



## **KAWERAU DISTRICT COUNCIL**

### **General Bylaw 2009: Part 9 - On-site Wastewater Disposal Systems**

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#### **Explanatory Statement**

The General Bylaw 2009: Part 9 – On-site Wastewater Disposal Systems is part of a series that makes up the Kawerau District Council General Bylaw 2009. The General Bylaw 2009 replaces the General Bylaw 1997.

General bylaws, by their nature, address a diverse range of matters. Whereas the 1997 General Bylaw contained all those matters in a single document, to improve functionality, Council has split the bylaw into a number of discrete parts that can each be read and used on its own. Taken together, the parts make up the General Bylaw 2009.

This part of the Bylaw contains provisions to ensure that private onsite wastewater disposal systems are installed and maintained in good working order and do not create a nuisance.

The General Bylaw 2009 is made pursuant to Part 8 of the Local Government Act 2002. This Part is also made pursuant to section 684 of the Local Government Act 1974 and sections 64 and 65 of the Health Act 1956.

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**Kawerau District Council**  
**General Bylaw 2009: Part 9 - On-site Wastewater Disposal Systems**

**1. Title**

This part of the Kawerau District Council General Bylaw 2009 shall be known as the Kawerau District Council General Bylaw 2009: Part 9 – On-site Wastewater Disposal Systems.

**2 Commencement**

This part of the Bylaw shall come into force on the 29<sup>th</sup> day of June 2010.

**3 Application of Bylaw**

This part of the Bylaw shall apply to the Kawerau District.

**4 Scope**

The general purpose of this part of the Bylaw is to ensure that private onsite wastewater disposal systems are installed and maintained in good working order and do not create a nuisance.

Nothing in this part of the Bylaw shall be regarded as derogating from the provisions of the Resource Management Act 1991, or the Building Act 2004 and NZ Building Code, or of any other relevant legislation or regulations, or of any consents granted under such legislation or regulations.

Persons installing on-site wastewater disposal systems should also obtain any necessary building and resource consents from the Council and/or Environment Bay of Plenty Regional Council as appropriate.

This part of the Bylaw is made pursuant to section 684 of the Local Government Act 1974 and sections 64 and 65 of the Health Act 1956.

**5 Definitions**

The definitions in the Kawerau District Council General Bylaw 2009: Part 1 – Introductory, shall apply to this part of the Bylaw.

For the purposes of this part, the following definitions shall also apply:

NUISANCE has the same meaning as in Section 29 of the Health Act 1956.

ON-SITE WASTEWATER DISPOSAL SYSTEM means any private wastewater disposal system located on land or premises for the reception, disintegration and treatment of solid matter in foul and wastewater from that land or premises. A wastewater disposal system may include a septic tank or a treatment plant and its associated soakage field.

SEPTIC TANK means any fixed receptacle installed outside of a building for the collection and breakdown by biological or chemical processes of the solid matter in wastewater, by methods which do not involve mechanical processes.

TREATMENT PLANT means any plant or equipment not being a septic tank used for the breakdown of wastewater using mechanical and/or hydraulic methods.

WASTEWATER means foul water as defined in the Building Regulations.

## **6 Disposal within the confines of each premise(s)**

All wastewater generated on any land or premises shall be disposed of within the confines of that land or premises unless otherwise approved by the Council and/or Environment Bay of Plenty Regional Council, as appropriate.

## **7 Building consent applications for disposal facilities**

**7.1** Owners who wish to install a wastewater disposal facility on their premises shall apply for a building consent as required by the Building Act 2004.

**7.2** A building consent application to install a wastewater disposal facility shall include such details as may be required by the Council to assess its compliance with the Building Code, including, but not limited to:

- (a) The procedures for the testing, commissioning, operation and maintenance of the facility
- (b) The size and contours and intended use of the site
- (c) Soil conditions including permeability and stability
- (d) Vegetation cover
- (e) Ground water and surface water conditions
- (f) Location of existing and future buildings, parking areas and driveways
- (g) Access for maintenance of septic tanks and disposal areas
- (h) The position of adjacent streams and waterways
- (i) Porosity tests on soils of the site

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**7.3** After considering an application for a building consent, the Council shall grant the consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met, if the work on the wastewater disposal system was completed in accordance with the plans and specifications submitted with the application.

**7.4** The Council may accept Producer Statements from approved persons for the design and construction of wastewater disposal systems.

**7.5** The Council shall not provide a Code Compliance Certificate for the drainage work until the owner has provided the Council with a copy of the as-built plans of the completed installation.

**7.6** For the design, installation and maintenance of on-site wastewater systems AS/NZS 1547 On-site domestic-wastewater management can be used and this standard is referenced in the Department of Building and Housing's Approved Documents.

## **8 Installation of wastewater disposal systems**

**8.1** The installation, alteration or repair of all wastewater disposal systems involving septic tanks and underground pipelines shall be undertaken by a Registered Drainlayer.

**8.2** All wastewater disposal installations shall be inspected by an authorised officer before being covered up. The owner or the person undertaking the installation of a wastewater disposal system shall give the Council the required notification as set out in Regulation 7 of the Building Regulations 1992.

**8.3** The Council may accept Producer Statements from approved persons for the installation of wastewater disposal systems.

## **9 Testing and commissioning**

New wastewater disposal facilities shall be tested and commissioned according to the conditions that Council may impose in a building consent.

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## **10 Maintenance of septic tanks and disposal facilities**

**10.1** The occupier of any premises that contain a wastewater disposal system shall ensure that access is available at all times to:

- (a) The treatment plant or septic tank so that it can be easily opened for the purposes of cleaning, removal of settled solids and maintenance; and
- (b) Any disposal field or disposal system so that it can be maintained in good working order.

**10.2** Wastewater disposal systems shall be maintained and operated in such a manner to prevent any discharge of wastewater onto the surface of any land or into any water body.

**10.3** Except as otherwise provided in Clause 10.6, all owners whose premises contain a septic tank shall have that tank pumped out in accordance with the guidelines in the Environment Bay of Plenty On-site Effluent Management Plan. Within 14 days of the tank being pumped out, the premises' owner shall provide Council with a copy of the receipt for having this work done.

**10.4** Every person undertaking the removal of settled solids from septic tanks shall comply with the provisions of Section 54 of the Health Act 1956.

**10.5** An authorised officer of Council may enter any premises and inspect any septic tank to check the condition of the tank and to determine whether it has been pumped out in a satisfactory manner.

**10.6** The owner of a premise may apply to Council for an exemption from the requirement of Clause 10.3. The Council may require from the owner such information as is necessary to determine whether or not to grant an exemption. In granting an exemption the Council may set such conditions as it shall think fit.

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## **11 Investigation**

**11.1** An authorised officer of the Council may undertake such inspections and investigations as are reasonably necessary to establish the dimensions, location and condition of any wastewater disposal system.

**11.2** Where a wastewater disposal system is found to be in such a condition that the Council considers that it is unlikely to be operating in compliance with the requirements of the Building Code, or the conditions of a building consent, or in a sanitary and efficient manner, or it is likely to be contaminating a water source then the Council may require the owner to:

(a) Clean the septic tank or pump out any settled solids in the septic tank

or

(b) Repair or maintain any treatment plant and make the necessary repairs to the wastewater disposal system to the satisfaction of the Council

## **Revocations**

The Kawerau District Council General Bylaw 2009: Part 9 – On-site Wastewater Disposal Systems was duly made by a resolution passed at a meeting of the Kawerau District Council held on 29 June 2010 following a special consultative procedure.

The Common Seal of the  
**Kawerau District Council**  
was affixed hereto in the presence of:

.....  
Mayor

.....  
Chief Executive Officer

.....  
Date