

PART 25 WASTEWATER

Introductory Note

Sections 145 and 146 of the Local Government Act 2002 allow councils to make bylaws that regulate wastewater and on-site wastewater systems.

Part two of this bylaw sets rules for domestic wastewater. It aims to protect the public wastewater system and the health and safety of people using or working on the system. There are also rules to protect the environment from harmful substances being discharged into the wastewater system.

Part three of this bylaw sets rules to ensure on-site wastewater systems and land application areas work efficiently and effectively. On-site wastewater systems and land application areas which do not work well pose substantial risks to human health and the environment.

Trade Waste is regulated under a separate bylaw.

(Note: the above introduction does not form part of this bylaw and is an introductory note only)

PORIRUA CITY COUNCIL GENERAL BYLAW 1991 PART 25 - WASTEWATER BYLAW

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PART ONE

1.0 SHORT TITLE, COMMENCEMENT AND SCOPE

- 1.1 This bylaw is the Porirua City Council Wastewater Bylaw, which is Part 25 of the Porirua City Council General Bylaw 1991.
- 1.2 This bylaw applies to Porirua City Council District.
- 1.3 This bylaw comes into force on 28 June 2017.

2.0 PURPOSE

- 2.1 The purpose of this bylaw is to:
 - a) protect the wastewater system from damage and misuse
 - b) protect the environment from adverse effects of harmful substances discharged to the wastewater system
 - c) protect the health and safety of people using or working in the wastewater system
 - d) ensure on-site wastewater systems and land application areas work efficiently and effectively
 - e) protect Te Awarua-o-Porirua Harbour and Catchment
 - f) prevent inflow and infiltration of stormwater into the wastewater system.

3.0 COMPLIANCE WITH OTHER ACTS AND CODES

- 3.1 Compliance with this bylaw does not remove the need to comply with the requirements of any Act, regulation or other bylaw.

4.0 DEFINITIONS

- 4.1 In this bylaw the following definitions apply:

AERATED OR ADVANCED WASTEWATER TREATMENT SYSTEM is a secondary treatment system. It uses both anaerobic (without oxygen) and aerobic (with oxygen) treatment, and treats sewage to a higher level than a primary treatment system.

THE ACT means the Local Government Act 2002.

AUTHORISED PERSON means a person with the skills and experience in on-site wastewater treatment and land application systems*. The person should be able to comply with the WasteMINZ Liquid and Hazardous Wastes Code of Practice.

*See current FAQ document for clarification and examples of acceptable "Authorised Persons"

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities in the public domain owned and maintained by the council.

CERTIFICATE OF TITLE means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952 or a computer register created under the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the bylaw covering trade waste.

CODE COMPLIANCE CERTIFICATE means the certificate issued under Section 95 of the Building Act 2004.

CODE OF LAND DEVELOPMENT means the code adopted by the Council describing how pressure wastewater collection and disposal systems (PW systems) using grinder pumps should be installed, operated, maintained and renewed.

CONTAMINANT means any substance (including gas, 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 which:

- i) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water, or
- ii) when discharged onto or into land or into 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.

THE COUNCIL means Porirua City Council, and its agents

COUNCIL OFFICER means any officer appointed by the Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this bylaw, or his or her deputy or assistant.

CUSTOMER means a person who either discharges, or has obtained consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer.

DISCONNECTION means the physical cutting and sealing off of any water services, utilities, drains or sewer from the wastewater network.

DISTRICT means the area administered by the Council.

DOMESTIC WASTEWATER means either wastewater, which is discharged from premises, used solely for residential activities, or wastes of the same volume and characteristics discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge.

DOMESTIC PREMISES is a premises used solely for residential activities from which domestic wastewater only is discharged.

DRAINAGE DISTRICT means the district or part of the district where the Council provides a drainage system, including, with the consent of Wellington Regional Council, any area within that district.

EASEMENT means a designated area of land set aside for a specific purpose e.g. laying a sewer and recorded as a memorandum of easements on the title of the property.

EMERGENCY CONDITIONS means either a publicly notified emergency such as a flooding or earthquake event or an acute contamination of water or land that will in the opinion of a Council officer require immediate containment and mitigation of the health and/or environmental effect.

INFILTRATION means any water or fluid liquid entering a public or private wastewater network or pipe from groundwater through defects such as poor joints or cracks in pipes or manholes.

INFLOW means any water or liquid discharged into a private wastewater pipeline from non-complying or illegal connections or other drain laying faults. This includes for example stormwater entering through illegal down pipe connections or from low gully traps.

LAND APPLICATION SYSTEM means a system that applies effluent from an on-site wastewater tank or treatment unit on to land. The effluent filters through the soil, and is broken down by bacteria.

LEVEL OF SERVICE means the measurable performance standards on which the wastewater authority agrees to receive and treat wastewater from its customers.

MISUSE means to operate a private wastewater system or discharge wastewater from any private wastewater system to the public wastewater network in a manner which breaches any provisions of this bylaw.

NUISANCE has the same meaning as in section 29 of the Health Act 1956, and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference.

ON-SITE WASTEWATER SYSTEM LICENCE means a licence issued under clause 19 of this bylaw.

ON-SITE WASTEWATER SYSTEM means a septic tank, holding tank, aerated/ advanced wastewater treatment system or any other wastewater treatment system that is not connected to Council's reticulated services.

PERSON includes a corporation sole or a body of persons whether incorporated or unincorporated.

POINT OF DISCHARGE is the boundary between the wastewater system and a private drain. The property may be owned by a single or multiple customers.

PREMISES means either:

- i) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued
- ii) a building that has been defined as an individual unit by a cross-lease, unit title or company lease
- iii) land held in public ownership e.g. a reserve for a particular purpose, or
- iv) individual units in buildings, which are separately leased or separately occupied.

PRIVATE DRAIN means the section of drain between the premises and the point of discharge to the wastewater system.

PRIVATE WASTEWATER PIPELINE means the section of pipeline between the premises and the point of discharge through which wastewater goes to the wastewater network. This section of pipeline is owned and maintained by the owner.

PROHIBITED CHARACTERISTICS means wastewater, which is not acceptable for discharge into the council's wastewater system. Prohibited characteristics are listed in the council's bylaw covering trade waste.

PUBLIC WASTEWATER NETWORK means the Council owned portion of the pipework drainage system that carries wastewater.

PUBLICLY NOTIFIED means published on at least one occasion in a local newspaper or, under emergency conditions, by the most practical means available at that time.

REGISTERED DRAINLAYER means a tradesperson certified by the Plumbers, Gasfitters and Drain layers Board under the Plumbers, Gasfitters and Drain layers Act 1996.

RISING MAIN means a sewer through which wastewater is pumped.

SEPTIC TANK is a primary treatment system for domestic wastewater. Treatment of wastewater is minimal and involves only separation of solids and some preliminary anaerobic (without oxygen) decomposition.

SERVICE AREA means an area defined by the Council that is designated for or contains infrastructure services.

SERVICE CORRIDOR means a minimum area of land (generally 1.5m) either side of a public main which is used to service, maintain or renew public mains.

SERVICE OPENING means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

SERVICE OR INSPECTION EYE means a pipe fitting within an approved box with a white lid with the words SS on it. The inspection eye shall be installed at the boundary of the property as per the Acceptable Solutions Drainage G13/AS2 figure 10, with the box being installed so it is level with the ground.

SEWER means the main public wastewater system and any lateral connections.

WASTEWATER SYSTEM means the publically owned system for the collection, treatment and disposal of wastewater including all sewers, pumping stations, storage tanks, wastewater treatment plants and outfalls,

WASTEWATER NETWORK means the pipework drainage system that carries wastewater.

STORMWATER means any water which enters directly e.g. through a pipe or stormwater drain or overland into the public stormwater system.

Note: As well as rainwater and surface water runoff, stormwater may include ground and artesian water, overflows from the wastewater system, water from site development and construction activities

TRADE PREMISES means:

- i) a premise used or intended to be used for any industrial or trade purpose
- ii) a premise 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
- iii) a premise from which a contaminant is discharged in connection with any industrial or trade process; or
- iv) any other premise discharging wastewater other than domestic wastewater.

TRADE WASTE means any liquid (with or without matter in suspension or solution), which is or may be discharged from a trade premise to the wastewater system due to any trade, industrial process or operation., Trade waste may include condensing or cooling waters or domestic sewage.

TRADE WASTE BYLAW means Part 20 - Trade Waste, of the Porirua City Council General Bylaw 1991 and any subsequent amendments, This bylaw regulates discharges from trade premises to the wastewater system.

TREATMENT PLANT means any plant or equipment used for the breakdown of wastewater using mechanical and/or hydraulic methods. Treatment plants do not include septic tanks.

TRUNK SEWER means a sewer, generally greater than 150mm in diameter, which is a part of the principal drainage network of the Council's wastewater system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer or on-site wastewater system.

PART TWO

PUBLIC DOMESTIC WASTEWATER

5.0 DOMESTIC WASTEWATER

5.1 Domestic wastewater discharged to the wastewater system must not:

- a) exceed the substance limits in the Council's bylaw covering trade waste, and any subsequent amendments, or

- b) contain any prohibited substances in the Council's bylaw covering trade waste, and any subsequent amendments.
- 5.2 If part of any 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 shall be treated as a domestic premises.
- 5.3 Any trade activity, which produces or has the potential to produce wastewater will be treated as being from trade premises and may require consent under the bylaw covering trade waste.

6.0 POINT OF DISCHARGE

- 6.1 The point of discharge is the boundary between the public sewer and a private drain. This is further described in points 6.3 - 6.5 below and shown in figure one.
- 6.2 There shall be one point of discharge only for each premises/lot, unless otherwise approved in writing by the Council. A private drain must not extend by pipe or any other means to serve other premises unless it is a common private drain and of an appropriate size to accommodate the additional flows.

6.3 Single Ownership

- 6.3.1 For single dwelling units the point of discharge shall be located at the boundary as shown in figure 1, or as close as possible to this if fences, walls or other permanent structures obstruct this point. If the point of discharge is at another position, this must be approved by the Council and recorded on the drainage plan.
- 6.3.2 Where a private drain discharges into a public sewer on that private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

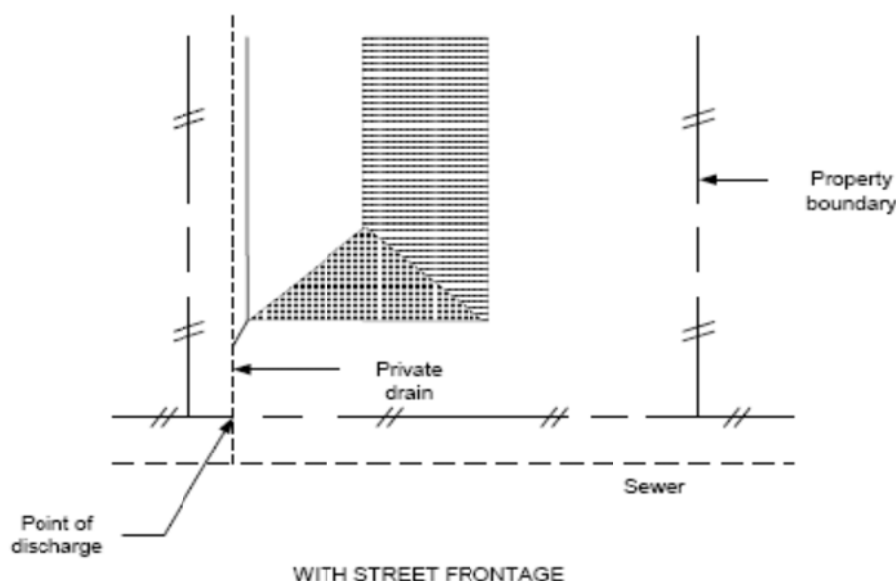


Figure 1: Point of Discharge Location

6.4 Multiple Ownership

- 6.4.1 Any private sewers, which service more than one property, shall be a size of not less than 150mm, unless agreed by the Council.
- 6.4.2 The point of discharge for multiple ownership of premises and/or land is described below and shown in figures 2, 3, 4 and 5:
- a) for company share/block schemes (body corporate) it is the same as if it were in single ownership
 - b)
 - i) for leasehold/tenancy in common scheme (cross lease), strata title, fee simple, and unit title (body corporate) where practicable each owner shall have an individual drain, with the point of discharge to be determined by agreement with the Council at resource consent or building consent stage
 - ii) if not practicable, there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement
 - iii) other arrangements may be accepted by the Council In specific cases, These arrangements must be recorded on the drainage plan.

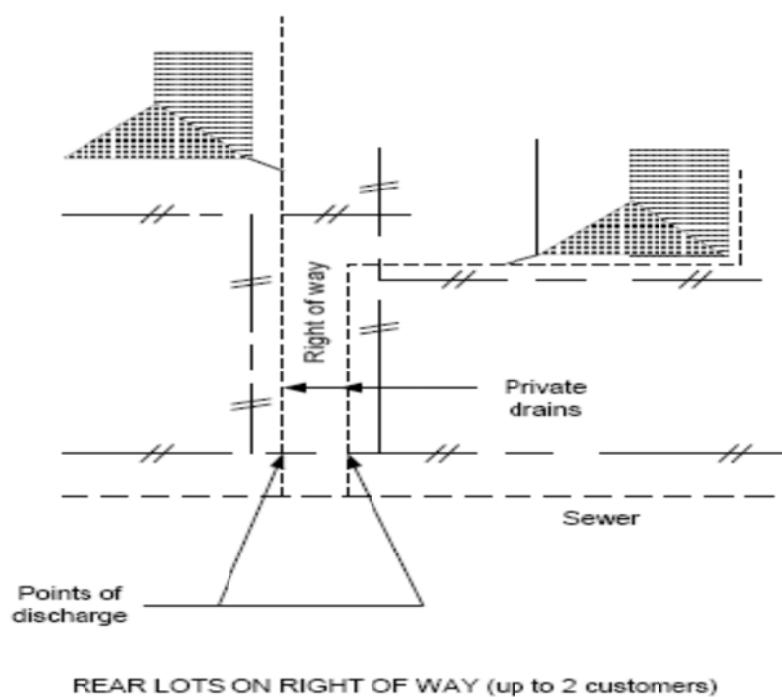
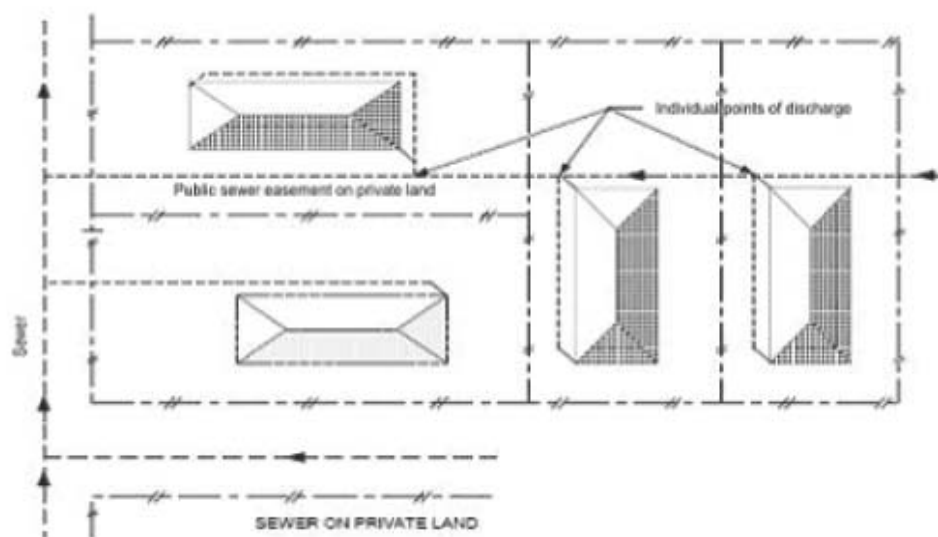
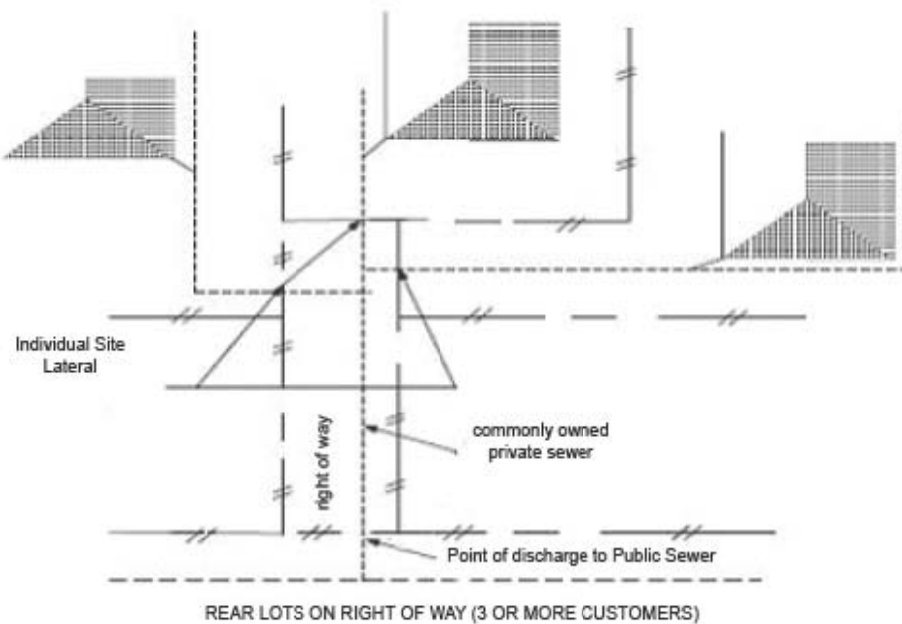


Figure 2 Point of Discharge Location



Figures 3 and 4 Point of Discharge Location

6.5 Common Private Drains

Common private drains must have one point of discharge only. This arrangement must be approved by the Council and recorded on the certificates of title for each dwelling unit.

6.6 Wastewater Pressure Systems

The point of discharge for wastewater pressure systems will be agreed by the developer and the Council, on a case by case basis.

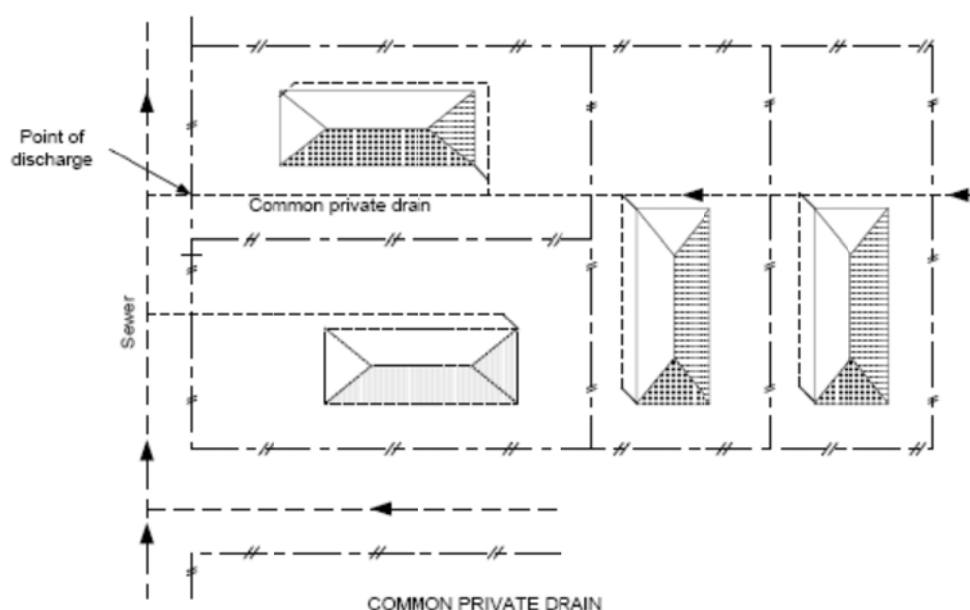


Figure 5 Point of Discharge Location

7.0 ACCEPTANCE OF DISCHARGE

7.1 Every domestic premise shall have its wastewater accepted by the Council provided:

- a) the premises lies within an area serviced by public sewers if such an area has been designated by the Council under the Act
- b) the premises are situated within an area which is served by a public sewer
- c) the appropriate rates, levies or charges in respect of that premises for general and wastewater services are paid
- d) the requirements of this bylaw are met; and
- e) capacity is available in the public sewer network.

7.2 The acceptance of trade wastes is described in the bylaw covering trade waste.

7.3 If a domestic premises changes ownership, the new owner shall automatically become the new customer of that premise.

8.0 APPLICATION TO CONNECT

8.1 Approval to Connect

No person, without the Council's approval, shall make any connection to or otherwise interfere with any part of the Council's wastewater system.

8.2 Domestic Wastewater Application

Every application for a connection to the public sewer network must be made in writing on the correct form and the current charge paid. The applicant shall provide all the details required by the Council. An application must be made whether or not a public sewer has already been laid up to the point of discharge. The charges for all connections are at the full cost to the applicant.

8.3 All works on network mains or within Council controlled land, easements or service corridors shall be carried out by the Council, or its agents.

8.4 Unlawful connections will be dealt with under section 467 of the Local Government Act 1974.

8.5 Domestic Wastewater Applications requiring Public Sewer Extension

Some applications require a new public sewer connection to be constructed from the existing public sewer to the point of discharge. When this type of application has been accepted by the Council, the customer shall pay charges as fixed by the Council for this work. The Council shall supply and install the public sewer and the inspection eye up to the point of discharge, except as provided for in clause 8.7 of this bylaw.

8.6 The Council may approve an application for a new wastewater discharge point provided that the following conditions are met:

- a) the premises is located within the Council Drainage District
- b) the premises is located within an area which is served by a sewer

- c) adequate capacity is available in the wastewater network
- d) all applicable fees, charges, rates and/or contributions have been paid in full
- e) the applicant is able to prove that no appropriate wastewater discharge points exists for those premises; and
- f) the requirements under clause 11 of this bylaw are met.

8.7 Subdivision

Where a new public sewer is required as part of a sub-divisional development, the developer shall provide all the internal drainage works. The design and construction of the works must be approved by the Council.

- 8.8 Clause 8.5 of this bylaw applies to any application for a mains connection to service a new development.

9.0 CONTINUITY OF DISCHARGE

- 9.1 The Council does not guarantee to receive wastewater without interruption; however, the Council will aim to keep any disruption to a minimum.

10.0 DOMESTIC PREMISES

- 10.1 The maximum instantaneous flow rate discharged from a domestic premise must not exceed 2.0 litres/sec, with a maximum daily volume of 0.5m³ per day.
- 10.2 No wastewater with prohibited characteristics shall be discharged into the wastewater system.
- 10.3 Under section 171 of the Local Government Act 2002, a Council Officer may enter and inspect any land or building (other than a dwelling house) for monitoring, testing, and maintenance work between 7.00 am and 9pm on any day. The Council must give at least 24 hours' notice of the intended entry
- 10.4 Under emergency conditions, or to find out whether any drain is being misused, the customer shall allow the Council free access to the point of discharge at any hour of the day.
- 10.5 The customer shall allow the Council to access any area of any premises to find out whether non-complying connections have been made.

- 10.6 The customer shall prevent any stormwater or groundwater entering the wastewater system from roof down pipes, surface water run-off into gully traps, overland flow, subsurface drainage or illegal connections.

11.0 CUSTOMER'S DRAINAGE SYSTEM

- 11.1 The customer's drainage system, from inside the building to the point of discharge, is regulated by the Building Act 2004. The Council may not unreasonably impose anything on the customer which is more onerous than the New Zealand Building Code.

- 11.2 The design and installation of a customer's drainage system must comply with:

- the Council's current policies
- the Building Act 2004
- the New Zealand Building Code and any subsequent amendments.

- 11.3 Customers with discharges from premises not covered by the Building Act 2004 and the New Zealand Building Code (and subsequent amendments) must have a drainage system, which complies with the Building Act 2004 and the New Zealand Building Code (and subsequent amendments.)

11.4 Inflow and Infiltration

Stormwater must be excluded from a wastewater system by ensuring that:

- a) there is no connection between any stormwater pipe or drain to the wastewater system
- b) gully trap surrounds are set above stormwater ponding levels or localised flooding areas or secondary overland flow paths; and
- c) inspection covers are in place and are appropriately sealed.

- 11.5 For large impervious areas draining to the wastewater system (e.g. stock yards, truck washing facilities, or petrol filling station forecourts), specific provision shall be made for a permanent barrier, which will prevent water from outside the confines of the facility from entering the wastewater system. This could be by way of a nib wall, speed humps, or appropriately graded surrounds.

Where it is impractical to cover a large impervious area, consideration must be given to a system, which stops run-off from the “first foul flush” for disposal to the wastewater system, with subsequent run-off disposal as stormwater.

- 11.6 Private drains must be maintained in good condition, and be free from cracks and other defects which may allow infiltration. If stormwater runoff is found to be entering the system from private drains, then it is the owners’ or occupiers’ responsibility to immediately resolve the problem to a satisfactory standard acceptable to the Council. If the owner/occupier fails to carry out any required repairs the Council will carry out the works under Sections 186 and 187 of the Local Government Act 2002.

11.7 Pump Stations

11.7.1 Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

11.7.2 A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act 2004. When applying for a building consent, the customer will be required to demonstrate that the pump station complies with the New Zealand Building Code (and subsequent amendments.)

11.7.3 A private wastewater pump station shall have a non-return valve on the discharge pipe just prior to entering the public system or at the property boundary.

11.7.4 A private wastewater pump station serving more than one residential dwelling unit requires a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act 2004 (and any subsequent amendments.) A “Common Pump Station Agreement” is required between the parties, including maintenance of rising mains. It shall be registered against the Certificate of Title of each customer. The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

Note: The Bylaw also makes reference to Porirua City Council's Code of Land Development (CoLD) which specifies pump requirements for discharges other than gravity wastewater discharges systems to the network from private property.

- 11.8 Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting

device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.

- 11.9 Discharges from swimming or spa pools may be time restricted at the discretion of Porirua City Council.

12.0 MAINTENANCE AND REPAIR

- 12.1 Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible by the appropriate method such as Councils web site.

13.0 DISCONNECTION

- 13.1 A customer shall give 7 working days' notice in writing of his or her intention to demolish or remove a building connected to the sewer. Any demolition or removal must not commence until the Council has inspected the sewer disconnection.
- 13.2 A customer shall give a minimum of 5 working days' notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

14.0 PROTECTION OF THE PUBLIC DRAINAGE SYSTEM

- 14.1 The restrictions described in clauses 14.2 to 14.7 apply when building or loading over buried services, or excavating near public sewers. Other restrictions may be applied by the Council after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

14.2 Building Over Public Sewers

Refer to Porirua City Council Requirements for Building over Public Mains.

14.3 Loading or Material Over Public Sewers

Refer to Porirua City Council requirements for Building over Public Mains.

- 14.4 No person shall place any additional material over or near a public sewer within any stated easement or within 1.5m either side of the mains which may compromise structural or functional integrity without Council approval.

14.5 No person shall cover any service opening in any way unless the appropriate form has been filled out and approved in writing by the Council. All works involving public mains shall be carried out by the Council. The removal of any covering material or adjustment of any service opening shall be at the property owner's full expense.

14.6 Excavation Near Public Sewers

14.6.1 No person shall excavate, or carry out piling or similar work closer than:

- a) 5 metres from the centre line of any rising main or trunk sewer
- b) 1.5 metres from the centre line of any public sewer.

14.6.2 Any person who carries out work, at any distance, which could comprise the structural or functional integrity of any public sewer needs approval from the Council.

14.7 Blockages

14.7.1 A customer, whose gully trap is overflowing or has other reasons to suspect a drain blockage, shall contact the Council immediately and advise them of the situation. The Council will arrange to check the public sewer, and to clear and remove any blockage, and clean up all affected areas.

14.7.2 If the blockage is found to be within the customer's private drain the customer must engage a plumber and pay all fees and charges related to clearing the blockage.

14.7.3 If Council staff determine the blockage to be within the public sewer, and an authorised a Council officer can confirm that the blockage was caused by a problem in the public sewer network, then the Council shall cover all costs related to clearing the blockage.

14.7.4 If the blockage has been forced downstream into the public sewer by clearing it from a private drain, or if the customer has discharged a non-acceptable wastewater or material, the Council will recover all the costs related to clearing the blockage from the customer.

14.8 Trees

If the roots of any tree on any private property cause or are likely to cause damage or interference to the flow, or blockage to a public sewer the Council shall follow the procedure set out in Section 468 of the Local Government Act 1974 (and any subsequent amendments.)

15.0 WORKING AROUND BURIED SERVICES

- 15.1 The Council shall keep and maintain drainage plans of the location of its buried services. This information will be available for inspection during normal business hours. Reasonable charges may be made to cover the costs of making copies available. Alternatively, all underground services can be readily accessed through the Council's GIS system on its website.
- 15.2 Any person proposing to carry out excavation work shall view the drainage plans to establish whether Council services are located in the vicinity. At least 5 days' notice in writing must be given to the Council of any intention to excavate near its services.
- 15.3 The Council aims to provide accurate information on underground services, however exact positioning cannot be 100% relied upon. The individual carrying out the works must specifically locate the services onsite. Council may exercise and communicate in writing any reasonable restrictions on the work it considers necessary to protect its services.
- 15.4 When excavating and working around buried services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated according to any Council specifications.
- 15.5 Any excavation work within roadways is subject to the permit process of the appropriate roading authority.
- 15.6 Any damage, which occurs to a Council service, shall be reported to the Council immediately. Repair costs will be charged.

16.0 STORAGE OF HAZARDOUS MATERIALS

- 16.1 No person shall allow materials to enter the Council wastewater system which:
 - when mixed with the wastewater stream, generate corrosive, toxic, ecotoxic, oxidising, flammable or explosive materials

- could harm the Council's wastewater system
 - creates a health and safety risk for Council staff and the public.
- 16.2 If a customer does not comply with statutory requirements, the Council may serve a defect notice. This notice will state what requirement is not being complied with, and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not resolved the breach, the Council may charge a re-inspection fee.
- 16.3 If a breach of this bylaw causes a risk to public health, safety or to Council assets and a delay would create unacceptable results, the Council may take immediate action to rectify the breach, and recover all reasonable costs.
- 16.4 At any time after the specified period of 18.2 has elapsed, the Council may carry out any remedial work required to rectify the breach, and to recover from the person committing the breach all reasonable costs incurred by the remedial work.

17.0 EMERGENCY

- 17.1 Natural hazards (e.g. floods or earthquakes) or accidents beyond the control of the Council, which disrupt the ability of the Council to receive wastewater, will be deemed an emergency.
- 17.2 During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions will be publicly notified.
- 17.3 The decision to make and lift restrictions, and to enact additional penalties, will be made by the Council. When immediate action is required a Council officer authorized for that purpose, subject to subsequent Council ratification, may make this decision.
- 17.4 In an emergency the Council may authorise the discharge of any such fluids or liquids into the network it deems suitable for short durations.

PART THREE ON-SITE WASTEWATER SYSTEMS

18.0 REGULATION OF ON-SITE WASTEWATER SYSTEMS

- 18.1 Wastewater systems are regulated by the Building Act 2004, the Health Act 1956, the Resource Management Act 1991 and the Local Government Act 2002.
- 18.2 In addition, Greater Wellington Regional Council has regional rules about on-site sewage discharges in the Regional Plan for Discharges to Land.
- 18.3 A building consent is required for the structure, i.e. the tank, of any on-site wastewater system. A building consent does not authorise any discharge from the tank.
- 18.4 Section 39 of the Health Act 1956 prohibits a person from selling or letting a property if the on-site wastewater system does not comply with the Building Act 2004. Section 54 of the Health Act 1956 requires every person who removes and disposes of sludge from on-site sewage systems to have the written consent and the Medical Officer of Health. The Council shall receive from the Medical Officer of Health a register of persons consented to undertake this activity and also an annual update of this register by the end of each local authority financial year.
- 18.5 It is important to note that domestic wastewater treatment systems do have a finite life and the system, or parts of the system, will ultimately need to be replaced.
- 18.6 Where a sewer connection is available, the drainage system shall be connected to the sewer.
- 18.7 Where a premises within the Council Drainage District has been operating an on-site wastewater system prior to construction of an available public wastewater network and has not been connected to the public wastewater network, the premises may at Council's discretion, continue to operate the on-site wastewater system provided that the provisions of Part 3 of this bylaw are met and such approval is given by Council in writing. This discretionary dispensation shall continue until such time as the customer elects to connect to the public wastewater network.

19.0 LICENSING SYSTEM IN PORIRUA

- 19.1 Every owner of an on-site wastewater system must have a current wastewater system licence.

19.2 To obtain or renew an on-site wastewater system licence, a property owner must get their on-site wastewater system and land application area inspected by an Authorised Person.

19.3 Applying for an On-Site Wastewater Licence

19.3.1 Applications for an on-site wastewater licence shall include:

- a) the application form
- b) any other information the Council asks for
- c) the fee

19.3.2 Application Form

The application must be:

- a) on a Porirua City Council on-site wastewater licence application form
- b) certified by an Authorised Person.

Please see our website for the on-site wastewater licence application form and examples of Authorised Persons.

19.4 Cancellation of On-Site Wastewater Licence

19.4.1 When an on-site wastewater system is creating a nuisance or causing a risk to health or the environment, the Environmental Standards Manager may cancel a wastewater licence. The Environmental Standards Manager must give the owner of the on-site wastewater system one month's notice that the Council intends to cancel the wastewater licence.

20.0 INSPECTIONS/INVESTIGATIONS

20.1 Council officers can carry out inspections and investigations of any on-site wastewater system and land application area.

20.2 On-site wastewater systems and land application areas need to comply with:

- a) the New Zealand Building Code at the time the on-site wastewater system was installed, altered or replaced
- b) any Building Consents
- c) Porirua City Council's Code of Land Development and Subdivision Engineering (CoLD)
- d) Greater Wellington Regional Council's rules; and
- e) this bylaw.

20.3 If the Council considers an on-site wastewater system or land application area is unlikely to be complying with these requirements, the Council may give the owner notice requiring that the owner must:

- a) clean or pump out any settled solids in the system
- b) make repairs to the on-site wastewater system and land application area.

20.4 The owner shall pay for any work carried out to meet the requirements above. If the work needed to ensure the on-site wastewater system and land application area meet the requirements is not completed, the Council may arrange for the work to be carried out, at the cost of the owner.

21.0 INSTALLATION AND MAINTENANCE

21.1 Installation, alteration and repairs of all on-site wastewater systems and land application areas must be carried out by an Authorised Person. This work must comply with the following:

- Greater Wellington Regional Council regional rules about on-site sewage discharges in the Regional Plan for Discharges to Land
- the on- site domestic wastewater management Standard (AS/ NZS 1547: 2012)

21.2 Any Authorised Person removing solids from an on-site wastewater system and land application area must comply with the Health Act 1956 or produce a resource consent showing exemption.

PART FOUR MISCELLANEOUS

22.0 PAYMENT

- 22.1 Under sections 150 and 151 of the Local Government Act 2002, the Council may set charges for the:
- a) discharge of wastewater and related services
 - b) administration of the licensing system for on-site wastewater treatment systems.

23.0 OFFENCES AND PENALTIES

- 23.1 Every person who fails to comply with the requirements of this bylaw commits an offence under Section 239 of the Act, and is liable to enforcement action by the Council. The type of enforcement action carried out by the Council will depend on the severity of the situation. Enforcement action may include:
- a) notification of a breach, including a time period to rectify the issue, to the land owner/occupier. If compliance is not reached within the specified time period of the notification, the Council will rectify the issue and recover all costs from the person responsible for the breach
 - b) the Council rectifying the issue if the situation is creating a nuisance, or if that is the preference of the land owner/occupier, and all costs will be recovered from the person responsible for the breach
 - c) prosecution
 - d) an infringement notice, under section 245 of the Local Government Act 2002, being issued.

24.0 LIABILITY

- 24.1 The Council shall aim to meet the level of service requirements in clause 7.1, but shall not be liable for any loss, damage or inconvenience, due to deficiencies within the wastewater system.