



PALMERSTON NORTH

WASTEWATER BYLAW

2017

Contents

PART ONE – INTRODUCTION	3
1. TITLE	3
2. PURPOSE	3
3. COMMENCEMENT	3
4. DEFINITIONS	3
PART TWO – WASTE WATER	11
5. ACCEPTANCE OF DISCHARGE	11
6. APPLICATION TO CONNECT	11
7. WORKING AROUND BURIED SERVICES	12
8. PRESSURE SEWER SYSTEMS	13
9. FEES AND CHARGES	13
PART THREE – ENFORCEMENT	15
10. OFFENCES AND PENALTIES	15
PART FOUR – ADMINISTRATION	16
11. DELEGATIONS	16
12. PERMITS	17
SCHEDULE ONE – FEES AND CHARGES	18

PALMERSTON NORTH WASTEWATER BYLAW 2017

PART ONE – INTRODUCTION

1. TITLE

- 1.1 The title of this Bylaw shall be the “Palmerston North City Council Wastewater Bylaw 2017”.

2. PURPOSE

- 2.1 This Palmerston North City Council Wastewater Bylaw 2017 (Bylaw) is made pursuant to sections 145 and 146 of the Local Government Act 2002.
- 2.2 The purpose of this Bylaw is to ensure that wastewater is removed from both domestic and trade premises in an efficient manner that safeguards public health.

3. COMMENCEMENT

- 3.1 This Bylaw will come into force on 1 August 2017

4. DEFINITIONS

- 4.1 In this Bylaw, unless the context otherwise requires-

Acceptable discharge means a wastewater with physical and chemical characteristics that comply with the requirements of the Bylaw.

Administration Manual means the Administration Manual for the Palmerston North Wastewater Bylaw 2017, as approved by the Council when the Palmerston North Wastewater Bylaw 2017 was made and as amended from time to time by delegated authority under this Bylaw.

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.

Authorised agent/officer	means an officer or an agent appointed by the Council and given powers to perform duties and functions under this Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.
Boundary kit	means the isolation valve and non-return valve installed on an individual properties pressure sewer lateral located on the legal boundary and which denotes the point of discharge.
Buried services	means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
Bylaw	means any operative Council bylaw made under the provisions of any relevant Act or regulation.
Certificate of Title	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.
Characteristic	means any of the physical or chemical characteristics of a wastewater referred to in the Trade Waste Bylaw.
Council	means the Palmerston North City Council, and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.
Disconnection	means the physical cutting and sealing of any drain/s from premises.

Domestic wastewater	means either that wastewater that is discharged from premises used solely for residential purposes or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities include the draining of 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 includes the land accessory to a dwelling.
Engineering Standards for Land Development	Council's document which details the Engineering Standards required for Land Development which is reviewed from time to time.
Foul water	means the discharge from any sanitary fixtures or sanitary appliances.
Infiltration	means water entering a public sewer or private drain 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 private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.
Level of service	means the measurable performance standards upon which the Council undertakes to receive wastewater from its customers.

Memorandum of Encumbrance	means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.
Offence	includes any act or omission for which any person can be punished in relation to a bylaw, either on indictment or by summary process.
Person	includes a corporation sole and a body of persons, whether incorporated or not.
Point of discharge	means the boundary between the public wastewater system and a private drain.
Premises	means either <ul style="list-style-type: none"> (a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; (b) A building that has been defined as individual unit by a cross-lease, unit title or company lease and for which a certificate 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 occupied.

Private drain	means that section of drain between the premises and the point of discharge to the Council's wastewater system. This section of pipeline is owned and maintained by the owner.
Prohibited characteristics	means wastewater characteristics that must not be discharged into the wastewater system, as required by the Trade Waste Bylaw.
Registered drainlayer	means a tradesperson certified by the Plumbers, Gasfitters, and Drainlayers Board under the Plumbers, Gasfitters, and Drainlayers Act 1976 and regulations as well as such other certificates that the Council may require.
Rising main	means a sewer through which wastewater is pumped.
Road Controlling Authority	A territorial authority or the New Zealand Transport Agency.
Sanitary appliance	means an appliance that is intended to be used for sanitation, and which is not a sanitary fixture. This includes machines for washing dishes and clothes.
Sanitary fixture	means any fixture which is intended to be used for sanitation. "Sanitation" describes activities of washing and/or excreting carried out in a manner or condition such that the effect on health is minimised, by minimising dirt and infection.

Schedule of rates and charges	means the list of items, terms and prices for services associated with the discharge of wastewater or trade waste as approved by the Council.
Service opening	means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public wastewater system.
Sewage	means foul water and may include trade wastes and has the same meaning as domestic wastewater and domestic sewer.
Sewer	means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the Council.
Stormwater	means all surface water run-off resulting from precipitation, and that contains no discharge of trade waste.

Trade premises

means:

- a) Any premises used or intended to be used for any industrial or trade purpose;
- 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;
- c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or
- d) Any other premises discharging other than domestic sewage; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes, including composting organic materials.
- e) Any premises declared by Council by resolution to be Trade Premises

Trade waste

is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's Wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic sewage.

Trade Waste Bylaw

means the Palmerston North City Council Trade Waste Bylaw.

Trunk sewer

means a sewer, greater than 300mm internal diameter, that forms a part of the principal drainage network of the Council's wastewater system.

Urban area	has the same meaning as contained in section 4 of the operative Palmerston North City District Plan and includes all land zoned residential, business, industrial, institutional, North East industrial, recreation or Caccia Birch.
Waahi tapu	means places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense and are outlined in the District Plan.
Wastewater	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.
Wastewater service area	means the areas shown in the maps in the Palmerston North Wastewater Bylaw Administration Manual 2017 and includes all properties within the urban area. These areas show the boundaries of the various wastewater systems, and define the reticulated areas of the City and townships.
Wastewater system	means the collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of wastewater and trade wastes.

PART TWO – WASTE WATER

5. ACCEPTANCE OF DISCHARGE

- 5.1 No person may connect to the wastewater system unless the connection is approved by the Council.
- 5.2 Every owner or occupier of domestic premises is entitled to have wastewater from that domestic premises accepted by the Council if the following requirements are met:
- a) There is availability of capacity in the wastewater system; and
 - b) The premises are within an area that is served by the wastewater service area; and
 - c) Payment of the appropriate rates and charges in respect of that premises; and
 - d) The requirements of this Bylaw are fulfilled.
- 5.3 All customers of a wastewater connection must comply with, and are subject to, the terms and conditions for supply of the Council's wastewater system as set out in the Administration Manual.
- 5.4 Except as specifically provided for in this Bylaw, no new connections will be permitted to properties lying outside the wastewater service areas unless the property is within the urban area.
- 5.5 Wastewater pipes, including rising mains, that convey wastewater from one wastewater service area to another, are not considered part of the wastewater service areas and properties adjacent to these pipes are not permitted to connect to them.
- 5.6 The Council must continue to accept wastewater from domestic premises once an approved connection to the wastewater system has been made.

6. APPLICATION TO CONNECT

- 6.1 Every application for connection to the wastewater system must be made in writing using the forms provided, together with the payment of the prescribed fees.
- 6.2 An application must be made even if a pipe has already been laid up to the point of discharge.

- 6.3 No person other than the authorised agents of the Council may make any connection to, or otherwise interfere with, any part of the Council wastewater system.
- 6.4 Where an application has been accepted by the Council that requires a new wastewater connection to be constructed from the existing public system to the point of discharge, the Customer must pay the charges fixed by the Council for the work.
- 6.5 The Council or an authorised agent must supply and install the wastewater system up to the point of discharge, except as provided for in clause 6.6.
- 6.6 Where a new public sewer is required as part of a subdivision development, the developer must provide all the drainage works to the design and construction standards approved by the Council and, unless varied, in accordance with the Council's Engineering Standards for Land Development.

7. WORKING AROUND BURIED SERVICES

- 7.1 The Council shall keep and maintain drainage plans of the location of buried services to the extent it has this information.
- 7.2 At least five working days' written notice must be given to the Council before any excavation or physical works close to the Council's wastewater system commence.
- 7.3 Every person proposing to carry out excavation work must first:
- a) View the Council's GIS and information on the wastewater system, and must establish before carrying out the work whether Council services are located in the vicinity of the proposed excavation, and;
 - b) Identify whether the area is listed as waahi tapu under the District Plan.
- 7.4 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.
- 7.5 Council may place reasonable restrictions on the work that it considers necessary to protect its wastewater system.
- 7.6 When excavating and working around buried parts of the wastewater system reasonable care must be taken to ensure that services are not damaged,

and that bedding and backfill is reinstated in accordance with Council's Engineering Standards for Land Development.

7.7 Excavation within roadways is also subject to the permit process of the appropriate road controlling authority.

7.8 Every person who damages the wastewater system must report the damage to the Council immediately. Repair costs may be recovered by the Council.

8. PRESSURE SEWER SYSTEMS

8.1 Private wastewater pump stations will be approved only if 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.

8.2 The customer must demonstrate that the pump station complies with the New Zealand Building Code when seeking consent.

8.3 A private wastewater pump station serving more than one residential dwelling unit 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 Certificate 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.

8.4 A private wastewater pump station must have an approved non-return valve on the discharge pipe at the point of discharge just prior to entering the public wastewater system or at the premises boundary (refer figure 2 of the Administration Manual).

8.5 Every individual service connection to the wastewater system must have installed an approved boundary it (refer figure 3 of the Administration Manual).

9. FEES AND CHARGES

9.1 The Customer shall be responsible to meet all fees and charges associated with connection and disconnection of their premises to the wastewater system, and discharge of wastewater from their premises to the wastewater system.

- 9.2 The Council may set fees and charges for any approval, permission, consent or any other service required by this Bylaw in accordance with section 150 of the Local Government Act 2002. Schedule 1 of the Bylaw contains a list of charges that may be imposed.
- 9.3 The Council may recover rated charges pursuant to sections 57 to 82 of the Local Government (Rating) Act 2002.

PART THREE – ENFORCEMENT

10. OFFENCES AND PENALTIES

- 10.1 The Council has the power to enforce penalties relating to the discharging of wastewater under the Building Act 2004, Health Act 1956 (part II), the Local Government Act 1974 and 2002 and the Local Government Rating Act 2002.
- 10.2 Every person who:
- a) Fails to comply with any provision of the Bylaw or the conditions of wastewater supply to the premises under this Bylaw; or
 - b) Fails to comply with a notice served under this Bylaw;
- commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242 of the Local Government Act 2002 or the issue of an infringement notice under section 259 of the Local Government Act 2002.
- 10.3 The Council may issue infringement notices, in such forms and for such amounts, as are authorised in any regulations made under section 259 of the Local Government Act 2002.
- 10.4 In the event of a breach of statutory or other legal requirements, the Council may serve notice on the Customer advising the nature of the breach, the steps required to remedy it, and the specified timeframe.
- 10.5 At any time after the specified period in clause 10.4 has elapsed, the Council may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.
- 10.6 If the breach poses a risk to public health and safety or damage to Council assets, and a delay in repair work is unacceptable, the Council may take immediate action to rectify the defect and recover all reasonable costs as set out in clause 10.5.

PART FOUR – ADMINISTRATION

11. DELEGATIONS

- 11.1 The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. All matters over which 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.
- 11.2 The Council may by resolution amend the Administration Manual. Before amending the Administration Manual, the Council will consult in accordance with the decision making requirements of section 82 of the Local Government Act 2002.
- 11.3 The following people are authorised delegates under this Bylaw:
- a) the Council by resolution;
 - b) the Chief Executive of the Council;
 - c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this Bylaw;
 - d) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 11.4 Authorised delegated persons may exercise any power, function or duty under this Bylaw or carry out any act in order to achieve its effective administration on behalf of the Council other than those expressly required to be by Council resolution. This power includes, without limitation, the power to:
- a) Amend the wastewater service areas as shown on maps in the Administration Manual;
 - b) Specify the conditions that apply to the supply of a wastewater connection by the Council contained in the Administration Manual;
 - c) Specify forms and procedures for the effective administration of the Bylaw;
 - d) Make any decision or determination required in this Bylaw in order to administer it;

- e) Make any decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations;
 - f) Make any decisions regarding suspension, withdrawal or removal of a permit.
- 11.5 All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual and shall be available to the public.
- 11.6 Every exercise of a power of delegation under this clause must be publically reported at least annually to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

12. PERMITS

- 12.1 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:
- a) Complete the required application form;
 - b) Pay the applicable fee; and
 - c) Comply with any requirements set as conditions of that permit.
- 12.2 A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.
- 12.3 The Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 12.4 A permit is personal to the applicant and is not transferable.
- 12.5 An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised office may consider appropriate in the circumstances.

SCHEDULE ONE – FEES AND CHARGES

The following table displays the categories of charges the Council can levy under this Bylaw:

Category	Description
Connection to wastewater system (sewer)	Charges apply for connection to the wastewater system for one or multiple dwellings.