



# **PALMERSTON NORTH**

# **WASTEWATER BYLAW**

**2019**

## Contents

<b>PART ONE – INTRODUCTION .....</b>	<b>3</b>
1. TITLE .....	3
2. PURPOSE .....	3
3. COMMENCEMENT .....	3
4. DEFINITIONS .....	3
<b>PART TWO – WASTE WATER .....</b>	<b>11</b>
5. ACCEPTANCE OF DISCHARGE .....	11
6. APPLICATION TO CONNECT .....	12
7. WORKING AROUND BURIED SERVICES .....	12
8. PUMPED SEWER SYSTEMS .....	13
9. PRESSURE SEWER SYSTEMS.....	14
10. FEES AND CHARGES .....	14
<b>PART THREE – ENFORCEMENT .....</b>	<b>15</b>
11. OFFENCES AND PENALTIES .....	15
<b>PART FOUR – ADMINISTRATION .....</b>	<b>16</b>
12. DELEGATIONS .....	16
<b>SCHEDULE ONE – FEES AND CHARGES .....</b>	<b>18</b>

# PALMERSTON NORTH WASTEWATER BYLAW 2017

## PART ONE – INTRODUCTION

### 1. TITLE

- 1.1 The title of this Bylaw shall be the “Palmerston North Wastewater Bylaw 2019”.

### 2. PURPOSE

- 2.1 This Palmerston North Wastewater Bylaw 2019 (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 30 September 2019.
- 3.2 The Palmerston North Wastewater Bylaw 2017 is repealed when this Bylaw commences.

### 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 2019, as approved by the Council when the Palmerston North Wastewater Bylaw 2019 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.

<b>Authorised agent/officer</b>	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.
<b>Boundary kit</b>	means the isolation valve and non-return valve installed on an individual property's pressure sewer lateral located on the legal boundary.
<b>Buried services</b>	means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.
<b>Bylaw</b>	means the Palmerston North Wastewater Bylaw.
<b>Certificate of Title</b>	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.
<b>Characteristic</b>	means any of the physical or chemical characteristics of a wastewater referred to in the Trade Waste Bylaw.
<b>Council</b>	means the Palmerston North City Council, and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.
<b>Disconnection</b>	means the physical cutting and sealing of any drain/s from premises.
<b>Domestic wastewater</b>	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.

<b>Dwelling</b>	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.
<b>Engineering Standards for Land Development</b>	means Council's document which details the Engineering Standards required for Land Development which is reviewed from time to time.
<b>Foul water</b>	means the discharge from any sanitary fixtures or sanitary appliances.
<b>Infiltration</b>	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.
<b>Inflow</b>	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.
<b>Land covenant</b>	means a covenant in favour of the Council, enforceable by the Council, registered over the land in question.
<b>Level of service</b>	means the measurable performance standards upon which the Council undertakes to receive wastewater from its customers.

<b>Offence</b>	includes any act or omission for which any person can be punished in relation to a bylaw, either on indictment or by summary process.
<b>On-property pressure sewer equipment</b>	<p>means equipment placed on a property to permit the disposal of wastewater from that property to a pressure sewer system, and includes:</p> <ul style="list-style-type: none"> <li>(a) A grinder pumping unit within a chamber, both specifically designed for pressure sewer applications; and</li> <li>(b) A property discharge line that connects the pumping unit to the boundary kit; and</li> <li>(c) A control/alarm panel that controls the operation of the pump unit, and contains alarm components, electrical connection to the property and associated circuit breaker; and</li> <li>(d) A remote data connection, such as telemetry (if required by Council).</li> </ul>
<b>Person</b>	includes a corporation sole and a body of persons, whether incorporated or not.
<b>Point of discharge</b>	means the point which marks the boundary of responsibility between the public wastewater system and a private drain, and applies irrespective of property boundaries. Typical layouts for the point of discharge are shown in figure 1 in the Administration Manual.
<b>Premises</b>	<p>means either</p> <ul style="list-style-type: none"> <li>(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;</li> </ul>

- (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.

**Pressure sewer system** means a sewer system where sewage is conveyed under pressure generated by multiple pump units, each located on an identified private property, to a shared pressure main as part of the public wastewater system.

**Private drain** means that section of drain between the premises and the point of discharge to the public 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 public wastewater system, as required by the Trade Waste Bylaw.

**Public 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.

**Pumped sewer system** means a sewer system that comprises a single wastewater pump station on a property which discharges wastewater into a single gravity main which is part of a public wastewater system.

<b>Registered drainlayer</b>	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.
<b>Rising main</b>	means a sewer through which wastewater is pumped and which connects a single pump station to another part of the public wastewater system but does not include any part of a pressure sewer system.
<b>Road Controlling Authority</b>	A territorial authority or the New Zealand Transport Agency.
<b>Sanitary appliance</b>	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.
<b>Sanitary fixture</b>	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.
<b>Schedule of rates and charges</b>	means the list of items, terms and prices for services associated with the discharge of wastewater or trade waste as approved by the Council.
<b>Service opening</b>	means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public wastewater system.

<b>Sewage</b>	means foul water and may include trade wastes, and has the same meaning as domestic wastewater and domestic sewage.
<b>Sewer</b>	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.
<b>Stormwater</b>	means all surface water run-off resulting from precipitation, and that contains no discharge of trade waste.
<b>Trade premises</b>	means: <ul style="list-style-type: none"> <li>a) Any premises used or intended to be used for any industrial or trade purpose;</li> <li>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;</li> <li>c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or</li> <li>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.</li> <li>e) Any premises declared by Council by resolution to be Trade Premises</li> </ul>
<b>Trade waste</b>	is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the public 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.

<b>Trade Waste Bylaw</b>	means the Palmerston North City Council Trade Waste Bylaw.
<b>Trunk sewer</b>	means a sewer, greater than or equal to 300mm internal diameter, that forms a part of the principal drainage network of the public wastewater system.
<b>Urban area</b>	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.
<b>Waahi tapu</b>	means places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense and are outlined in the District Plan.
<b>Wastewater</b>	means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.
<b>Wastewater service area</b>	means the areas shown in the maps in the Palmerston North Wastewater Bylaw Administration Manual 2019 and includes all properties within the urban area. These areas show the boundaries of the various public wastewater systems, and define the reticulated areas of the City and townships.

## **PART TWO – WASTE WATER**

### **5. ACCEPTANCE OF DISCHARGE**

- 5.1 No person may connect to the public 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 public 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 public 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
- a. the property is within the urban area; or
  - b. the property is within the rural residential overlay and the Council has approved a subdivision consent for the property on the basis that the property will receive access to the public wastewater system.
- 5.5 Wastewater pipes 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 Notwithstanding clause 5.5 above, no connections may be allowed to public rising mains under any circumstances.
- 5.7 The Council must continue to accept wastewater from domestic premises once an approved connection to the public wastewater system has been made.

## **6. APPLICATION TO CONNECT**

- 6.1 Every application for connection to the public 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 public 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 public 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 public 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 public 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 the public wastewater system.
- 7.6 When excavating and working around buried parts of the public 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 public wastewater system must report the damage to the Council immediately. Repair costs may be recovered by the Council.

## **8. PUMPED SEWER SYSTEMS**

- 8.1 Where an application to connect proposes to install a private pumped sewer system this 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 under the Resource Management Act 1991 or Building Act 2004.
- 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 installed an approved boundary kit (refer figure 2 of the Administration Manual).

## **9. PRESSURE SEWER SYSTEMS**

- 9.1 An application to connect to the public wastewater system using on-property pressure sewer equipment will be approved only if:
- a) The property is located in a pressure sewer service area as shown on the wastewater service area maps in the Administration Manual; or
  - b) If the property is not located in a pressure sewer service area, it is located in an area where the criteria for a pressure sewer system in the Palmerston North Pressure Sewer Systems Policy has been satisfied.
- 9.2 Notwithstanding clause 9.1, on-property pressure sewer equipment is required to be installed for each property located in a pressure sewer service area, or if the property is in an area approved to be serviced with a pressure sewer system.
- 9.3 The on-property pressure sewer equipment must comply with all requirements of the Palmerston North Pressure Sewer Systems Policy and the Engineering Standards for Land Development.

## **10. FEES AND CHARGES**

- 10.1 The Customer shall be responsible to meet all fees and charges associated with connection and disconnection of their premises to the public wastewater system, and discharge of wastewater from their premises to the public wastewater system.
- 10.2 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.
- 10.3 The Council may recover rated charges pursuant to sections 57 to 82 of the Local Government (Rating) Act 2002.

## **PART THREE – ENFORCEMENT**

### **11. OFFENCES AND PENALTIES**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 At any time after the specified period in clause 11.4 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.
- 11.6 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 11.5.

## **PART FOUR – ADMINISTRATION**

### **12. DELEGATIONS**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.

- 12.5 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.
- 12.6 Every exercise of a power of delegation under this clause must be publicly 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.

## **SCHEDULE ONE – FEES AND CHARGES**

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

<b>Category</b>	<b>Description</b>
Connection to public wastewater system (sewer)	Charges apply for connection to the public wastewater system for one or multiple dwellings.