, poor joints, and cracks in pipes or manholes.

**Inflow** means any water or liquid, including Stormwater, discharging into the Public Wastewater Network or a Private Sewer from unauthorised or non-complying connections or due to other drain laying faults.

**Level of Service** means the measurable performance requirements on which the Council endeavours to supply Wastewater and Stormwater services to its Customers as outlined in the Council's 10 Year Plan.

**On-Site Wastewater System** means any system, which is domestic, commercial, private or public, that holds and/or treats and/or disposes of Wastewater generated from activity on any Premises that is not connected to Council's Public Wastewater Network.

*Guidance note - this includes septic tanks. Horizons' One Plan contains rules relating to On-Site Wastewater Systems. A resource consent may be required from Horizons prior to the installation and operation of an On-Site Wastewater System.*

**Permit** means a permit issued by the Council under clause 38.1(a) that authorises Stormwater discharges from a Trade Premises.

**Permit Holder** means the person who has obtained a Permit, and includes any person acting with the express or implied consent of the Permit Holder and any licensee of the Permit Holder.

**Point of Discharge** means the point at which:

- (a) Wastewater from a Private Sewer is discharged into the Public Wastewater Network; or
- (b) Stormwater from a Private Drain is discharged into the Public Stormwater Network.

**Ponding Levels** means the level of any ponding on land that is expected to occur in a one in five year rain event.

**Premises** means any land, building, cellar or part thereof, which is separately occupied. All adjoining land and buildings occupied together are deemed to be the same Premises.

**Private Drain** means that section of drain, including old drainage routes, overland flow paths or natural watercourses, through which Stormwater is conveyed from a private Dwelling/Premises and land to the Point of Discharge into the Public Stormwater Network. This section of drain is owned and maintained by the Customer or a group of Customers.

**Private Sewer** means that section of a privately-owned Sewer between the Dwelling or Premises through which Wastewater flows up to the Point of Discharge to the Public Wastewater Network.

**Prohibited Trade Waste** has the same meaning as in the Council's Trade Waste Bylaw 2022.

**Public Drain** means a part of the Public Stormwater Network.

**Public Drainage Network** means the Public Stormwater Network and the Public Wastewater Network.

**Publicly Notified** means to give notice

- (a) in the event that any emergency conditions exist, by the most practical means available; but otherwise
- (b) in the manner prescribed in the Local Government Act 2002.

**Public Stormwater Network** means all pipes, drains, passages, channels and other related Structures (whether aboveground or underground), and including drainage along Roads and Road reserve, that are owned by or under the control of the Council and used for the collection, transport, treatment or disposal of Stormwater.

**Public Wastewater Network** means all Sewers, pumping stations, storage tanks, wastewater treatment plants, and other related Structures, assets or land that are owned by or under the control of the Council and used for the collection, transport, treatment or disposal of Wastewater.

**Reasonable Mixing** in relation to the discharge of Contaminants into a river or an artificial watercourse means a distance downstream of the discharge that is the least of:

- (i) the distance that equals seven times the width of the river or drain; or
- (ii) 200 metres from the stormwater outfall.

**Receiving Environment** means a public open drain or a watercourse that a Public Stormwater Network discharges to.

**Record of Title** has the meaning given to it in section 5 of the Land Transfer Act 2017.

**Regional Authority** means the Manawatū-Whanganui Regional Council (Horizons).

**Registered Drainlayer** means a tradesperson certified by the Plumbers, Gasfitters and Drainlayers Board under the Plumbers, Gasfitters and Drainlayers Act 2006 and holding such other certifications as the Council may require from time to time.

**Rising Main** means a pressurised Sewer through which Wastewater is pumped.

**Secondary Flow Path** means potential overland flow path for flood waters should underground drainage be overflowing upstream of the site.

**Service Opening** means any stormwater inlet, outlet, treatment device, service opening, or manhole, or similar means that is used for gaining access for inspection, cleaning or maintenance, of a part of the Public Drainage Network.

**Service Pipe** means a lateral pipe connecting a Private Sewer or Private Drain to a connection with the Public Wastewater Network or Public Stormwater Network.

**Sewer** means any pipework that conveys Wastewater, whether privately owned or as part of the Public Wastewater Network.

**Stormwater** means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any Structure, as a result of precipitation and includes any Contaminants contained within.

**Stormwater Management Plan** means a document that informs everyday operations and processes for stormwater management on a premises to help reduce pollution and contamination of stormwater run-off.

**Stormwater Outfall** means where stormwater outfall discharges into a waterway or an artificial watercourse.

**Trade Premises** means any Premises:

- (a) used or intended to be used for:
  - (i) any business, industrial or trade purpose; or
  - (ii) the storage, transfer, treatment, or disposal of waste materials, composting organic materials, or other waste management purposes; and
- (b) from which:
  - (i) a Contaminant is discharged in connection with any industrial or trade process; or
  - (ii) Wastewater that is not Domestic Wastewater is discharged; and
- (c) includes any Premises that are wholly or mainly used for agricultural or horticultural purposes.

**Trade Waste** means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes domestic wastewater and greywater.

**Trunk Sewer** means a Sewer that forms a part of the Public Wastewater Network, which is usually greater than 150mm in diameter.

**Wastewater** means water or other liquid waste, including Domestic Wastewater and waste matter in solution or suspension, discharged to the Public Wastewater Network.

**Wastewater and Stormwater Services** means the services provided to the Customer by the Council for all aspects of Wastewater and Stormwater drainage.

- 5.3 A reference in this Bylaw to discharging Wastewater and Stormwater includes causing, allowing or instructing the discharge.
- 5.4 Any guidance or explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be inserted, amended, removed or replaced by the Council at any time.
- 5.5 In addition, this Bylaw should be read in conjunction with, but not in replacement of, the Water Supply Bylaw and the Trade Waste Bylaw.

*Guidance Note – Part 2 of the Legislation Act 2019 applies to the interpretation of this Bylaw.*

## Part Two – Controls on Discharges

### 6 Discharges must comply with Bylaw

- 6.1 Any person discharging Wastewater or Stormwater to the Public Drainage Network must do so in accordance with this Bylaw.

*Explanatory note: This Bylaw is in addition to controls on Stormwater and Wastewater imposed by the Regional Authority under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw. In particular, discharges of trade wastes are governed by Council's Trade Waste Bylaw 2022.*

### 7 Continuity of discharge

- 7.1 The Council will endeavour to meet any applicable Level of Service requirements of the Annual Plan or 10 Year Plan, but cannot guarantee uninterrupted or constant Wastewater or Stormwater services.
- 7.2 Where works of a permanent or temporary nature are planned that will substantially affect existing Wastewater and Stormwater Services, the Council will make every reasonable attempt to give advance notice to all known Customers likely to be substantially affected by the works.
- 7.3 Despite clause 7.2, if works that will substantially affect existing Wastewater and Stormwater Services are urgently required, and providing advance notice to the Customer(s) is either not practical or reasonable, the Council may disrupt the service and

notify the Customer(s) of the disruption at that time or as soon after as practicable.

## **8 Emergency restrictions**

- 8.1 An emergency will exist where any natural hazard (such as floods or earthquakes) or accident beyond the control of the Council results in disruptions to Wastewater and Stormwater Services .
- 8.2 In the case of an emergency, the Council may undertake any works in a manner that is contrary to clause 7.1, subject to an expectation that any applicable Level of Service required by the Annual Plan or 10 Year Plan will be reinstated as soon as practicable.
- 8.3 During an emergency, the Council may restrict or prohibit the use of Wastewater and Stormwater Services for any specified purpose, for any specified period, and for any or all of its Customers throughout the whole District or part of the District.
- 8.4 Any restrictions or prohibitions will be Publicly Notified by the Council, in advance if practicable in the circumstances.
- 8.5 A Customer must comply with any restrictions or prohibitions imposed by the Council under clause 8.3.

## **9 Liability**

- 9.1 The Council will not be liable for any damage to any Private Drain or Private Sewer, or for any loss, damage or inconvenience which the Customer (or any person within the Premises) may sustain, as a result of any connection to the Public Drainage Network.
- 9.2 Without limiting clause 9.1, the Council will not be liable for:
- (a) any damage to property caused by the Public Drainage Network failing in any respect; or
  - (b) any loss resulting from any restrictions or interruptions to the Wastewater and Stormwater Services.

# **Part Three – Connections to Public Drainage Network**

## **10 Access to the Public Drainage Network is limited**

- 10.1 No person, other than a Council Officer, Authorised Agent, or approved contractor acting in accordance with a Council approval or direction, may access, alter (including making a connection), repair, or otherwise tamper or interfere with, any part of the Public Drainage Network.

## **11 Matters requiring Council approval**

- 11.1 A person must not, without first obtaining approval from the Council:
- (a) connect to the Public Drainage Network;
  - (b) discharge Domestic Wastewater into the Public Wastewater Network; or

- (c) discharge Stormwater into the Public Stormwater Network.

## **12 Applications for Council approval to connect**

12.1 A person may apply to the Council to do either or both of the following:

- (a) connect to the Public Wastewater Network; and
- (b) connect to the Public Stormwater Network.

12.2 Any application under clause 12.1 must be made on the application form prescribed by the Council and be accompanied by the fee prescribed in the Council's current Schedule of Fees and Charges.

12.3 On receiving an application under clause 12.1, the Council may request any further information that it considers necessary to support the application, which the applicant must provide at their expense.

*Explanatory Note: For the avoidance of doubt, Council's approval under this Bylaw is in addition to any requirements to obtain a building consent or resource consent.*

## **13 Council decisions on applications for connection**

13.1 On receipt of an application under clause 12.1(a) or (b), the Council will either:

- (a) approve the application and impose any conditions it considers appropriate, including setting requirements for the size of all pipes, fittings and any other equipment, up to the Point of Discharge, and the location of the Point of Discharge etc.; or
- (b) refuse the application and give reasons to the applicant for the decision.

13.2 In making its decision under clause 13.1, the Council will take into account the matters set out in clauses 14.1 and 15.1, but may otherwise exercise its discretion as it sees fit.

## **14 Entitlement to Wastewater connection**

14.1 Subject to clause 11.1, every person is entitled to a connection to the Public Wastewater Network for any discharge of Domestic Wastewater if:

- (a) the Premises lie within an area that is currently serviced by the Public Wastewater Network;
- (b) there is, in the Council's opinion, sufficient capacity in the Public Wastewater Network for level of Domestic Wastewater likely to be discharged;
- (c) the person has paid all fees and charges prescribed in the Council's current Schedule of Fees and Charges in respect of the Premises generally; and
- (d) the Council is satisfied that the person and Premises are otherwise in compliance with this Bylaw, any relevant Permit, and any other applicable legislative requirements.

## 15 Entitlement to Stormwater connection

15.1 Subject to clause 11.1, every person is entitled to a connection to the Public Stormwater Network for any discharge of Stormwater from their Premises if:

- (a) the Premises lie within an area that is currently serviced by the Public Stormwater Network (including because land naturally drains to an open part of the Public Stormwater Network or an existing Private Drain);
- (b) there is, in the Council's opinion, sufficient capacity in the Public Stormwater Network for the additional flow of Stormwater likely to be discharged

*Explanatory Note: Most of the Stormwater drainage within urban areas has limited capacity and therefore the Council require, at the cost of the Owner or applicant, that the Public Stormwater Network is upgraded or the discharge of Stormwater adequately controlled within the Premises which may include onsite detention.*

- (c) the person has paid all relevant fees and charges prescribed in the Council's current Schedule of Fees and Charges in respect of the Premises generally; and
- (d) in the event Stormwater is to be discharged from Trade Premises, the person has or will obtain a Permit under clause 38.1(a) of this Bylaw; and

*Explanatory note - A Permit is required under Clause 38.1(a) of this Bylaw for any Stormwater discharges from a Trade Premises into the Public Stormwater Network or into Private Drains that connect to the Public Stormwater Network . The initial Permit must be obtained within 12 months of the commencement of this Bylaw.*

- (e) the Council is satisfied that the person and Premises are otherwise in compliance with this Bylaw, any relevant consent, and any other applicable legislative requirements.

## 16 Installation of connections

16.1 A Customer must comply with any conditions imposed by the Council on its approval under clause 13.1(a), and all relevant requirements in this Bylaw, when installing the approved connection to the Public Drainage Network.

16.2 Unless otherwise provided in a resource consent for subdivision, the Customer is responsible for all costs associated with the supply and installation of the connection, and the Service Pipe, Private Sewer and Private Drain.

16.3 If a Customer fails to install a Private Sewer and/or Private Drain up to the Point of Discharge in accordance with any conditions imposed on their Permit under clause 13.1(a), or a resource consent, Council or an Authorised Agent may supply and install the Private Sewer and/or Private Drain, at the applicant's cost.

16.4 In the event that a new connection will require the installation of new pipe work from the existing Public Drainage Network to the Point of Discharge, the Customer must pay such fees and charges as are prescribed in Council's current Schedule of Fees and Charges for this work.

*Explanatory Note: Where a new Sewer or Public Drain is required as part of a subdivision*

*development, the Customer will be required by way of subdivision consent to supply and install the drainage works through the Customer's land. Any works off-site to connect new works to Public Sewers or Drains shall be as in clause 16.4.*

- 16.5 All work involved with installing a connection to the Public Drainage Network must be:
- (a) carried out by a Council Officer, Authorised Agent, or approved Council contractor (consistent with clause 10.1); and
  - (b) constructed in accordance with Council's Engineering Standards for Land Development, unless the Council approves otherwise.
- 16.6 Any approved contractor who carries out work under clause 16.5(a) must supply to the Council as built plans for all additions or alterations to the Public Drainage Network, promptly after completion of the work.
- 16.7 Any approval granted under clause 13.1(a) will lapse if not actioned within 6 months of the date of approval, unless the Council has authorised otherwise in writing. Any refund of fees and charges will be at the discretion of the Council.

## **17 Maintenance and access**

- 17.1 A Customer must allow the Council and/or any person called upon by Council to assist, with any necessary equipment, entry and/or access to the Premises, at any reasonable time, for the purposes of ascertaining whether connections to the Public Drainage Network have been made in contravention of any of the requirements of this Bylaw.
- 17.2 The Customer must allow the Council, and/or any person called upon by the Council to assist, access to and about the Point of Discharge for the purposes of monitoring, testing, and maintenance work, between 7.30 am and 6 pm on any day. Notice of entry must be given by Council in accordance with the Act.
- 17.3 In any emergency situation, or for the purpose of ascertaining whether the drains have been damaged, the Customer must allow the Council unrestricted access to and about the Point of Discharge at any hour.

## **18 Disconnection by Customer**

- 18.1 A person must not carry out a disconnection from the Public Drainage Network other than in accordance with this clause, and in compliance with any conditions imposed by the Council under clause 18.3.
- 18.2 Before making a disconnection from the Public Drainage Network, a Customer must give the Council at least 15 Working Days' notice, in writing, of their intention to Disconnect.
- 18.3 The Council may, by written notice to the Customer given prior to the planned date of disconnection, impose conditions on how the disconnection is to be carried out.
- 18.4 A notice under clause 18.3 must, without limitation, state:
- (a) the planned date of the disconnection;
  - (b) which approved Council contractor will carry out the disconnection work; and

- (c) whether the disconnection is due to the demolition or removal of the Premises currently served by the connection.
- 18.5 A person must not commence the demolition or removal of building currently served by the connection until:
- (d) the Premises have been Disconnected from the Public Wastewater Network in accordance with clauses 18.1 to 18.4; and
  - (e) all redundant downpipe connections to the Public Stormwater Network have been sealed to prevent soil being washed into the network.
- 18.6 Where any Disconnection has not been completed by a Customer in a manner that accords with the conditions, or timeframe, specified in a notice issued under clause 18.3, the Council may undertake any works required to achieve a compliant disconnection, and recover all associated costs from the Customer.

## Part Four – Private Infrastructure

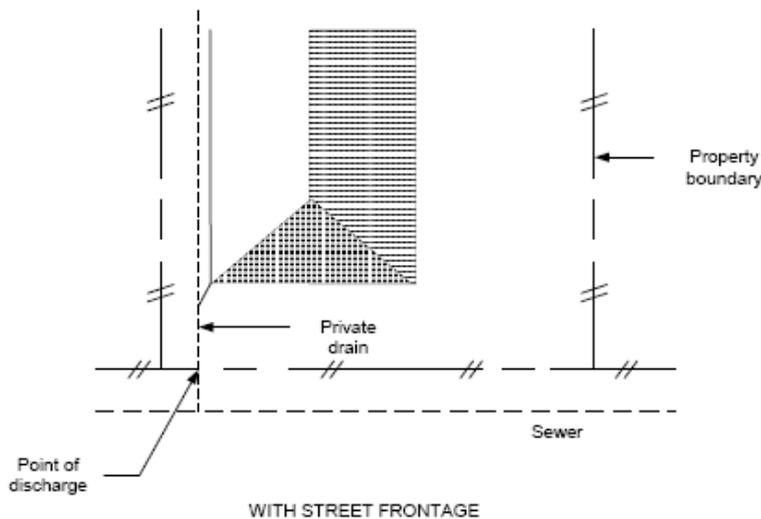
### 19 Point of Discharge for single ownership

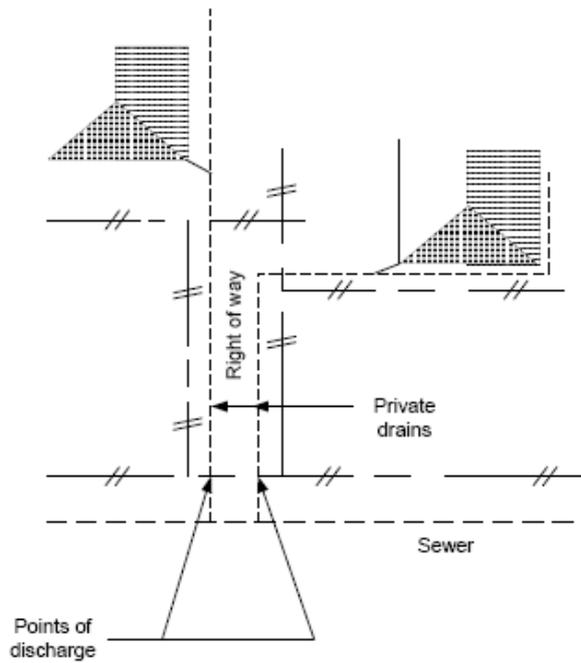
19.1 For each Premises that is held in single ownership:

- (a) there must be no more than one Point of Discharge into the Public Wastewater Network.; and
- (b) the Point of Discharge must be located as shown in Figure 2 or, if fences, walls or other permanent Structures make it difficult to locate it as shown in Figure 2, at an alternative location that is approved by the Council; and
- (c) the Point of Discharge into the Public Wastewater Network will be the upstream end of the pipe fitting that forms the junction with the Public Wastewater Network, as shown in Figure 3 below.

19.2 In the event that an alternative position is approved by the Council under clause 19.1(b), that alternative position must be recorded on the drainage plan submitted with any application for connection or other approvals under this Bylaw.

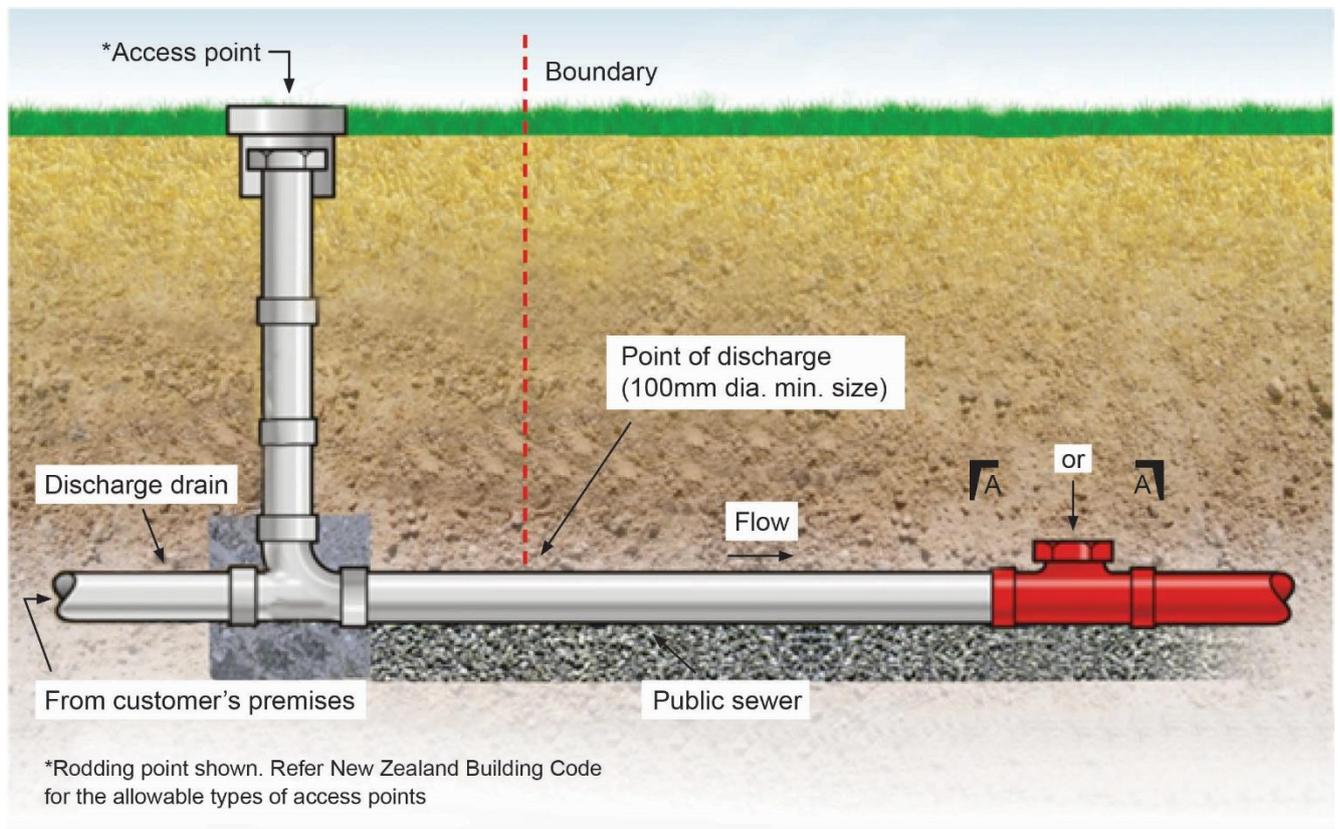
Figure 2. Single Dwelling Point of Discharge

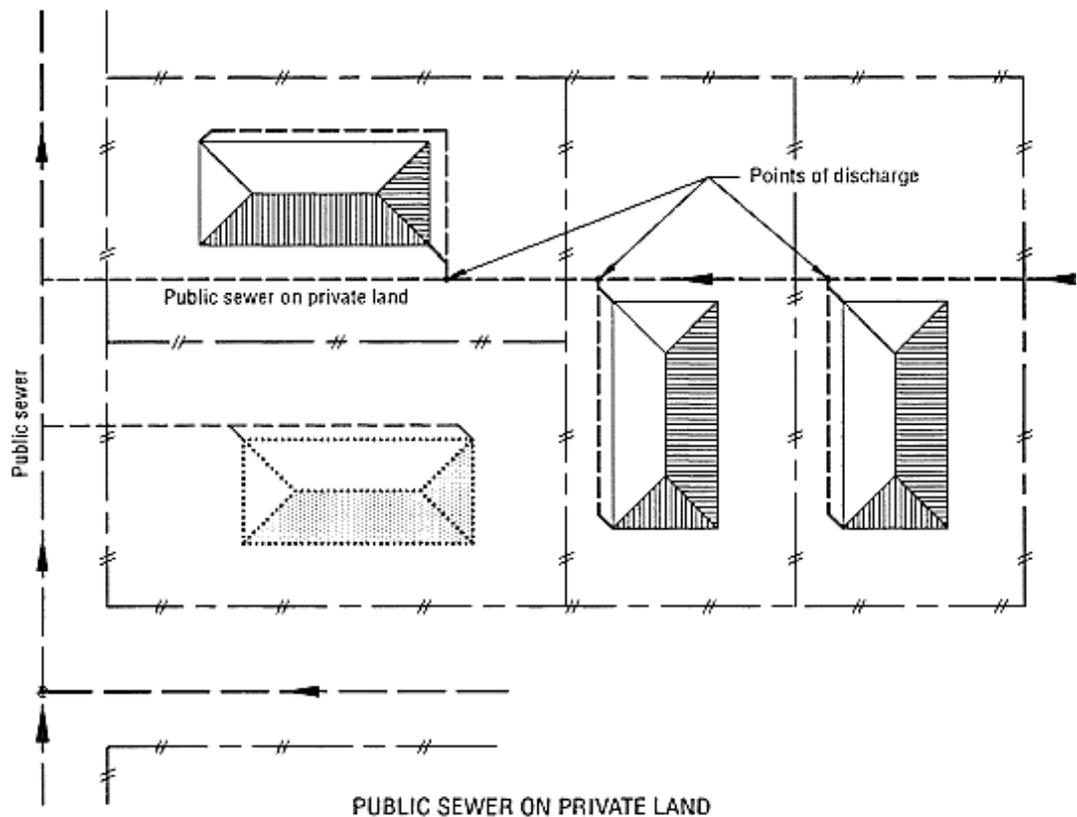




REAR LOTS ON RIGHT OF WAY (up to 2 customers)

Figure 3. Private Drain Point of Discharge





*Explanatory Note: Public Sewers on private land are not encouraged by Council, New developments need to be in accordance with Council's Engineering Standards for Land Development.*

## 20 Point of Discharge for multiple ownership

- 20.1 Where Premises are held in a form of multiple ownership, the requirements for the Point of Discharge are as follows:
- (a) for Company Share/Block scheme (Body Corporate): as for single ownership, unless the Council has approved an alternative arrangement; and
  - (b) for Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate): each Owner must have an individual connection to the Point of Discharge as determined by agreement with the Council, unless the Council has approved an alternative arrangement.
- 20.2 For multiple ownership connections in existence prior to the coming into effect of this Bylaw, the Point of Discharge will be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.

## 21 Common Private Sewers and Common Private Drains

- 21.1 Each Common Private Sewer or Common Private Drain may serve up to 7 single Dwelling Units only, unless otherwise approved by Council.
- 21.2 Each Common Private Sewer or Common Private Drain:
- (a) must have a single Point of Discharge for Stormwater and for Wastewater into the

Public Drainage Network;

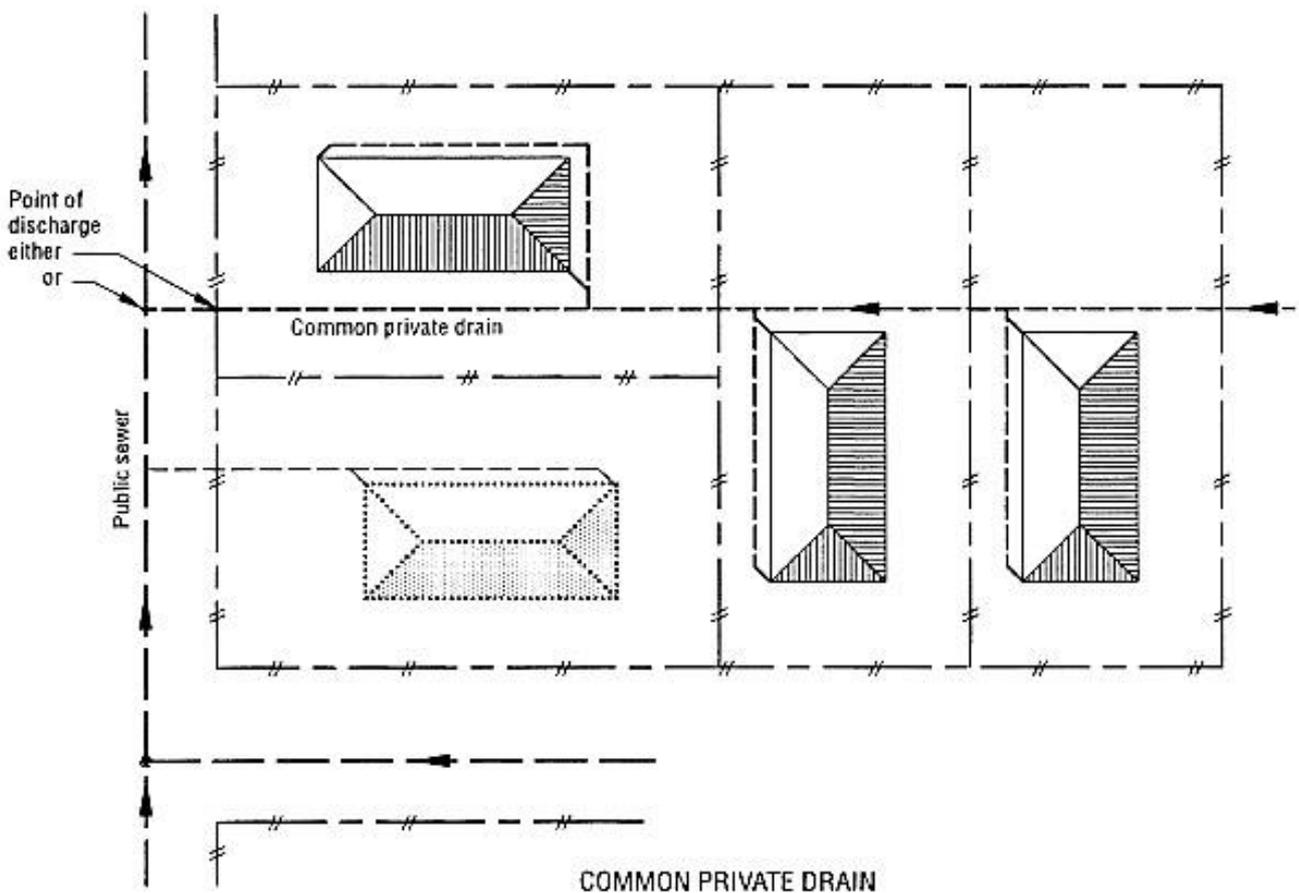
- (b) those Points of Discharge must be located as shown in Figure 4 or, if fences, walls or other permanent Structures make it difficult to locate it as shown in Figure 4, at an alternative location that is approved by the Council.

*Guidance note: The ownership of a Common Private Sewer or Common Private Drain may be addressed by a certificate recording the rights of each party, registered against the Records of Title for the Premises concerned.*

21.3 The maintenance of a Common Private Sewer or Common Private Drain is the joint responsibility of all of the Owners of the single Dwelling Units connected to that Common Private Sewer or Common Private Drain unless an alternative arrangement is specified in a legal document.

21.4 If, at the Point of Discharge of a Common Private Sewer or Common Private Drain, any discharge does not accord with the requirements of this Bylaw, all of the Owners will be deemed jointly responsible, unless it can be demonstrated which single Dwelling Unit Owner was responsible.

Figure 4. Common Drain Point of Discharge



## 22 Service Pipes

- 22.1 A Service Pipe must serve only one Customer and must not extend by any means beyond that Customer's Premises.
- 22.2 No person may lay or run a Service Pipe, Private Drain or Private Sewer on Council-owned property without the prior approval of the Council. All associated costs are to be met by the person laying the Service Pipe, Private Drain or Private Sewer.

*Guidance note: The requirements for access and maintenance of the Service Pipe, Private Drain or Private Sewer may be addressed by a legal document, registered against the Records of Title for the Premises concerned.*

## 23 Customers' maintenance obligations

- 23.1 A Customer must, at their own cost, maintain their Private Sewer, including ensuring it is free from cracks and other defects that may allow Infiltration.
- 23.2 A Customer must, at their own cost, maintain any Private Drain on their Premises.
- 23.3 Where a Private Drain is a natural or modified watercourse, the Owner or Occupier of the land over which the watercourse passes must:
- (a) pass on the flow of water without obstruction, pollution or diversion affecting the rights of others;
  - (b) maintain the bed and banks of the watercourse to clear any debris, whether natural or man-made, to keep any culverts, rubbish screens and weirs clear of debris;
  - (c) be responsible for preventing any obstructions – either temporary or permanent – that could cause flooding of any other property;
  - (d) be responsible for preventing any barriers to the free passage of fish;
  - (e) accept flood flows, even if caused by inadequate capacity downstream, although there is no duty to improve the drainage capacity of a watercourse.

*Guidance note: Horizons One Plan contains rules relating to activities in artificial watercourses and the beds of rivers and lakes. For the avoidance of doubt, advice should be sought from Horizons regarding any consent requirements or conditions prior to undertaking any maintenance works on or near Private Drains.*

## 24 Blockages in Private Sewers

- 24.1 In the event that a Customer has reason to suspect there is a blockage in their Private Sewer, the Customer must first engage a Registered Drainlayer to try to clear the blockage.
- 24.2 If the Registered Drainlayer finds that the blockage is within the Public Wastewater Network, then the Registered Drainlayer must immediately contact the Council.
- 24.3 Where the Council agrees with the Registered Drainlayer's assessment that the blockage is within the Public Wastewater Network, the Council will clear the blockage and clean up

all affected areas.

- 24.4 In the event clause 24.3 applies, the Council will reimburse the Customer for their actual and reasonable costs in engaging the Registered Drainlayer, unless:
- (a) the blockage has been forced downstream into the Public Wastewater Network in the act of clearing it from the Private Sewer; or
  - (b) the Customer has been negligent in not discharging an Acceptable Discharge; or
  - (c) the blockage has been caused by roots coming from a tree within the Customer's Premises.
- 24.5 If any of the circumstances in clause 24.4(a) to (c) apply, the Council may recover from the Customer its costs from clearing the blockage and cleaning up affected areas.

## 25 Pump Stations

- 25.1 A pump station on a Private Sewer that discharges into the Public Wastewater Network may be installed only if expressly approved by the Council under clause 13.1(a) of this Bylaw, and in accordance with any conditions imposed on such approval by the Council.
- 25.2 The Council will approve a pump station under clause 25.1 only where there are no practical alternatives for a gravity flow discharge to the Public Wastewater Network.

*Guidance Note: A privately-owned pump station on a private sewer for a single residential Dwelling Unit represents an alternative solution in terms of the Building Act 2004. The Customer must demonstrate that the pump station complies with the New Zealand Building Code when seeking building consent from the Council.*

- 25.3 In the event that a pump station is installed on a Common Private Sewer, all Owners of the single Dwelling Units serviced by the Common Private Sewer must enter into a 'Common Pump Station Agreement'.
- 25.4 A Common Pump Station Agreement must:
- (a) provide for the pump station's connection;
  - (b) address the Owners' responsibilities for the operation and maintenance of the pump station, and the appropriate maintenance of any Rising Mains; and
  - (c) be registered against the Record of Title of each of the Owners' Premises.
- 25.5 The combined rate of discharge from a pump station installed on a Common Private Sewer to the Public Wastewater Network must not exceed the rate specified in clause 31.1 of this Bylaw.

## 26 Removal of Private Drains and obstructions

- 26.1 The Council may, by written notice, require a Customer to:
- (a) remove or decommission any Private Drain (or any part of a Private Drain) that has serviced that Customer's Premises if the Private Drain (or part) is redundant and has

caused, or is likely to cause, damage to the Public Stormwater Network; or

- (b) remove any Structures, weirs, fences, trees, plants, weeds or growths that obstruct or are likely to obstruct the free flow of water in any Private Drain.

26.2 A Customer who receives a written notice under clause 26.1 must:

- (a) comply with that notice within the time specified in the notice;
- (b) cover the costs arising from complying with that notice; and
- (c) if applicable, ensure that the Premises are restored so as to not materially increase the flooding or contamination risks for neighbouring upstream or downstream properties.

## Part Five – Works near the Public Drainage Network

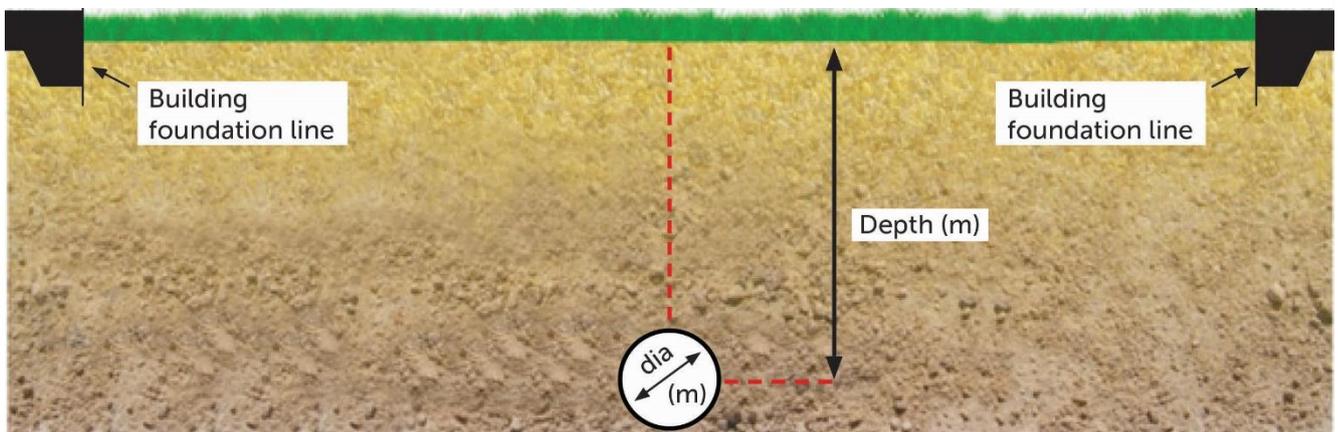
### 27 Restrictions on works over or near the Public Drainage Network

27.1 A person must not, without the prior approval of the Council:

- (a) construct a building over any part of the Public Drainage Network;
- (b) construct a building nearer than (whichever is the greater distance):
  - A. 1.5 metres from the centreline of any Sewer that is part of the Public Wastewater Network or of any pipe or culvert that is part of the Public Stormwater Network; or
  - B. the depth of the centreline of any Sewer that is part of the Public Wastewater Network or of any pipe or culvert that is part of the Public Stormwater Network, plus the diameter of the Sewer, pipe or culvert, plus 0.2 metres.

Refer to Figure 1 for diagrams illustrating sub-paragraphs A and B.

Figure 1: Building setback requirements in clause 18.1(b) ( A or B, whichever is the greater distance)



- (c) alter ground levels, or place or remove any additional material, over or near the Public Drainage Network (including Service Openings) in a way that is likely to

restrict access to the Public Drainage Network or detrimentally affect the performance of the Public Drainage Network;

- (d) excavate or carry out piling or similar work nearer than 5 metres from the centreline of any Rising Main or Trunk Sewer; or
  - (e) divert or relocate any part of the Public Drainage Network (including any Service Openings).
- 27.2 Where a building cannot be sited so as to conform with clause 27.1(a) to (e), and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council, subject to the applicant meeting the cost of any specific requirements and conditions of Council.
- 27.3 Where a person breaches clause 27.1 by allowing Service Openings to be covered in any way, the Council may recover the costs of removing the material or adjusting the Service Opening from that person.
- 27.4 In the event that the Council approves a diversion or relocation of the Public Drainage Network (including any Service Openings) under clause 27.1(e), the diversion or relocation works must be carried out in accordance with Council's Engineering Standards for Land Development and will be at the Customer's expense.

## 28 Excavation works

- 28.1 Any person proposing to carry out excavation work must view the Council's as-built information to establish whether or not Buried Services are located in the vicinity.
- 28.2 In the event that Buried Services are located in the vicinity of the proposed excavation work, the person must give the Council at least 3 Working Days' notice, in writing, of an intention to excavate in the vicinity of Buried services.
- 28.3 Upon receiving notice under clause 28.2, the Council may:
- (a) mark out, to within  $\pm 1.0$  m, on the ground the location of its Buried services; and
  - (b) impose, in writing, any reasonable restrictions on the work that it considers necessary to protect its Buried services.

*Explanatory Notes: Council will keep and maintain plans that show the location of its Buried Services. This information is available for inspection during normal business hours, and subject only to a charge for making copies available. Plans for parts of the Public Drainage Network installed prior to July 1997 may not be available or may be inaccurate.*

- 28.4 When any person is carrying out excavation work in the vicinity of Buried Services, that person must:
- (a) physically locate the Buried Services before commencing the works;
  - (b) take due care to ensure the Buried Services are not damaged;
  - (c) comply with any restrictions imposed by the Council under clause 28.3(b);

- (d) meet any costs associated with meeting any of the restrictions imposed by the Council under clause 28.3(b);
- (e) ensure that bedding and backfill is reinstated in accordance with the Council's Engineering Standards for Land Development; and
- (f) report any damage that occurs to Buried Services to the Council immediately.

*Explanatory Note: Excavation within a Road is also subject to the permit process of the appropriate Road Controlling Authority.*

- 28.5 In the event that excavation work in the vicinity of Buried Services causes any damage to those Buried Services, the Council may recover its repair costs from the person who carried out that work.

## Part Six – Wastewater Requirements

### 29 Obligation to Connect to Public Wastewater Network

- 29.1 A person must connect to the Public Wastewater Network if the Premises in which they reside are within an area that is currently serviced by the Council.
- 29.2 Despite clause 29.1, a person does not need to connect to the Public Wastewater Network if:
- (a) the Premises in which they reside are already serviced by a compliant On-Site Wastewater System that existed prior to the extension of the Public Wastewater Network to that area; or
  - (b) the Council has declined that person's application for a connection due to capacity constraints in the Public Wastewater Network, and those capacity constraints continue to exist.

*Explanatory Note: In such cases as outlined in clause 29.2(a), the requirements of G13 of the New Zealand Building Code apply.*

### 30 Standards for Domestic Wastewater Discharges

- 30.1 Any Customer discharging Domestic Wastewater to the Public Wastewater Network must ensure the discharge does not contain:
- (a) any Trade Waste, unless the discharge is a Permitted Trade Waste under the Council's Trade Waste Bylaw 2022 and discharged in accordance with that Bylaw; or
  - (b) any Stormwater or groundwater, including any discharges from roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

*Explanatory Note: The acceptance of Trade Waste into the Public Wastewater Network is subject to the provisions in the Manawatū District Council's Trade Waste Bylaw 2022.*

### 31 Rates of Discharge from Domestic Premises and Pools

- 31.1 The maximum instantaneous flow rate discharged from a Domestic Premises to the Public

Wastewater Network via a pumped system must not exceed 2.0 litres/sec, unless otherwise approved by Council under this Bylaw.

- 31.2 Council may, from time to time by Publicly Notified resolution, set a maximum daily flow rate for Domestic Wastewater discharged from a Domestic Premises to the Public Wastewater Network.
- 31.3 Any Customer discharging Domestic Wastewater from a Domestic Premises must comply with any daily flow rate requirement set by the Council under clause 31.2.
- 31.4 All new connections for the discharge of swimming pool or spa pool water shall be to the Public Wastewater Network, unless otherwise approved by Council.
- 31.5 Except with the approval of Council under clause 31.4, swimming pool or spa pool water must not be discharged to the Public Stormwater Network or any waterway. The disposal of such water must be to the Public Wastewater Network or to land in a controlled manner such that it can soak into ground without reaching the Public Stormwater Network or any waterway.

## Part Seven – Stormwater Requirements

### 32 Discharge of Stormwater

- 32.1 Stormwater discharges include both discharges that feed directly into the piped network through manholes, and also discharges that feed indirectly into the piped network, such as from Roads and Road reserves, Private Drains and natural watercourses.

### 33 Standards for Stormwater Discharges

- 33.1 Any Customer discharging Stormwater from any Premises into the Public Stormwater Network must ensure the Stormwater does not:
  - (a) contain any Wastewater, including any wash-down from vehicle servicing areas or stock yards;
  - (b) contain any Trade Waste;
  - (c) contain Aromatic Hydrocarbons in excess of the 90% ANZECC trigger values;
  - (d) contain high levels of suspended solids, where water clarity in the Receiving Environment is changed by more than 30% from areas of earthworks or building construction;
  - (e) contain Contaminants which, after Reasonable Mixing in a Receiving Environment that is a natural waterway, exceed 95% of ANZECC trigger values;
  - (f) contain Contaminants which, after Reasonable Mixing in a Receiving Environment that is an open drain, exceed 90% of ANZECC trigger values; or
  - (g) cause an exceedance, after Reasonable Mixing in a Receiving Environment that is a

natural waterway, of the Ministry for the Environment's Amber Alert<sup>1</sup> for E-coli, being a single sample greater than 260 E. coli/100mL.

*Explanatory Notes: This Bylaw only manages Stormwater discharges that flow into Council's Public Stormwater Network (including from discharges from Private Drains onto Roads). Private discharges of Stormwater to surface water or onto or into land are regulated by the Regional Authority under the Resource Management Act 1991.*

## 34 Protections against Inflow and Infiltration

- 34.1 To help ensure that Stormwater is excluded from the Public Wastewater Network (as required by clause 30.1(b)), every Customer must ensure that:
- (a) there is no direct connection of any Stormwater pipe or drain to the Public Wastewater Network;
  - (b) gully trap surrounds are set a minimum of 50mm above any paving or ground levels and a minimum of 150mm above ponding levels or secondary flow path flood levels; and
  - (c) service openings and inspection covers are in place and are appropriately sealed.
- 34.2 If a Customer's Premises comprises large impervious areas (e.g. stock yards or truck washing facilities), the Customer must make specific provision for a permanent barrier that will prevent water from outside the confines of the Premises from entering the Public Stormwater Network. Without limitation, such barrier could be by way of a nib wall, speed humps, or appropriately graded surrounds.

*Explanatory note - Any stormwater from Trade Premises that discharges to wastewater networks shall be subject to the provisions of the Council's Trade Waste Bylaw 2022.*

## 35 Stormwater Contamination Mitigation

- 35.1 Any person carrying out earthworks must take all reasonably practicable steps to ensure that any Stormwater or groundwater run-off from areas of earthworks is intercepted and treated to remove suspended silts and building materials prior to discharge into the Public Stormwater Network.
- Explanatory Note: A Building Consent or a consent for Earthworks may contain additional requirements.*
- 35.2 The Council may inspect the sediment control provisions required by clause 35.1 in accordance with a maintenance programme approved at the time of any consent, or more frequently where considered necessary.
- 35.3 A person must ensure that any dangerous materials in a Premises are handled and stored in a manner that minimises the risk of those materials entering the Public Stormwater Network.
- 35.4 For the purposes of clause 35.3, dangerous materials are any raw material, products or

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<sup>1</sup> Refer to the Ministry for the Environment Monitoring Guidelines (2003) Surveillance, Alert and Action Levels of Freshwater.

waste containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material that, when mixed with Stormwater in the Public Stormwater Network, may:

- (a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities; or
- (b) damage the Public Stormwater Network or the environment or adversely affect the health and safety of Council Staff and the public.

## Part Eight – Miscellaneous

### 36 Applications

- 36.1 Any application for Council approval under this Bylaw must be in writing, provide all the information as requested by Council, and be accompanied by the applicable fee as prescribed in Council’s current Schedule of Fees and Charges.
- 36.2 The Council may grant an application for approval at its discretion and impose any terms and conditions it considers appropriate when having regard to the purpose and terms of this Bylaw. The approval must be provided in writing.

### 37 Fees and Charges

- 37.1 The Council may from time to time, by resolution, set fees and charges payable by Customers, Owners or Occupiers of Premises, or Permit Holders for any one or more of the following:
  - (a) administering this Bylaw;
  - (b) processing Permit applications, as well as administering and monitoring Permits under this Bylaw;
  - (c) inspection of properties to check for compliance with this Bylaw; and
  - (d) maintaining inlets and debris arresters to allow the free passage of Stormwater.
- 37.2 Any fees and charges set under clause 37.1 are to be recorded in the Council’s current Schedule of Fees and Charges.
- 37.3 Customers, Owners or Occupiers of Premises, and Permit Holders must pay any applicable fees and charges set under clause 37.1

## Part Nine - Offences

### 38 Offences

- 38.1 Every person or Permit Holder or Owner or Occupier of Premises or licensee who:
  - (a) fails to comply with, or acts in contravention of, any provision of this Bylaw; or
  - (b) breaches the conditions of any Permit 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 Act, and may be liable for a fine as specified in section 242 of the Act, or for an infringement fee set out in an infringement notice issued under section 245 of the Act.

*Explanatory Note: This clause should be read in conjunction with clauses 9 and 10 of the Manawatu District Explanatory Bylaw 2022.*

- 38.2 Where there is non-compliance with this Bylaw or other statutory and legal requirements, Council may serve notice on the person responsible advising the nature of the breach and the steps to be taken within a specified period to remedy it.
- 38.3 If, after the specified period, the person persists with the breach or has failed to adequately remedy it, Council may do any one or more of the following:
- (a) carry out further inspections, and charge a re-inspection fee;
  - (b) issue a fine for any relevant infringement offence;
  - (c) undertake works itself to remedy the breach (with costs recoverable from the person); or
  - (d) Disconnect the person from Wastewater and Stormwater Services without further notice.
- 38.4 In the event a service is disconnected under clause 38.3(d), the service will be reconnected only after remedy of the breach to the satisfaction of the Council and payment of any relevant costs, including the reconnection fee.
- 38.5 Where a breach results in risk to public health or safety, or risk of consequential damage to the Public Drainage Network, the Council may take immediate action to remedy the breach, and recover all its reasonable costs associated with the works (including administrative charges) from the person responsible. Such immediate action may include disconnecting a service.
- 38.6 The Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw, and recover the costs of removal or alteration from the person who committed the breach, in accordance with section 163 of the Act.

## Part Ten - Savings and Transitional Provisions

### 39 Existing Permits, exemptions, and approvals

- 39.1 Any Permit, exemption or approval granted under the Manawatu District Council Drainage Bylaw 2015 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a Permit, exemption or approval of that kind issued under this Bylaw, but:
- (a) it expires on the date specified in such Permit, exemption, or approval; or
  - (b) where no expiry date is specified, it expires 12 months from the commencement of this Bylaw; and

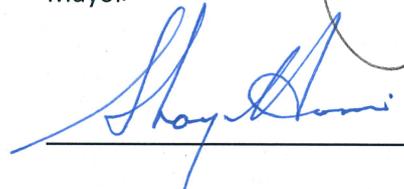
- (c) in the event of either (a) or (b), it may be renewed only by application made and considered in accordance with this Bylaw.

This Bylaw was made by the Manawatū District Council by resolution at a Council meeting on 15 September 2022 and must be reviewed within five years.

**Sealed** with the Common Seal  
of the **MANAWATU DISTRICT COUNCIL**  
in the presence of:



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Executive