



**FAR NORTH DISTRICT COUNCIL
BYLAWS**

**CONTROL OF ON-SITE WASTEWATER
DISPOSAL SYSTEMS**

To come into force: 1 July 2010

For the purpose of: Ensuring that all On-Site Wastewater Disposal Systems in operation or proposing to be installed, repaired or extended on properties in the District are installed, repaired, extended, operated and maintained in a safe and sanitary way with no or minimal adverse effects on the surrounding natural environment and in a manner that is culturally sensitive

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2801 Introduction

2801.01 The purpose of this bylaw is to ensure that all On-Site Wastewater Disposal Systems, that are installed, operated, repaired, or extended are done so under the required standards of the Far North District Council, and that they are assessed and maintained at regular intervals *Purpose of bylaw*

2801.02 This bylaw applies to all types of On-Site Wastewater Disposal Systems. *Scope of bylaw*

2802 Interpretation

2802.01 In this Bylaw, unless otherwise stated:-

“Alternative Systems” mean on-site systems that separate all, or some of, the grey water from toilet wastewater for treatment. This may result in two separate wastewater streams that require disposal. *Meaning of “Alternative Systems”*

“Code Compliance Certificate” means the certificate issued under section 96 of the Building Act 2004 or under section 43 of the Building Act 1991 *Meaning of “Code Compliance Certificate”*

“Council” means the Far North District Council and includes any person who has, from time to time, been delegated by the Council, to administer and enforce this bylaw or any part of it, and also includes persons who have been appointed by the Council to carry out inspections relating to the operation, installation, maintenance or repair of On-site Wastewater Disposal Systems. *Meaning of “Council”*

“District” means the district of the Far North District Council as defined in Part 2 of Schedule 2 of the Local Government Act 2002 *Meaning of “District”*

“Existing building” means a building for which A building consent was issued before the coming into force of this Part of this Bylaw *Meaning of “Existing building”*

“Maintenance and Operation Plan” means a plan for an On-Site Wastewater Disposal System prepared by a Suitably Qualified Person and approved by the Council under Clause 2803.1 *Meaning of “Maintenance and Operation Plan”*

“Mechanical Systems” means any system designed for the disposal of wastewater which *Meaning of “Mechanical system”*

operates in a mechanical way, and is driven by a power source, which is not a conventional septic tank, or similar type system

“New Building” means a building for which a building consent is issued on or after the coming into force of this Part of this Bylaw.

Meaning of “New Building”

“On-Site Wastewater Disposal System” means any system for the reception and disposal of wastewater, including any septic tank, mechanical system, alternative system cesspit, drainage or soakage pit or bore; and the field tiles, scoria, or stone contained therein; and, distribution bore, discharge field or soakage field that is a part of, or is connected to, any such system.

Meaning of “On-site Wastewater Disposal system”

“Producers Statement” means a statement giving assurance that that works have been carried out to a satisfactory standard

Meaning of “Producers Statement”

“Registered Drainlayer” means a person whose name appears for the time being in the register of drainlayers maintained under the provisions of the Plumbers, Gasfitters and Drainlayers Act 2006.

Meaning of “Registered Drainlayer”

“Septic Tank” means any fixed receptacle installed outside of a building designed for the reception and disintegration of solid matters in wastewater by methods which do not involve mechanical processes, and includes the drainage fields there from.

Meaning of “Septic Tank”

“Shared system” means any on-site wastewater disposal system that has been specifically designed to cater for more than one dwelling unit.

Meaning of “Shared system”

“Suitably Qualified Person” means any person recognised or approved by the Council as being suitably qualified to prepare appropriate reports, designs and assessments for On-Site Wastewater Disposal Systems.

Meaning of “Suitably Qualified Person”

“TP58” means Technical Publication No; 58, entitled “On-Site Disposal from Household, and Institutions” as issued by the Auckland Regional Council in 1989, and includes all subsequent amendments, and any future amendments.

Meaning of “TP58”

“Waste - disposal Unit” means any facility fitted to a waste water sink or disposal unit for

Meaning of “Waste disposal unit”

the purposes of breaking down and liquidising solid food waste

“Wastewater” means the discharge from any sanitary fixtures or sanitary appliances

Meaning of “Wastewater”

“Water Closet Flusher” means a water closet flushing apparatus controlled by manual, dual-volume, flush controlling device of an approved type which, when activated, discharges:-

Meaning of “Water closet flusher”

- (i) In the case of a full volume flush, 11 litres of water (plus or minus 1 litre) within a period of not less than 5 seconds, not more than 7 seconds;
- (ii) In the case of reduced volume flush, 5.5 litres of water (plus or minus 0.5 litres) within a period of not less than 3 seconds, nor more than 5 seconds.

2803 Requirements

2803.01 No new building that has been designed or is used for human habitation, and which is located in a part of the District, where connection of the building to a public wastewater system is not available, shall be permitted to be occupied unless and until it is:-

Required to provide On-site wastewater disposal system

- (a) connected to a On-Site Wastewater Disposal System designed by a suitably qualified person for the purposes of wastewater disposal , and approved by Council; and
- (b) the owner of the property on which that building is sited has produced to the Council a Maintenance and Operation Plan for the On-Site Wastewater Disposal system that has been prepared by a Suitably Qualified person, and that Plan has been approved by the Council.

2803.2 No On-Site Wastewater Disposal System shall be permitted to serve more than a single dwelling unit, and every such system shall be installed entirely within the boundaries of the same parcel of land on which the dwelling unit for which it is designed, is constructed, except where a Resource Consent provides otherwise.

Only one dwelling unit to be served.

2803.3 Every water closet pan that is connected to the On-Site Wastewater Disposal System that is installed, repaired, enlarged or replaced after the date of the coming into force of this bylaw shall be of the type that has a Water Closet Dual flush device.

Water closet flushers

- 2803.4 No person shall connect any Waste Disposal unit to any On-Site Wastewater Disposal System that is installed, repaired, enlarged or replaced after the date of the coming into force of this bylaw. *Waste Disposal Units*
- 2803.5 The owner of a property upon which an On-Site Wastewater Disposal System is located shall ensure that the work required by the Maintenance and Operation Plan, is carried out to the extent, in the manner, to the standard, and at such intervals and times as are stated in that Plan. *Obligation to adhere to Management Plan*
- 2803.6 It is the property owner's responsibility to operate, clean and maintain their on-site wastewater disposal system at all times to ensure the full effectiveness of the system and that it does not create or cause a nuisance to health or the environment. *Obligation to maintain systems*
- 2804 Inspections**
- 2804.1 If the Council forms the view that
 (i) any maintenance or repair work is needed in order to ensure any On-Site Wastewater Disposal System is able to continue to operate:-
 (a) in compliance with the requirements of the Building Code, or
 (b) in compliance with all of the conditions of any Building Consent, or
 (c) in a sanitary and efficient manner, or
 (d) in a manner that is not likely to contaminate any water course or land or
 (ii) work required under the Maintenance and Operation Plan applying to that site has not been undertaken:-
 Council may give notice to the owner of the land on which the On-Site Wastewater Disposal System is located, requiring the owner to carry out such work, at the owners cost. *Owners to carry out maintenance work*
- 2804.2 It shall be the owner's responsibility to ensure that the access to any On-Site Wastewater Disposal System tanks or holding vessels shall be free of obstruction when maintenance contractors are required to carry out work. *Owner to remove all obstructions*
- 2804.3 Where filters are required to be installed this shall be done at the expense of the owner of the property. *Filters fitted at owners expense*

2805 Maintenance Requirements

- 2805.1 Council requires that every On-Site Wastewater Disposal system of a septic tank, or similar type system, be assessed, and if necessary, maintained at periods of not more than five yearly intervals *Owners required to maintain septic tank or similar type systems*
- 2805.2 Where an On-Site Wastewater Disposal system is of a Mechanical type, the owner of the property on which that system is installed, is required to have assessments and maintenance carried out in accordance with the manufacturers instructions and recommendations *Assessment and Maintenance of Mechanical type systems.*
- 2805.3 Where an On-Site Wastewater Disposal system is an Alternative System, the owner of the property on which that system is installed is required to have assessments and maintenance carried out in accordance with the manufacturers instructions and recommendations *Maintenance requirements to include*
- 2805.4 The maintenance requirements to consist of the cleaning of the tank and a full site assessment, as detailed in the Second Schedule to this bylaw *Maintenance requirements to include*
- 2805.5 If the owner fails to maintain the On-Site Wastewater Disposal System as required by clause 2805.1 the Council may give notice to the owner of the land on which the On-Site Wastewater Disposal System is located, requiring the owner to carry out such work, at the owners cost *Council may serve notice to maintain*

2806 Supply and Keeping of Records

2806.1 Every owner of a property on which an On-Site Wastewater Disposal system is installed shall provide evidence to Council in the form of a certificate from the contract cleaner, to show that their disposal system has been assessed and maintained in accordance with clause 2805.1 of this Bylaw *Owners to provide evidence of cleaning*

2807 Offences

2807.1 Every person commits an offence, who:- *Breaches of the bylaw*

- (a) Fails to provide evidence of any assessment of an On-Site Wastewater Disposal System on their property in the manner described in clause 2806.1
- (b) Acts contrary to, or fails to comply with any direction or prohibition given under this Bylaw

2808 Penalties for Breach of Bylaw

2808.1 Every person who is convicted of an offence under this bylaw is liable to a fine not exceeding \$20,000 *Liable to fine*

2809 Exemptions and Unusual Circumstances

2809.1 The Council may grant an exemption from some or all of the requirements of this bylaw in the case of any particular proposed or existing On-Site Wastewater Disposal System, where the Council is satisfied that, having regard to the particular characteristics of the property, and/or to any particular circumstances relating to the proposed system, or to any other relevant circumstances, it is appropriate to do so. *Granting of exemption*

2809.2 The Council has made special provision for specialised systems, or systems installed on Commercial or Industrial properties, where such systems may require more frequent maintenance, or specialised operational plans, as described in the Third Schedule of this bylaw *Specialised systems or Commercial/Industrial systems*

2809.3 In granting an exemption under clause 2809.1 of this bylaw, the Council may impose such conditions relating to the property, and/or to the On-Site Wastewater Disposal System, as it thinks fit. *Imposing conditions*

- 2809.4 The Council may, from time to time, amend or revoke any exemptions to this bylaw where circumstances or changes may be made to an On-Site Wastewater Disposal system on a property *Amending or revoking exemption*
- 2809.5 Where a property owner can prove unusual or difficult circumstances, Council will consider such individual cases on their own merits, providing that a written application is made supplying evidence of any reason why such consideration should be given *Consideration of unusual or difficult circumstances*

FIRST SCHEDULE - CHARGES

The following fees and Charges will apply for work that has had to be commissioned pursuant to the provisions of clause 2804.2 of this bylaw:-

1. The full and actual costs incurred in the employing of trades persons to carry out the work. *(All such work should be covered by a Council Purchase Order to the contractor or trade's person)*
2. The full cost of any materials that have had to be purchased by Council in relation to the work.
3. The full cost of any sampling and testing that may be required.
4. All Consent costs (Resource, Discharge or Building)
5. All Engineers fees, draught persons, or Architects fees
6. All inspections by an Environmental Health officer or Council officer, @ a rate for inspection, as defined in Council's Fees and Charges Schedules
7. All travel incurred in the transportation of materials, Council officer's travel etc, (@ a per kilometre charge, as defined in Council's Fees and Charges Schedules) or engineers or any other agents travel costs.
8. Administration time for handling of the organisation of the work, letter writing or any other related work, @ a rate for Administration costs, as per Council's Fees and Charges Schedules.

SECOND SCHEDULE

TECHNICAL DETAIL AND MAINTENANCE REQUIREMENTS

Detail and definition required for clause 2803.1 of this bylaw

The information that shall be required and provide by a Suitably Qualified Person, in terms of clause 2803.1 shall include, but not be limited to, the following:-

- (a) The procedure for testing and commissioning of a new, repaired, enlarged or replaced On-site effluent disposal system
- (b) The size and contours, and intended use of the site on which such a system is to be located
- (c) The soil condition, including their permeability and stability, and the results of porosity tests
- (d) The vegetative cover
- (e) The ground and surface water conditions
- (f) The location of existing, and proposed location of future buildings (and their size and intended use), parking areas and driveways.
- (g) The location and standard of access for future maintenance of the facilities.
- (h) The position of any adjacent or nearby streams or waterways
- (i) The identification of any known natural hazards that there are on, adjacent to, or near the site.
- (j) A detailed plan for the future maintenance and operation of the On-site effluent disposal system
- (k) Certified Design Calculations

And the designer shall clarify that the proposed new, repaired, enlarged or replacement On-site Wastewater Disposal System has been designed, and will be constructed by a Registered Drainlayer, in accordance with the provisions of TP58/NZSS 4610/ NZSS 1546.1.1998/ NZS1547:2000, or any subsequent amendments or variation to this standard.

THIRD SCHEDULE

OPERATIONAL PROCEDURES FOR MECHANICAL SYSTEMS OR SYSTEMS ON COMMERCIAL OR INDUSTRIAL PROPERTIES.

(Clause 2809.2 refers)

The following procedures are put in place to recognise the differing maintenance or operational requirements of commercial properties and those individual properties with mechanical aeration type systems.

1. Each system shall be maintained as required and based on usage, current maintenance agreements, or as directed by the manufacturer/supplier of the said system, in compliance with clause 2805.2 of the bylaw.
2. Proof of maintenance/cleaning to be presented to Council within thirty days after the maintenance/cleaning takes place.
3. Except for sub-clause 2805.1, all other parts of the bylaw apply.