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**PALMERSTON NORTH CITY COUNCIL**

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**AGENDA**

**PLANNING AND STRATEGY**

**COMMITTEE**

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**9AM, MONDAY 6 NOVEMBER 2017**

COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING  
32 THE SQUARE, PALMERSTON NORTH

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## MEMBERSHIP

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**Duncan McCann (Chairperson)**

**Aleisha Rutherford (Deputy Chairperson)**

**Grant Smith (The Mayor)**

**Brent Barrett**

**Susan Baty**

**Rachel Bowen**

**Adrian Broad**

**Gabrielle Bundy-Cooke**

**Vaughan Dennison**

**Lew Findlay QSM**

**Leonie Hapeta**

**Jim Jefferies**

**Lorna Johnson**

**Karen Naylor**

**Bruno Petrenas**

**Tangi Utikere**

**Agenda items, if not attached, can be viewed at:**

[pncc.govt.nz](http://pncc.govt.nz) | Civic Administration Building, 32 The Square

City Library | Ashhurst Community Library | Linton Library

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**Heather Shotter**

**Chief Executive, Palmerston North City Council**

**Palmerston North City Council**

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## **PLANNING AND STRATEGY COMMITTEE MEETING**

6 November 2017

### **ORDER OF BUSINESS**

**1. Apologies**

**2. Notification of Additional Items**

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson's explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

**3. Public Comment**

To receive comments from members of the public on matters specified on this Agenda or, if time permits, on other Committee matters.

(NOTE: If the Committee wishes to consider or discuss any issue raised that is not specified on the Agenda, other than to receive the comment made or refer it to the Chief Executive, then a resolution will need to be made in accordance with clause 2 above.)



- 4. Confirmation of Minutes** Page 7  
“That the minutes of the Planning and Strategy Committee meeting of 2 October 2017 Part I Public be confirmed as a true and correct record.”
  
- 5. Wastewater BPO Project Vision and Objectives** Page 13  
Memorandum, dated 24 October 2017 from the Water & Waste Services Manager, Robert van Bentum and the Special Projects Manager, Phil Walker.
  
- 6. Amendment to Administration Manuals - Water Supply, Stormwater Drainage, Wastewater Bylaws** Page 17  
Memorandum, dated 9 October 2017 from the Policy Analyst, Peter Ridge.
  
- 7. Amendments to Waste Management and Minimisation Bylaw 2016 - approval for consultation** Page 99  
Report, dated 9 October 2017 from the Policy Analyst, Peter Ridge.
  
- 8. Cemeteries and Crematorium Bylaw Review - Section 155 Determination Report** Page 161  
Memorandum, dated 17 October 2017 from the Policy Analyst, Lili Kato.
  
- 9. Draft Traffic and Parking Bylaw 2018 - approval for consultation** Page 176  
Report, dated 17 October 2017 from the Policy Analyst, Peter Ridge.
  
- 10. Committee Work Schedule** Page 240
  
- 11. Exclusion of Public**

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and



the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

Chief Executive (Heather Shotter), Chief Financial Officer (Grant Elliott), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Communications and Marketing Manager (or their representative (name)) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council's Management Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell, Carly Chang and Rachel Corser), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

*[Add Council Officers]*, because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their respective report.

*[Add Third Parties]*, because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].







## **PALMERSTON NORTH CITY COUNCIL**

**Minutes of the Planning and Strategy Committee Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 02 October 2017, commencing at 9.00am.**

**Members Present:** Councillor Duncan McCann (in the Chair), The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Apologies:** Councillor Gabrielle Bundy-Cooke.

Councillor Vaughan Dennison entered the meeting at 9.46am during consideration of clause 66. He was not present for clauses 63 to 65 inclusive.

### **63-17 Apologies**

Moved Duncan McCann, seconded Aleisha Rutherford.

The **COMMITTEE RESOLVED**

1. That the Committee receive the apologies.

Clause 63-17 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

### **64-17 Public Comment**

Danny Auger from SPCA made public comment regarding the Draft Palmerston North Animals and Bees Bylaw.

Moved Duncan McCann, seconded Aleisha Rutherford.

The **COMMITTEE RESOLVED**

1. That the public comment be received for information.

Clause 64-17 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen



Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**65-17 Confirmation of Minutes**

Moved Duncan McCann, seconded Lorna Johnson.

The **COMMITTEE RESOLVED**

1. That the minutes of the Planning and Strategy Committee meeting of 4 September 2017 Part I Public be confirmed as a true and correct record.

Clause 65-17 above was carried 14 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**66-17 City Centre Streetscape - Square East Safety Audit**

Memorandum, dated 14 September 2017 from the Roading Manager, Jon Schwass and the City Planning Manager, David Murphy.

Moved Grant Smith, seconded Jim Jefferies.

Councillor Vaughan Dennison entered the meeting at 9.46am.

The **COMMITTEE RECOMMENDS**

1. That the Road Safety Audit of the Square East section of the City Centre Streetscape Plan be received.
2. That the findings of the Road Safety Audit inform the basis of the final design and targeted consultation on the Square East section of the City Centre Streetscape.
3. That the Square East section of the City Centre Streetscape Plan be designed to accommodate 60 degree parking in the interim but be easily converted to the original concept of 90 degree parking at a later date when through traffic volumes decrease.

Clause 66-17 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**Abstained:**

Councillor Vaughan Dennison.

**67-17 Pedestrian Facilities and Safety (NZTA) - September 2017**

Memorandum, dated 18 September 2017 from the Senior Transportation



Engineer, Glenn Connelly.

Moved Duncan McCann, seconded Adrian Broad.

The **COMMITTEE RESOLVED**

1. That the progress and actions regarding pedestrian safety and crossing facilities outlined in the report titled "Pedestrian Facilities and Safety (NZTA) – September 2017" and dated 18 September 2017 from the Senior Transportation Engineer, Glenn Connelly, be noted.

Clause 67-17 above was carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**68-17**

**Draft Palmerston North Animals and Bees Bylaw - Approval for Consultation**  
Report, dated 15 September 2017 from the Policy Analyst, Ann-Marie Mori.

In discussion it was noted that the desexing and microchipping issue around cats needed to be included in the draft bylaw, and how roosters should not be allowed in the urban area with the exception of the Palmerston North villages.

Moved Duncan McCann, seconded Aleisha Rutherford.

The **COMMITTEE RECOMMENDS**

1. That the Council determines the form of the draft Animals and Bees Bylaw 2017 and Administration Manual (contained in Appendix 1) is, subject to the outcome of public consultation, considered to be the most appropriate form of bylaw.
2. That the Council confirms that it has considered the draft Animals and Bees Bylaw 2017 and determines that it does not give any rise to any implications under the New Zealand Bill of Rights Act 1990.
3. That the Consultation Document (including the draft Animals and Bees Bylaw 2017 and Administration Manual) (attached as Appendix 1) incorporating any amendments recommended by the Committee be approved for consultation.
4. That delegated authority is given to the Chairperson and the Deputy Chairperson of the Planning and Strategy Committee for the approval of any minor amendments to the Consultation Document.

Clauses 68.1 to 68.4 inclusive above were carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.



PALMERSTON NORTH CITY COUNCIL

Moved Lorna Johnson, seconded Aleisha Rutherford.

5. Subject to confirmation through the 10 Year Plan, develop a public campaign (with input from key stakeholders) to:
  - a. Promote desexing and microchipping of all cats;
  - b. Educate cat owners and pet stores on best practice animal care, including improved information delivered through Council's website.
6. That the following clause is added to 'Part 4 – Cats' of the draft Animals and Bees Bylaw:

"8.7 Every person who keeps cats must ensure:

  - a. Cats are microchipped and registered with a recognized microchip registry.
  - b. Cats over 4 months old are desexed (unless kept for breeding purposes and are registered with New Zealand Cat Fancy Ltd.)."
7. That clause 3.1 of the draft Animals and Bees Bylaw be amended to read:

"3.1 This Bylaw comes into force on 2 July 2018, except for clause 8.7, which comes into force on 1 July 2019."

Clauses 68.5 to 68.7 inclusive above were carried 15 votes to 0, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Susan Baty, seconded Rachel Bowen.

8. That roosters not be allowed in the urban area but excluding Palmerston North villages under clause 12 of the Poultry.

Clause 68.8 above was carried 10 votes to 5, the voting being as follows:

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Vaughan Dennison, Lew Findlay QSM, Jim Jefferies, Duncan McCann, Karen Naylor and Bruno Petrenas.

**Against:**

Councillors Adrian Broad, Leonie Hapeta, Lorna Johnson, Aleisha Rutherford and Tangi Utikere.

## 69-17 Committee Work Schedule

Moved Duncan McCann, seconded Aleisha Rutherford.

The **COMMITTEE RESOLVED**

1. That the Planning and Strategy Committee receive its Work Schedule dated October 2017.

Clause 69-17 above was carried 15 votes to 0, the voting being as follows:



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PALMERSTON NORTH CITY COUNCIL

**For:**

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

The meeting finished at 11.07am.

Confirmed 6 November 2017

**Chairperson**







## MEMORANDUM

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017

**TITLE:** Wastewater BPO Project Vision and Objectives

**DATE:** 24 October 2017

**AUTHOR/S:** Robert van Bentum, Water & Waste Services Manager, City Networks  
Phil Walker, Special Projects Manager, City Networks

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### RECOMMENDATION(S) TO COUNCIL

1. That the Wastewater BPO Vision and Objectives as set out in clauses 3.1 and 3.2 respectively of this report, be adopted as endorsed by the Wastewater BPO Project Steering Group.

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### 1. ISSUE

- 1.1 Following the start of the Wastewater BPO Project, the establishment of the Wastewater BPO Project Steering Group (PSG) and the adoption and submission of the Project Statement of Intent to Horizons Regional Council, Officers have been working through the initial establishment phase of the project.
- 1.2 Key achievements during the early phase of the project have included:
  - appointment of the Consultants MWH Stantec as Technical Advisers to the project
  - regular monthly meetings of the Project Steering Group
  - initiation of a number of initial work packages including a contextual review, generic options cost assessment, preparation of framework documents for objective setting and development of a consultation and engagement framework
  - commissioning of a generic cost assessment to guide Council decision making in respect of the 2018-28 LTP



ITEM 5

- 1.3 A key task during the initial set-up phase of the project has been the development of a project vision and objectives for the project. Along with a name and recognisable identity for the project, the vision and objectives articulates the aspirations of Council for the Wastewater Project.
- 1.4 The project vision and objectives are key aspects for effective engagement with the community and key stakeholders. Accordingly these will be important elements of the communication plan being developed.
- 1.5 The project objectives are a key part of the Wastewater Best Practicable Options Assessment as they set out the outcomes against which each of the alternatives will be assessed. For each objective separate sub-objectives and criteria will be developed to enable project participants to score each alternative or option in terms of the extent to which it meets the outcomes sought by the objective.

## 2. BACKGROUND

- 2.1 The project vision and objectives were developed with the support of the Technical Advisers to the project who prepared draft discussion material for Council and facilitated two workshop sessions, as listed below, to discuss and refine the draft material.
  - Workshop #1 - Monday – 28 August 2017 – 3.30 to 4.30 pm
  - Workshop #2 - Monday – 11 September 2017 – 4.00 to 4.45 pm
- 2.2 Following the second workshop a revised draft of the vision and objectives was prepared by the consultants, reviewed and amended by Officers and circulated to all Councillors and PSG members. Several minor wording amendment suggestions were received but no major changes were proposed.
- 2.3 Following circulation of the vision and objectives, the draft version was tabled for comment and adoption at the October 2017 meeting of the PSG. No further amendments were proposed and it was agreed that the vision and objectives be submitted to Council for their adoption.

## 3. PROJECT VISION AND OBJECTIVES

- 3.1 The draft project vision is:

***“Management of the City’s wastewater which enables growth, protects and enhances the environment and contributes to improving the health and mauri of the Manawatū River.”***

- 3.2 The draft project objectives are:



***To implement a best practicable option wastewater management solution that:***

- 1. Protects public health and reduces public health risks.***
- 2. Minimises adverse environmental effects related to the discharge of treated wastewater on air, land and water;***
- 3. Is sustainable, enduring, and resilient;***
- 4. Contributes to improving the health and mauri of the Manawatū River;***
- 5. Takes an integrated approach to the management of the Manawatū River Catchment including understanding cumulative effects;***
- 6. Is affordable and cost effective;***
- 7. Minimises whole of life carbon emissions and optimises resource recovery;***
- 8. Facilitates long term growth and economic development***
- 9. Is developed in partnership with Rangitāne o Manawatū and***
- 10. Is developed with the active engagement of the community and key stakeholders***

3.3 During the development of the objectives, a number of requirements for robust assessment of alternatives were highlighted. These requirements, while not objectives, were considered important and have been included within the Project Charter. The requirements highlight the need for decision making processes followed during the project to be:

- a. Evidence based;
- b. Efficient and timely;
- c. Undertaken to meet the requirements of the current resource consent (in terms of the scope of the BPO review); and
- d. Consistent with the National Policy Statement for Freshwater Management, the National Policy Statement on Urban Development Capacity and the One Plan.

3.4 Additionally through the objectives setting process, Councillors highlighted a desire that PNCC work positively with Horizons Regional Council through the consent process as Council develops the best practicable option for the management of the City's wastewater.

#### **4. NEXT STEPS**

4.1 Following adoption of the vision and objectives, the Project Charter will be updated to include these elements as well as the requirements captured in clauses 3.3 and 3.4.



- 4.2 Even though the Committee is being asked to adopt the vision and objectives in their current form, there will continue to be an opportunity to revise the objectives particularly prior to any ranking or scoring of the alternatives or long list of options.

# ITEM 5

## 5. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	<b>No</b>
If Yes quote relevant clause(s) from Delegations Manual <Enter clause>	
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>

## ATTACHMENTS

Nil

Robert van Bentum  
**Water & Waste Services  
 Manager**

Phil Walker  
**Special Projects Manager**



## MEMORANDUM

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017

**TITLE:** Amendment to Administration Manuals - Water Supply, Stormwater Drainage, Wastewater Bylaws

**DATE:** 9 October 2017

**AUTHOR/S:** Peter Ridge, Policy Analyst, City Future

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### RECOMMENDATION(S) TO COUNCIL

1. That the Council determines that no consultation is necessary because the proposed changes are very minor and do not significantly affect any particular group of stakeholders.
2. That the Council amend the Water Supply Bylaw 2015 Administration Manual, Stormwater Drainage Bylaw 2015 Administration Manual, and the Wastewater Bylaw 2017 Administration Manual, as shown in attachments 1-3.

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### 1. ISSUE

The Water and Waste Team have revised the Service Connection Form (SC1) used whenever an applicant requests a water, wastewater, or stormwater drainage connection. This form is included in the Administration Manuals for the applicable bylaws. The bylaws require that any amendments to the Administration Manual are made by the Council by resolution. This memorandum outlines the proposed changes and recommends that the Council resolve to amend the Administration Manuals accordingly.

### 2. BACKGROUND

The Water Supply and Stormwater Drainage bylaws were adopted in 2015, while the Wastewater Bylaw was adopted in 2017. The Water Supply and Stormwater Drainage Bylaws are not due to be reviewed until 2020, while the Wastewater Bylaw is not due to be reviewed until 2022.

### 3. PROPOSED AMENDMENT

The only amendment proposed is to replace the existing Service Connection application form (SC1) with the revised form shown in the revised Administration Manuals, provided as



**ITEM 6**

attachments 1 - 3. The Water and Waste Team have been reviewing many of their processes, and identified a number of changes to the Service Connection Form. These are all minor changes, but will improve the usability of the form whilst enabling better information to be collected from applicants. Of particular note is the new backflow assessment section which will enable the application process to better determine the needs for backflow prevention, which is a critical element of protecting the water supply distribution network from contamination. The addition of a notes section will also make it clearer for applicants why the Council requires the information.

No other changes to the Administration Manuals are proposed. The new form is shown incorporated into each of the three Administration Manuals as follows:

- Attachment 1 – Water Supply Bylaw Administration Manual: new form shown as appendix 1.
- Attachment 2 – Stormwater Drainage Bylaw Administration Manual: new form shown as appendix 1.
- Attachment 3 – Wastewater Bylaw Administration Manual: new form shown as appendix 2.

#### 4. ANALYSIS

In each of the three bylaws, the relevant “Delegations” clause notes that before amending the Administration Manual, the Council must consult appropriately with any person that it considers may be affected by the proposed amendments and give those persons a reasonably opportunity to provide feedback on the proposed amendments before they come into effect.

The advice from officers is that consultation in this instance is not necessary before the Council makes the change. The scope of the proposed amendment is limited to updating an application form, and does not affect any applicant’s existing rights. Therefore, consultation is not considered necessary or useful in this situation.

#### 5. NEXT STEPS

If the Committee agrees to recommend to the Council that the Administration Manuals are amended, and the Council confirms that recommendation, then the amended Administration Manuals will be published to the Council’s website.




#### 6. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	<b>No</b>
If Yes quote relevant clause(s) from Delegations Manual <Enter clause>	
Are the decisions significant?	<b>No</b>



If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>Yes</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>

### **ATTACHMENTS**

1. Palmerston North Water Supply Bylaw 2015 Administration Manual [↓](#) 
2. Palmerston North Stormwater Drainage Bylaw 2015 Administration Manual [↓](#) 
3. Palmerston North Wastewater Bylaw 2017 Administration Manual [↓](#) 

Peter Ridge  
**Policy Analyst**





PALMERSTON NORTH CITY

# **PALMERSTON NORTH WATER SUPPLY BYLAW**

## **2015**

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# **Administration Manual**



## Contents

Part 1 – Introduction.....	4
Part 2 - Standard Conditions of Water Supply .....	5
Part 3 – Standard Conditions for Turitea Controlled Catchment Area Entry Permit .....	25
Part 4 – Standard Conditions for Permit to use Water Filling Station .....	26
Appendix 1 – Application for water supply connection.....	27
Appendix 2 - Boundary Backflow Prevention Policy Statement .....	31
Appendix 3 - Water Supply Areas .....	32
Appendix 4 – Application for permit to access Turitea Controlled Catchment Area .....	33
Appendix 5 – Application for permit to use Water Filling Station.....	43



### Document control

Version No.	Reason for amendment	Date
1.0	Adopted By Council	25 May 2015

### Authorisation

	Name	Signature	Date
Prepared by			
Reviewed by			
Authorised by			



## PART 1 – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Water Supply Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are likely to be amended before the Bylaw is reviewed. In taking this approach, it will simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw.

The Administration Manual is made under the bylaw, and it will govern the implementation and operation of the bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be authorised either by the General Manager for City Networks or the Water and Waste Services Manager.



## **PART 2 - STANDARD CONDITIONS OF WATER SUPPLY**

### **1. APPLICATION FOR SUPPLY**

- 1.1. The Council will determine the sizes of all pipes, fittings, water meters, valves, backflow prevention devices and any other equipment deemed necessary by the Council, up to the Point of Supply. The Council will supply and install the service pipe up to the point of supply at the customer's cost; or may allow the supply and installation of the service pipe to be carried out by approved contractors at the applicant's cost.
- 1.2. Any new water connection, installed after the adoption of the Bylaw, must be located and installed in accordance with the Council's Engineering Standards for Land Development.
- 1.3. The applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought and must produce written evidence of this if required.
- 1.4. An approved application for supply which has not been actioned within twelve months of the date of approval will lapse unless otherwise approved. Any refund of application fees will be at the discretion of the Council.
- 1.5. A new application for supply shall be required if a customer wishes to change his/her type of supply.

### **2. ON DEMAND SUPPLY**

- 2.1. Every premises shall be entitled to an Ordinary Supply of water if the following criteria are met:
  - a) The premise lies within a water supply area if such an area has been constituted by Council;
  - b) Payment of the appropriate charges in respect of those premises is made;
  - c) The supply conforms to the provisions of this Administration Manual; and
  - d) Other charges or costs associated with subdivisional development are paid.
- 2.2. Outdoor use of an Ordinary Supply of water may be limited or prohibited by restrictions made under clause 10 of the Bylaw.
- 2.3. Notwithstanding any other provisions in the Bylaw, the Council shall be under no obligation to provide an Extraordinary Supply of water.

### **3. POINT OF SUPPLY – INDIVIDUAL OWNERSHIP**

- 3.1. For individual customers the point of supply must be located at the street address frontage of the property as shown in Figures 1 to 6 in the Administration Manual, or as close as possible where circumstances make it difficult to locate it at the required position. Positions other than those in the Administration Manual will require specific approval from Council.
- 3.2. The typical layout at a point of supply is shown in Figures 7a to 7f of the Administration Manual.



- 3.3. For each individual customer there shall only be one Point of Supply, unless otherwise approved.
- 3.4. The Council shall own and maintain the service pipe and fittings up to the point of supply, including any water meter where fitted. The customer shall own and maintain the supply pipe beyond the point of supply. Without limiting that obligation on the customer, the customer shall undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by Council.
- 3.5. The Council gives no guarantee as to the serviceability of the valve located on the Service Pipe. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply. However, the Council reserves the right to charge for maintenance of this valve if damaged by such customer use.
- 3.6. A customer who has altered, or who seeks to alter the ground levels in the vicinity of the connection is responsible for the alteration of the existing service pipe and cover to ensure the connection complies with the Council's Engineering Standards for Land Development. Such work shall be carried out at the owner's expense.

#### **4. POINT OF SUPPLY – MULTIPLE OWNERSHIP**

- 4.1. The Point of Supply for the different forms of multiple ownership of premises or land shall be as follows:
  - a) For Company Share/Block Scheme (Body Corporate) - as for individual ownership.
  - b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate) - each owner shall have an individual supply with the point of supply at the street address frontage of the property. In specific cases other arrangements may be acceptable subject to individual approval.
- 4.2. For a multiple ownership supply which was in existence prior to the coming into effect of the Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.
- 4.3. For a multiple ownership supply where a fire hydrant is attached to the supply, notwithstanding anything in sections 4.1 and 4.2 of the Administration Manual, the Council shall own and maintain the fire hydrant and the main that supplies it.



Figure 1. Point of Supply Location for Single Residential Dwellings

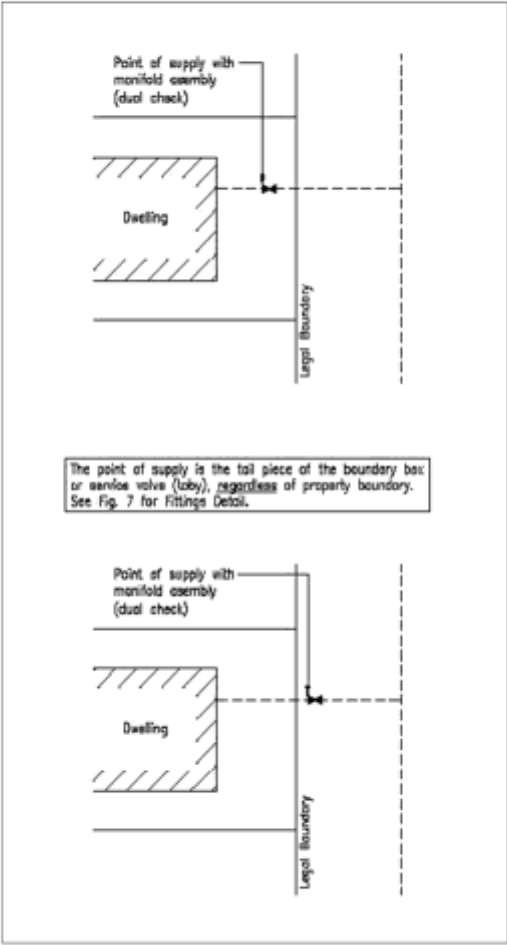




Figure 2. Point of Supply Location for Multiple Residential Dwellings

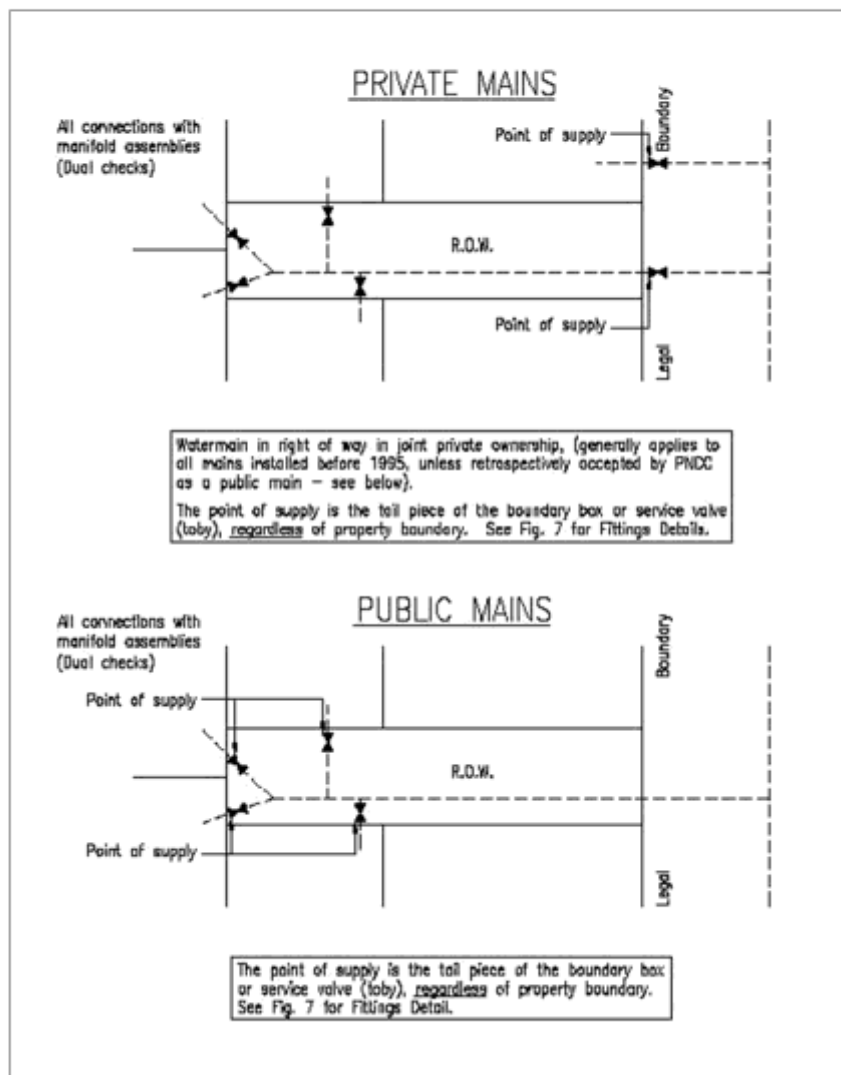
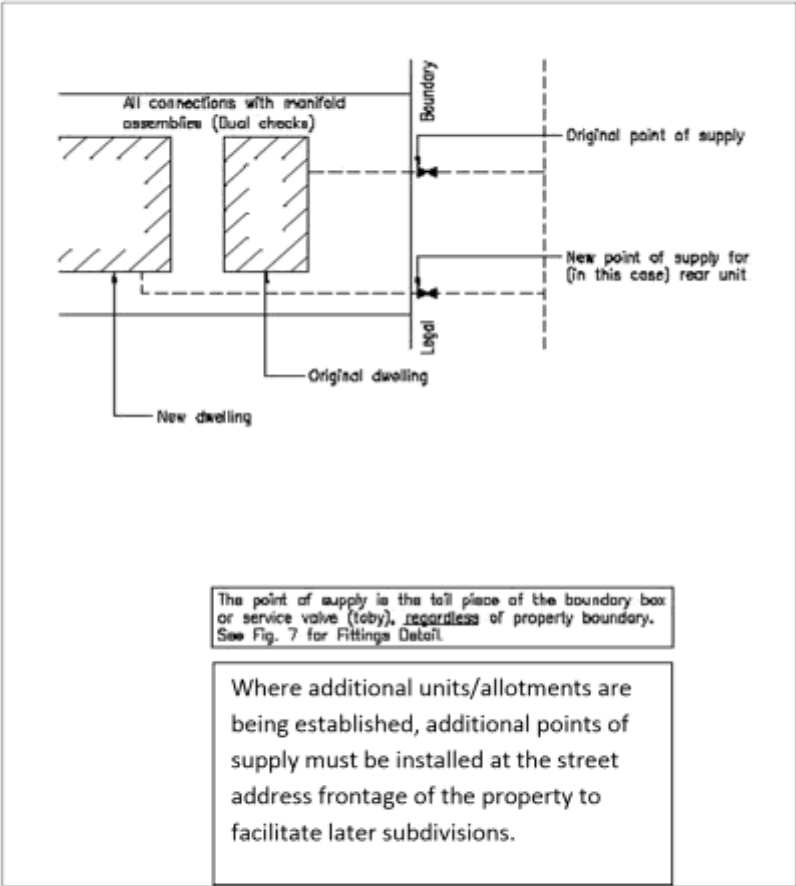


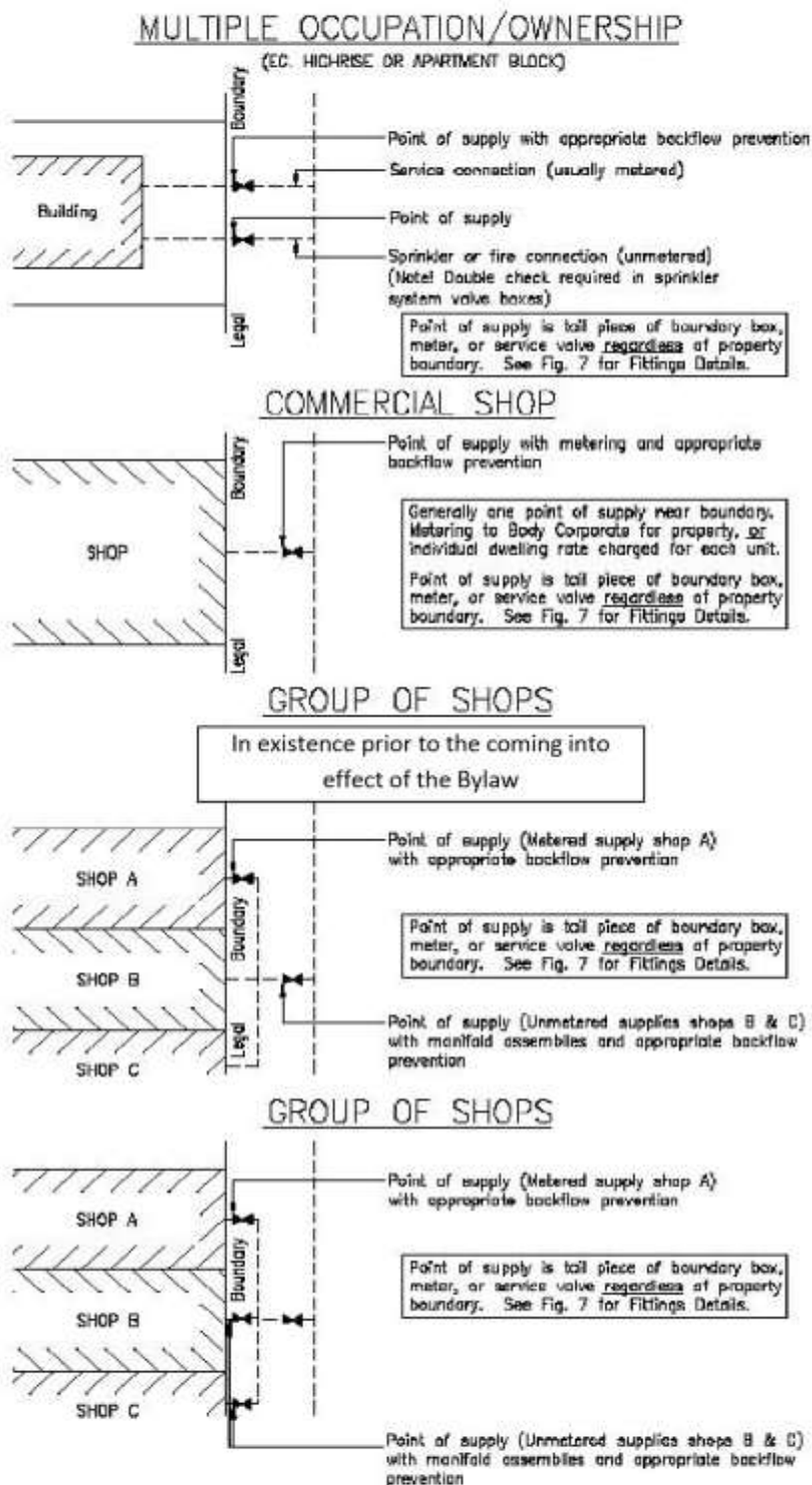


Figure 3. Point of Supply Location for Cross Leases



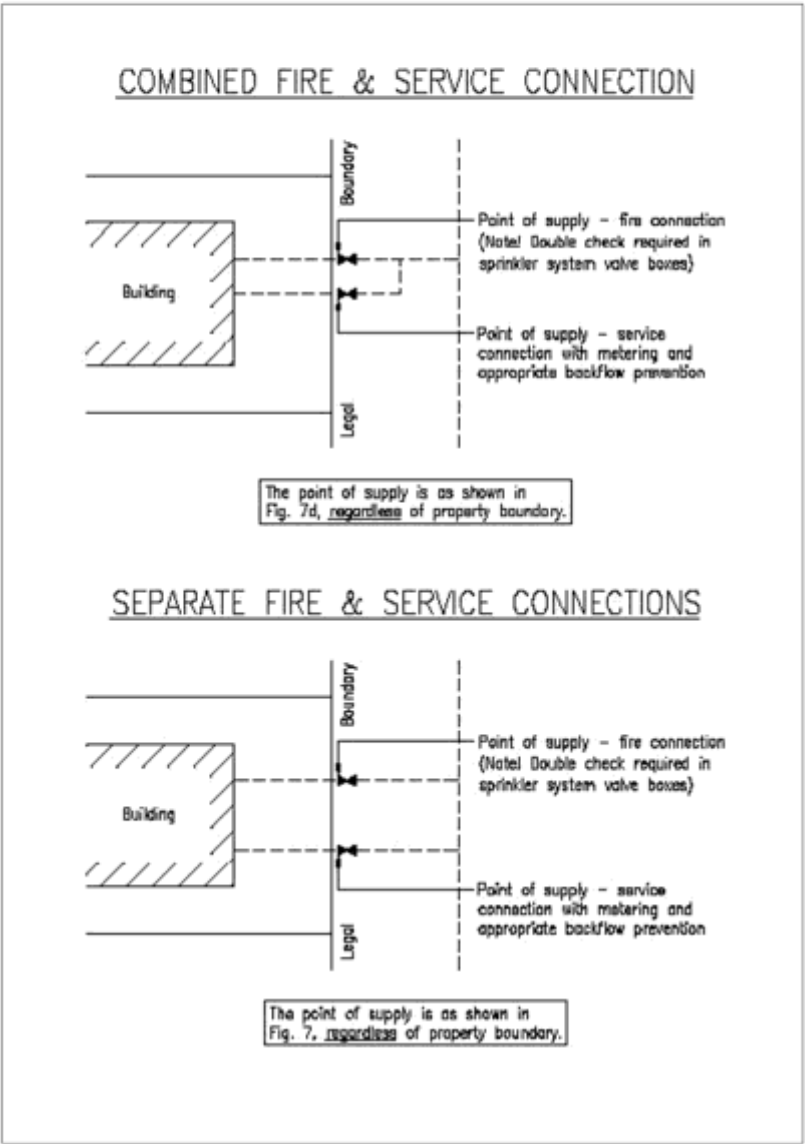


**Figure 4. Point of Supply Location for Commercial Connections – Multiple Occupation/Ownership**





**Figure 5. Point of Supply Location for Industrial/Commercial Connection – (includes Schools etc.)**





**Figure 6. Point of Supply Location for Industrial/Commercial Connection – (includes Schools etc.)**

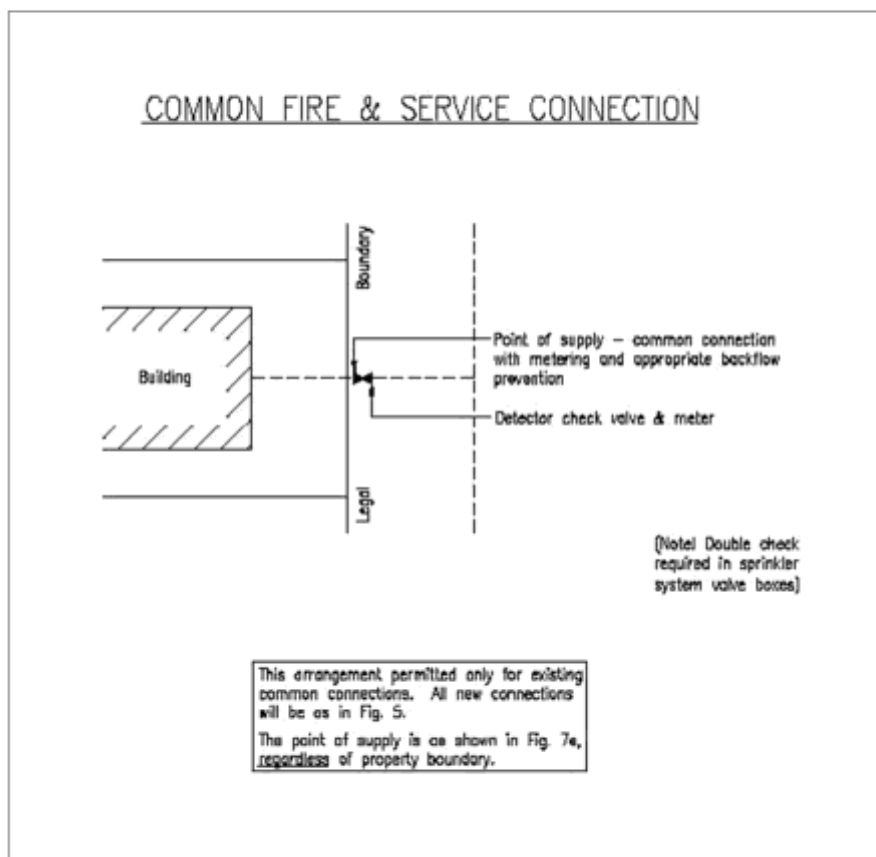




Figure 7. Examples of Fitting Details showing Point of Supply

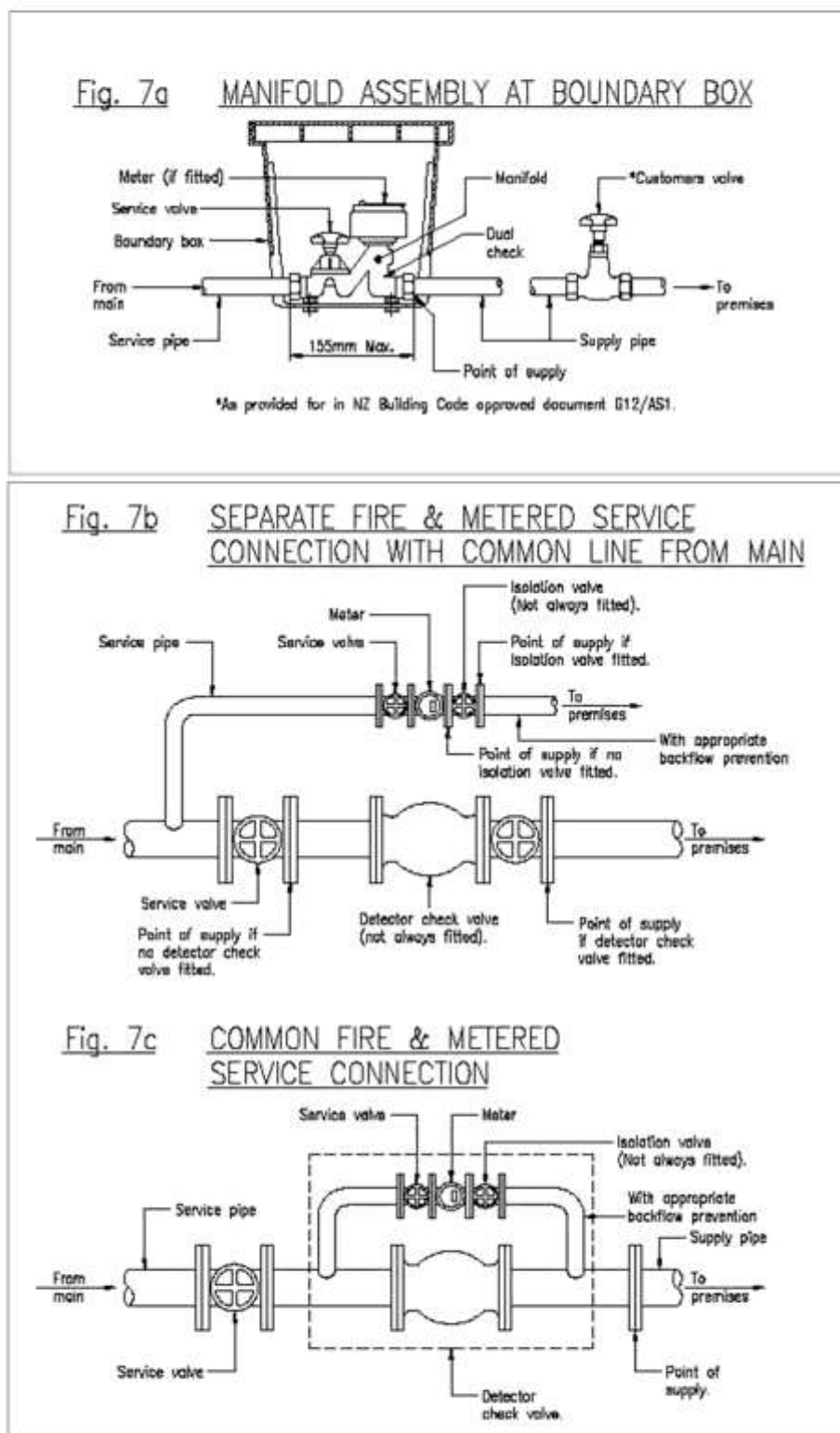
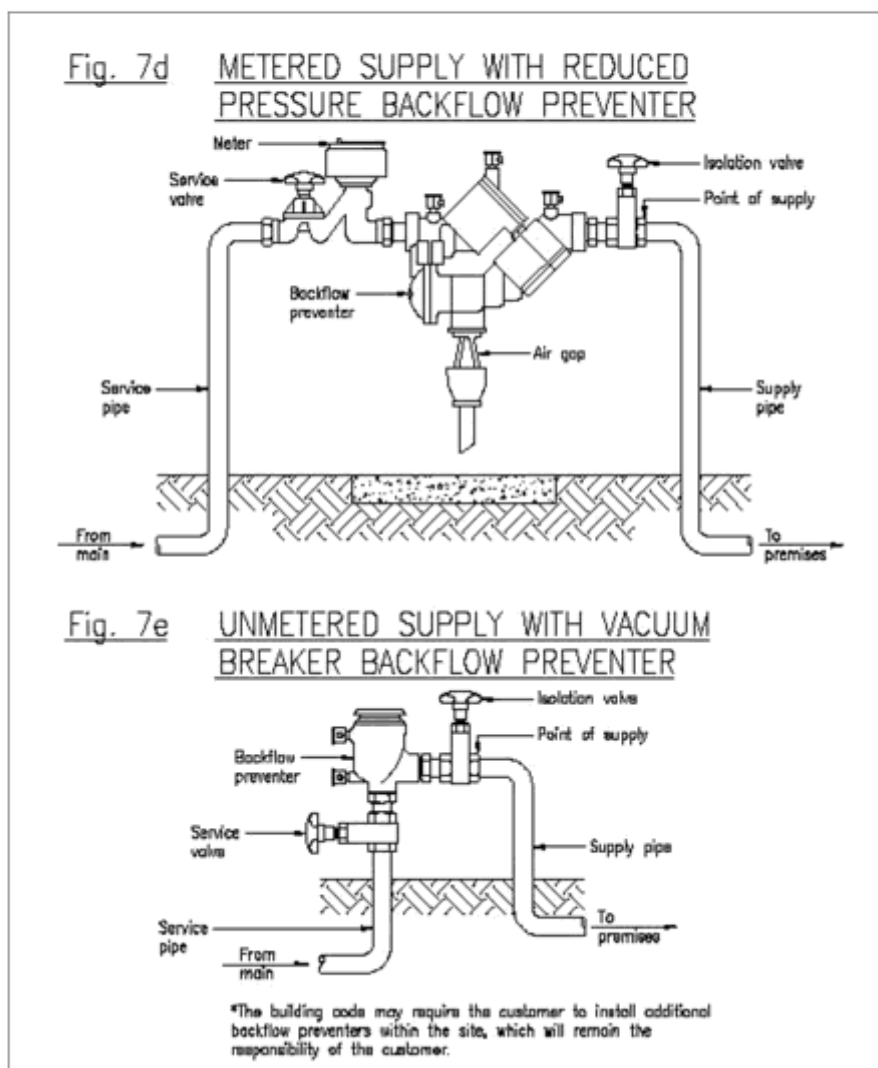
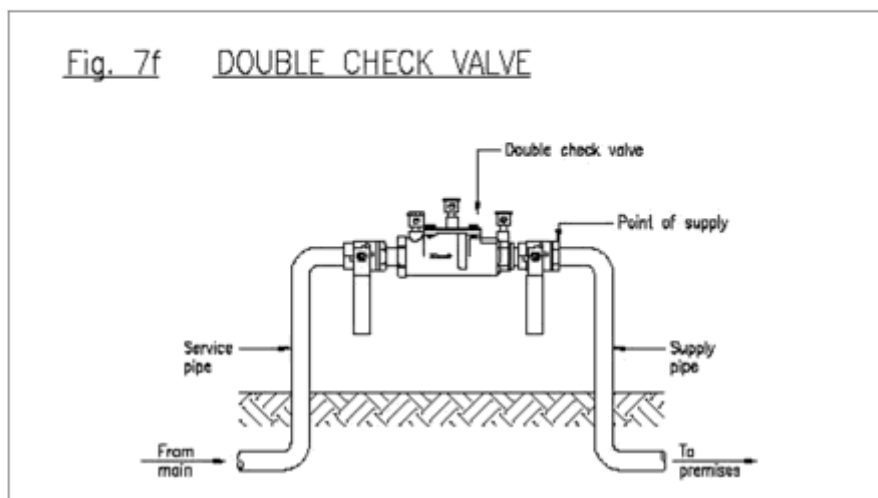




Figure 7 continued. Examples of Fitting Details showing Point of Supply







All the above ground facilities exposed in the public domain must be securely caged, locked and approved by the Council.



## **5. ACCESS TO AND ABOUT POINT OF SUPPLY**

- 5.1. Rights of access apply at the following times:
- a) Where the point of supply is on private property the customer shall allow the Council access to and about the Point of Supply between 7.30 am and 6 pm on any day for:
    - (i) Meter reading without notice;
    - (ii) Checking, testing and maintenance work with reasonable notice being given whenever possible.
  - b) Outside these hours (e.g. for leak detection) the Council will give 24 hours' notice to the customer;
  - c) Under emergency conditions the customer shall allow the Council free access to and about the Point of Supply at any hour;
- 5.2. Where access is not made available for any of the above and a return visit is required by the Council, a rate in accordance with the "Meter reading by appointment" item may be charged.
- 5.3. The customer must maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

## **6. LEVEL OF SERVICE**

- 6.1. The Council shall provide water in accordance with the Level of Service contained in the Long Term Plan of the Council.
- 6.2. The Council does not guarantee an uninterrupted or constant supply of water, or maintenance of an existing pressure which is in excess of an agreed level of service, but shall make every reasonable attempt to provide continuity of supply, subject to the exceptions in sections 9 and 10 of this Administration Manual, and any restrictions imposed by clause 10 of the Bylaw.
- 6.3. Where physical works are planned which will substantially affect an existing supply, the Council shall give reasonable notice to all customers known to be affected.
- 6.4. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it is the responsibility of that customer to provide any necessary storage, back-up facilities or equipment.

## **7. RESTRICTED FLOW SUPPLY**

- 7.1. Restricted flow supply shall only be available to premises within a designated area or under special conditions set by the Council.
- 7.2. Restricted flow supply shall be measured on the basis of an agreed number of units supplied at a uniform flow rate.
- 7.3. The Council shall charge for the restricted flow supply by:
- a) as prescribed in Part 1, sections 9, 15 to 19 and Part 4, sections 101 to 103 the Local Government (Rating) Act 2002, or



- b) The volume passing through a meter; or
- c) The agreed number of water units.

## 8. DEMAND MANAGEMENT

- 8.1. There are four water restriction levels that can be set. In general, the Council will start at the lowest level of restriction but may "leapfrog" to a higher restriction if warranted by the situation.
- 8.2. Restrictions generally apply during the Summer and Autumn seasons, when daylight savings time is in effect. The times shown for these restrictions are based on daylight savings time, and may be adjusted when daylight savings time ends so that sprinkler use and hosing can be carried out during daylight hours.

**Level 0: No restrictions apply.**

### **Level 1: Sprinkler use evenings only, every two days**

Unattended hoses, sprinklers, and garden irrigation systems can only be used between 7.00 pm and 9.00 pm; for even numbered houses on even dates, and odd numbered houses on odd dates. Handheld hoses can be used at any time. Minimising the use of water is encouraged.

### **Level 2: Unattended irrigation prohibited. Handheld hoses only, every two days**

Unattended hoses, sprinklers, and garden irrigation systems can not be used. Handheld hoses for gardens and outdoor household maintenance can only be used between 7.00 pm and 9.00 pm; for even numbered houses on even dates, and odd numbered houses on odd dates. Commercial activities requiring hose use are not restricted but are encouraged to minimise water use or reschedule the work until the restrictions are lifted.

### **Level 3: Hosing prohibited**

Unattended hoses, sprinklers, garden irrigation systems and handheld hoses or watering cans cannot be used. Car washing, household maintenance and outdoor washing by handheld hose are also prohibited. Filling of swimming pools, spa pools and paddling pools is prohibited. Commercial activities requiring water use via hoses may only be carried out with the permission of Council.

## 9. EMERGENCY

- 9.1. During a declared state of emergency the Council has power to override the provisions of the Bylaw. The Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions imposed under this section of the Administration Manual shall be made by the Council or, where immediate action is required, by the Council's Water and Waste Services Manager subject to subsequent Council ratification.



## **10. SCHEDULED MAINTENANCE AND REPAIR**

- 10.1. Wherever practical the Council will make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and this is not practical, the Council may shut down the supply without notice. Council shall use reasonable endeavours to ensure that shutdowns do not exceed 8 hours.

## **11. LIABILITY**

- 11.1. The Council shall endeavour to meet the Level of Service requirements of section 6 of the Administration Manual but it shall not be liable for any loss, damage or inconvenience including any consequential losses whatsoever and howsoever caused which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.
- 11.2. Without prejudice to the above, the Council may, under certain circumstances and solely at its discretion, make payments to customers for damage caused to equipment, appliances, processes and materials as a direct result of a variation in the water supply; provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure and quality of the water supply.

## **12. COUNCIL EQUIPMENT AND INSPECTION**

- 12.1. The customer must take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers and backflow prevention devices.
- 12.2. Subject to the provisions of the Local Government Act 2002, the customer must allow the Council with or without equipment, access to any area of the premises for the purposes of determining compliance with the Bylaw.

## **13. METERING, METERS AND FLOW RESTRICTORS**

- 13.1. An ordinary supply of water is not normally metered, and the cost of such supply shall be determined by the process as prescribed in Part 1, sections 9, 15 to 19 and Part 4, sections 101 to 103 of the Local Government (Rating) Act 2002.
- 13.2. Council will require commercial premises to be metered unless an application for exemption is made to the Council and approval given.
- 13.3. All owners of premises which have a metered water supply must pay the prescribed rate for water supplied by meter.
- 13.4. The Council may fit a water meter to any connection at any time for the purposes of determining water consumption. The Council reserves the right to charge for water by meter for Ordinary Supply or Extraordinary Supply where it has reasonable grounds for believing that water use at a customer's premises is excessive.
- 13.5. Water use can be considered excessive if:



- a) there is evidence of repeated non-compliance with restrictions imposed as per clause 10 of the Bylaw;
  - b) there is evidence of leakage, or water running to waste, without remedial action by the occupier; or
  - c) there is evidence that water usage exceeds the amount defined as a reasonable per capita allocation under the Water Conservation Management Plan.
- 13.6. Before water can be charged for under section 13.4 of the Administration Manual the Council must serve 10 working days' notice on the customer that it has reasonable grounds for believing that the water use on the customer's premises is excessive, and request that the customer acts within 10 working days to ensure their use is not excessive.
- 13.7. If, after service of notice and the specified time period, the Council continues to have reasonable grounds for believing the water use is excessive, it may charge the customer for metered water supply at the premises in accordance with section 13.4 of the Administration Manual.
- 13.8. If it is established that water use at the premises is excessive then the Council may charge the customer for the actual costs of supplying and fitting the meter, including an additional administration fee of up to 10% of the costs.
- 13.9. The meter will remain the property of the Council which shall be responsible for its maintenance and operation.
- 13.10. A customer (ordinary or extraordinary supply) may request the Council to provide a water meter so that the customer may change from a uniform supply charge to a water by meter charge. In that event, in addition to the cost of installation, the customer shall meet the cost of the water meter. The meter supplied will remain the property of the Council who shall be responsible for its maintenance and operation. In addition to the costs of the meter and installation, an administration fee of 10% of the costs of the meter and installation shall apply.
- 13.11. For meters shared by multiple owners which were in existence prior to the coming into effect of the Bylaw, it is the owners' responsibility to reach an agreement to split the bill and arrange the payment. Where new connections and meters are required or internal plumbing is to be altered, the costs must be met by the owners.
- 13.12. Meters shall be supplied and installed by the Council or Council approved contractors.
- 13.13. Meters and restrictors must be located in a position which is immediately on the Council side of the Point of Supply and readily accessible for reading and maintenance, (see Figure 7 in the Administration Manual). Specific approval by Council is required if it is not practicable to locate the meter or restrictor immediately on the Council side of the Point of Supply.
- 13.14. Restrictors must not be removed without permission from the Council.
- 13.15. A customer with a metered water supply is required to comply with any water supply restrictions imposed under clause 10 of the Bylaw.



#### 14. ACCURACY OF METERS.

- 14.1. The accuracy of meters shall be tested as and when required by the Council or as prescribed in Water Meter Code of Practice (OIML R49), and in accordance with the following process:
- (a) Meters shall be tested as prescribed in OIML R 49-2 and test report shall be made available as prescribed in OIML R 49-3.
  - (b) The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.
  - (c) The curves shall not exceed a maximum error limit of  $\pm 6\%$  for flow rates in the lower zones and  $\pm 2.5\%$  for flow rates in the upper zones.
  - (d) Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than 1 hour at its expected minimum pressure. A copy of independent certification of the test result will be made available to the customer on request.
  - (e) The maximum permissible error for the upper flow rate zone ( $Q_2 < Q < Q_4$ ) is  $\pm 2\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$  and the maximum permissible error for lower flow rates zone ( $Q_1 < Q < Q_2$ ) is  $\pm 5\%$ . This accuracy shall be applied to all water meters with  $Q_3 < 100\text{m}^3/\text{h}$  and may be applied to water meters with values of  $Q_3 > 100\text{m}^3/\text{h}$ . The accuracy of flow restrictors shall be within  $\pm 10\%$  of their rated capacity.
  - (f) Where Q is the flowrate:
    - i.  $Q_1$  is the minimum flowrate;
    - ii.  $Q_2$  is the transitional flowrate;
    - iii.  $Q_3$  is the permanent flowrate; and
    - iv.  $Q_4$  is the overload flowrate as defined in OIML R49-1 2003.
- 14.2. A customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy requirement then the customer will not be charged for the test. If the test shows compliance then the customer shall pay a fee in accordance with the Council current schedule of rates and charges.
- 14.3. Should any meter, after being tested, be found to register a greater or lesser consumption than the quantity of water actually passed through such a meter the Council shall make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to such an adjustment.
- #### 15. ESTIMATING CONSUMPTION
- 15.1. Should any meter be out of repair, cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the customer) and the



customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.

- 15.2. The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage. If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, the Council may estimate consumption as provided in section 15.1 of the Administration Manual, providing that the customer repairs the leak with due diligence.
- 15.3. Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as provided above in section 15.1 of the Administration Manual.

## **16. INCORRECT ACCOUNTS**

- 16.1. Where a situation occurs, other than as provided for in section 15.2 of the Administration Manual, where the recorded consumption does not accurately represent the actual consumption on a property then the account shall be adjusted using the best information available to the Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account and unauthorised supplies. Where an adjustment is required, in favour of the council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

## **17. CUSTOMER'S PLUMBING SYSTEM**

- 17.1. The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Plumbers, Gasfitters and Drainlayers Act 1976, the Building Act 2004 and the New Zealand Building Code and any other relevant statutory requirements in place at the time. In addition, the customer's plumbing system shall comply with any requirements in the Water Supply Connection Standards.
- 17.2. Quick-closing valves, pumps, or any other equipment which may cause pressure surges to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping directly connected to the Service Pipe, unless approved by the Council.
- 17.3. In accordance with the New Zealand Building Regulations the plumbing system must be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in Table 1.



Table 1: Compatibility Features

<b>Location</b>	<b>Feature</b>	<b>Value</b>
Palmerston North City	Minimum Pressure*	350 kPa
Ashhurst Area	Minimum pressure*	350 kPa
Linton Area	Rural Water supply	Limited Rural Supply
Valley Views	Rural Water Supply	Limited Rural supply
Other small supplies outside Water Supply Area	Rural Water Supply	Limited Rural supply
Bunnythorpe	Minimum pressure*	300 kPa
Longburn	Minimum pressure*	300 kPa

\* Minimum pressure relates to the Level of Service set out in the Palmerston North Water Asset Management Plan

## 18. CUSTOMER'S RESPONSIBILITIES

- 18.1. The customer must take all steps to prevent:
- water to run leaking or unchecked from any pipe, tap or other fitting;
  - the condition of the plumbing within the property deteriorating to the point where leakage and or wastage is uncontrolled; or
  - the unattended operation of hoses.
- 18.2. Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer to recover all associated costs as provided in the Local Government Act 2002.
- 18.3. The customer must not use water or water pressure directly from the supply for generating energy, driving lifts, machinery, eductors, generators or any other similar device, unless specifically approved.
- 18.4. The customer must not use water from the supply:
- for a single pass cooling system;
  - for air conditioning;
  - to dilute trade waste prior to disposal; or,
  - for cooling purposes in an industrial plant,
- unless specifically approved by the Council.
- 18.5. A customer may request Council collect a water sample from water supplied by the Council to their property and test the water sample for E coli. If the test result meets the drinking-water standard requirements the customer may be charged for the costs associated with the testing.

## 19. FIRE PROTECTION CONNECTIONS

- 19.1. Any proposed connection for fire protection shall be the subject of a separate application (on the standard Council form) to the Council for approval. Any such connection shall be subject to the Terms and Conditions specified by the Council.
- 19.2. It shall be customer's responsibility to ascertain, in discussion with the Council and the New Zealand Fire Services, and monitor whether the fire protection supply available is



adequate for the intended purpose. The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.

- 19.3. In any case where supply of water to any premises is metered the Council may allow supply of water for the purposes of firefighting to be made in a manner which bypasses the meter; provided that the drawing of water will only be permitted in the following circumstances:
- a) to systems in which the drawing of water is only possible in connection with the sounding of an automatic fire alarm or the automatic notification of the Fire Service; or
  - b) where a Council approved Detector Check Valve has been fitted on the meter bypass.
- 19.4. Where an unmetered connection has been provided to supply water to a fire protection system this shall be used for no other purpose than fire-fighting and testing the fire protection system except where the fire protection system is installed in accordance with NZS 4517.
- 19.5. For a fire connection installed prior to the coming into effect of the Bylaw which is so constructed or so located that it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than fire-fighting, the Council may install on such a connection a water meter suitable for the purpose at the customer's expense.
- 19.6. In any case where supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection connection. The water supply to the hose reels shall comply with the requirements of NZS 4503:2005.
- 19.7. Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever water has been used for firefighting purposes, for which a charge has been made, the customer may estimate the quantity of water so used and, subject to approval, a sum based on such estimate at the appropriate charge rate shall be credited to the customer's account.

## **20. BACKFLOW PROTECTION**

- 20.1. It is the customer's responsibility (under the Health (Drinking Water) Amendment Act 2007 and the Building Act 2004), to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply. This includes:
- a) prevention either by providing an adequate air gap, or by the use of a backflow prevention device;
  - b) The prohibition of any direct cross-connection between the Council water supply and:
    - (i) Any other water supply (potable or non-potable)
    - (ii) Any other water source
    - (iii) Any storage tank whether fixed or mobile
    - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.
- 20.2. Notwithstanding section 20.1 of the Administration Manual, the Council may fit a backflow prevention device on the Council's side of the point of supply where the customer cannot



demonstrate that the risk of backflow has been managed or where the Council deems it necessary to protect the network as per the Backflow Policy in the Administration Manual. The Council may charge the customer for the supply and installation of a backflow prevention device and associated protective equipment such as cages.

- 20.3. The Council may undertake annual testing on point of supply backflow prevention devices. The owner of the property at which the backflow prevention device is installed may be charged for such testing. The Council will keep appropriate records of testing.
- 20.4. Council's policy on backflow prevention is included in appendix 2 of this Administration Manual.

## **21. TRANSFER OF RIGHTS AND RESPONSIBILITIES**

- 21.1. The customer shall not transfer to any other party the rights and responsibilities provided for under the Bylaw or this Administration Manual.
- 21.2. Any water which the customer draws from the Council supply shall be for use on the premises and shall not be provided to any other party without Council approval. In particular, a Supply Pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.

## **22. CHANGE OF OWNERSHIP**

- 22.1. In the event of a premises changing ownership the Council will automatically record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the Council 5 working days notice to arrange a final reading.

## **23. DISCONNECTION AT THE CUSTOMER'S REQUEST**

- 23.1. The customer shall give 20 working days notice in writing to the Council of the requirement for disconnection of the supply.



### **PART 3 – STANDARD CONDITIONS FOR TURITEA CONTROLLED CATCHMENT AREA ENTRY PERMIT**

24. An application for an entry permit must be made using the form contained in appendix 4 of this Administration Manual.
25. Every person in the Turitea Controlled Catchment Area must upon demand produce an entry permit for inspection by the Forester or other officer or agent of the Council.
26. Entry permits are not transferrable to another person.
27. The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such entry permit for such time as must be stated in such notice.
28. In the Turitea Controlled Catchment Area:
  - a) No person whether holding any permit issued under the provisions of the Bylaw or not (other than the Forester or officer or agent of the Council), shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.
  - b) Every person must upon the request of the Forester or officer or agent of the Council immediately leave the controlled catchment area. That person remains liable to be prosecuted for the breach of any of the provisions of this Part of the Administration Manual, and the failure to leave constitutes a further offence.
  - c) No person shall obstruct or hinder the Forester or officer or agent of the Council in the exercise of any powers vested in that officer under the provisions of this Part of the Administration Manual.
  - d) Every person whether holding any permit issued under the provisions of the Bylaw or not must not damage assets in the Catchment Areas belonging to third parties.
  - e) Any work carried out in the Catchment Areas whether it is permitted or not must not cause any adverse effects on water quality or spillage of any hazardous materials to the stream or the lakes.
29. Entry permits to the Turitea Controlled Catchment Area may forbid, regulate or control the following activities:
  - a) hunting, trapping, shooting or fishing;
  - b) lighting or maintaining any fire;
  - c) taking any dog or other animal;
  - d) damaging or destroying any trees, shrubs, or other existing cover, or interference with any property;
  - e) carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; or
  - f) use of any herbicide, pesticide or toxic substance for any purpose whatsoever.



## **PART 4 – STANDARD CONDITIONS FOR PERMIT TO USE WATER FILLING STATION**

### **30. APPLICATION**

- 30.1. An application for permit to use the Water Filling Station must be made using the form contained in appendix 5 of this Administration Manual.

### **31. EQUIPMENT**

- 31.1. The applicant is responsible for providing all the equipment necessary to connect to the filling station.

### **32. RESPONSIBILITY FOR DAMAGE**

- 32.1. The applicant is required to inform the Council Officer of any possible defect or damage to the Filling Station.
- 32.2. The applicant will be held responsible for the cost of any repairs of damage caused by the incorrect operation of a tanker filling station.
- 32.3. The applicant will also be held responsible for any third party damage that occurs whilst the tanker filling station is in use.
- 32.4. In this regard (for example), the operator must wear an orange high visibility vest and use at least 3 x 900 mm orange double reflector cones to warn vehicles and pedestrians of the obstruction or danger, as set down by the Health and Safety in Employment Act 1992.

### **33. PAYMENT OF FEES**

- 33.1. The applicant must ensure that all applicable fees are paid before water is drawn from the filling station. Service may be disconnected if fees are unpaid.

### **34. DECLARATION**

- 34.1. A false declaration or other action, which results in a significant expense or inconvenience to Council, will result in immediate cancellation of the Permit and may result in prosecution.

### **35. CANCELLATION**

- 35.1. The Council reserves the right to cancel any permit at any date or time by giving notice to the permit holder.



## APPENDIX 1

## SERVICE CONNECTION APPLICATION FORM (SC1)



CN: \_\_\_\_\_

Use this application form to get connected to Palmerston North city's water supply, wastewater and stormwater systems. Refer to the application notes at the end of the form for guidance if required.

(Approval of this Service Connection maybe subject to payment of Development Contributions)

## APPLICANT DETAILS

Name: .....

Mailing Address: .....

.....

.....

Phone: .....

Email: .....

Would you prefer your approved application sent by email or posted?

Email ☐Posted ☐

## CONTACT DETAILS (If different)

Name: .....

Mailing Address: .....

.....

.....

Phone: .....

Email: .....

## PROJECT LOCATION

Site Address: .....

Legal Description (From certificate of title or rates): .....

Does this water/sewer/stormwater service application relate to a Resource or Building Consent for the development of the property?

Yes ☐ No ☐

If yes, please provide the Resource/Building Consent Number: .....

Also, if known, the Consent type and

Description: .....

## TYPE OF PROJECT

(Tick as Required)

Subdivision ☐Existing Building ☐New Building ☐Residential ☐Commercial ☐

## CONNECTIONS REQUIRED AND SIZE OF CONNECTIONS

(Tick as Required)

Sewer ☐Stormwater to Kerb ☐Stormwater to Main ☐Water ☐

Sewer diameter: \_\_\_\_\_ Stormwater diameter: \_\_\_\_\_ Water diameter: \_\_\_\_\_

Special Requirements:

.....

If you are applying for a water connection please fill out the backflow assessment.



### Backflow Assessment

You may need a backflow preventer device to protect the city's water supply. This assessment will help Council determine what type of backflow prevention device you will need. Please tick all boxes that apply. Residential applicants, start at section 2.

#### 1. *High Hazard*

Medical/Dentist/Vet Clinic	<input type="checkbox"/>	Commercial laundry	<input type="checkbox"/>
Sewage Pump Station/Sump ejectors	<input type="checkbox"/>	Vehicle Wash Station	<input type="checkbox"/>
Food preparation facilities	<input type="checkbox"/>	Airport, pier or dock	<input type="checkbox"/>
Photography labs/x-ray facilities	<input type="checkbox"/>	Mortuary	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	Pest Control	<input type="checkbox"/>
School/University with laboratories	<input type="checkbox"/>	Beauty/Hair salon	<input type="checkbox"/>
Horticultural or commercial garden			<input type="checkbox"/>
Commercial building (e.g. direct heat exchanger, fire sprinkler systems, separate building hydrant systems)			<input type="checkbox"/>
Fire/cooling systems with chemicals (e.g. antifreeze, biocides)			<input type="checkbox"/>
Water treatment facilities (e.g. chlorinators, auxiliary supplies, demineralising equipment etc)			<input type="checkbox"/>
Industrial and Trade Waste (e.g. boiler, chiller, make up tower, stripping tanks)			<input type="checkbox"/>
Use of hydrants for purging of flammable/explosive gases			<input type="checkbox"/>
Rural water supply (e.g. livestock water supply without added chemicals)			<input type="checkbox"/>

#### 2. *Medium Hazard*

Recirculated water system	<input type="checkbox"/>	Rain water collection	<input type="checkbox"/>
Pools or spas	<input type="checkbox"/>		
Water treatment system (e.g. deionised water, reverse osmosis units, equipment cooling without chemicals)			<input type="checkbox"/>

#### 3. *Low Hazard*

Childcare facility	<input type="checkbox"/>	Residential premises with hose tap	<input type="checkbox"/>
Drinking fountains			<input type="checkbox"/>
Cafe/Restaurant (Drink dispensers with carbonators, coffee machines, dishwashers, ice maker, etc.)			<input type="checkbox"/>
Commercial premises with potential change of use (Domestic sanitary fixtures only)			<input type="checkbox"/>



### APPROVED CONTRACTOR

Only fill out this if you have already entered into an agreement with an Approved Contractor.

Name of Approved Services Contractor:

.....

A list of approved contractors and their contact details can be found on the PNCC website.

Do not begin work until you receive approval from the Council with any conditions and specifications and you have notified the Council who your approved contractor is.

The contractor must carry out all associated work. The contractor will need a copy of the permit with any conditions and the approved site plan with them on site.

### Please attach the site drainage plans

Site drainage plans should indicate:

- Layout and details of stormwater drains, subsoil drains, sumps and ancillary work.
- Layout and details of wastewater drains and ancillary work.
- Layout and details of water mains and ancillary work.
- Floor level heights to official Council datum (not assumed datum).
- Diameters of pipe connections (stormwater, water and sewer).
- Trees
- The position of the proposed connections together with marked distances to the nearest boundaries.

#### Note:

A detailed site plan showing property boundaries, existing services, and the proposed works must be attached to this application. The application cannot be approved without a plan.

The plan must show the preferred position of the connection, or the location of the connection to be removed, together with marked distances/measurements to the nearest boundaries (if a corner site, nominate street from which connection is to be taken).

Name: .....

Position:.....

Signature:.....

Date: ...../...../.....



## Palmerston North City Council Service Connection Application Notes

**Legal Description:** This will be completed by the Council Officer receiving the application or can be obtained from the rates demand for the property to be serviced by the customer.

**Wastewater - Special Requirements:** This will usually relate to commercial or industrial property. Some businesses may need a trade waste consent. Some may require grease traps or oil interceptors on their wastewater connection or require a manhole. For more information please refer to the Engineering Standards for Land Development sections 4.12 (wastewater drainage), 6.13 (stormwater drainage) and the Trade Waste Bylaw on the PNCC website.

**If you are applying by post:** Send the completed form and accompanying information with the application fee to: Development Services, Palmerston North City Council, Private Bag 11034, Palmerston North.

**Backflow Prevention Device:** All properties connecting to the water supply will require an appropriate backflow prevention device. The type of device will depend on the level of risk. Properties are classified into three degrees of risk and this will determine the type of backflow device required. High risks will require a reduced pressure backflow device, medium risks will require a testable double check valve backflow device and low risks will require either a registered air gap, a hose connection vacuum breaker or an approved manifold with backflow prevention function. Examples of high, medium and low risks are given on the PNCC website.

### Site Drainage Plans:

- The builder/contractor will be able to complete the floor level heights to official Council datum. Alternatively, a suitable reference point may be able to be obtained from Council on enquiry.
- Trees must be indicated on site drainage plans according to the Vegetation Framework for Palmerston North:

*The removal of trees on Council land is discouraged, where removal is simply to provide for new accesses for infill subdivision or house removal. All alternative options should be explored before removal is considered. Council's preference is to retain trees, especially healthy specimens. Removal will be at the discretion of Council.*

### Please be aware:

- Council may require aged connections to be removed which will be at the developer's/applicant's expense.
- Some commercial and residential properties may require a stormwater backflow prevention device. The Council is not liable for any backflow associated costs.
- Any backflow prevention device and/or water meter installed will be at the developer's/applicant's expense.
- Position of the approved service connections must not be altered on site without specific written approval.

### Further Information:

If you have any questions or require further information please contact Palmerston North City Council.

Phone: 06 356 8199

Web: [www.pncc.govt.nz](http://www.pncc.govt.nz)



## **APPENDIX 2 - BOUNDARY BACKFLOW PREVENTION POLICY STATEMENT**

The Health (Drinking Water) Amendment Act 2007 guides water suppliers in respect to the development of a backflow prevention policy to protect the water supply. Council will achieve this aim through effective and efficient enforcement of the Water Supply Bylaw 2015, the Backflow Prevention Code of Practice and public education.

This backflow prevention policy outlines Palmerston North City Council's commitment to the protection of the potable water.

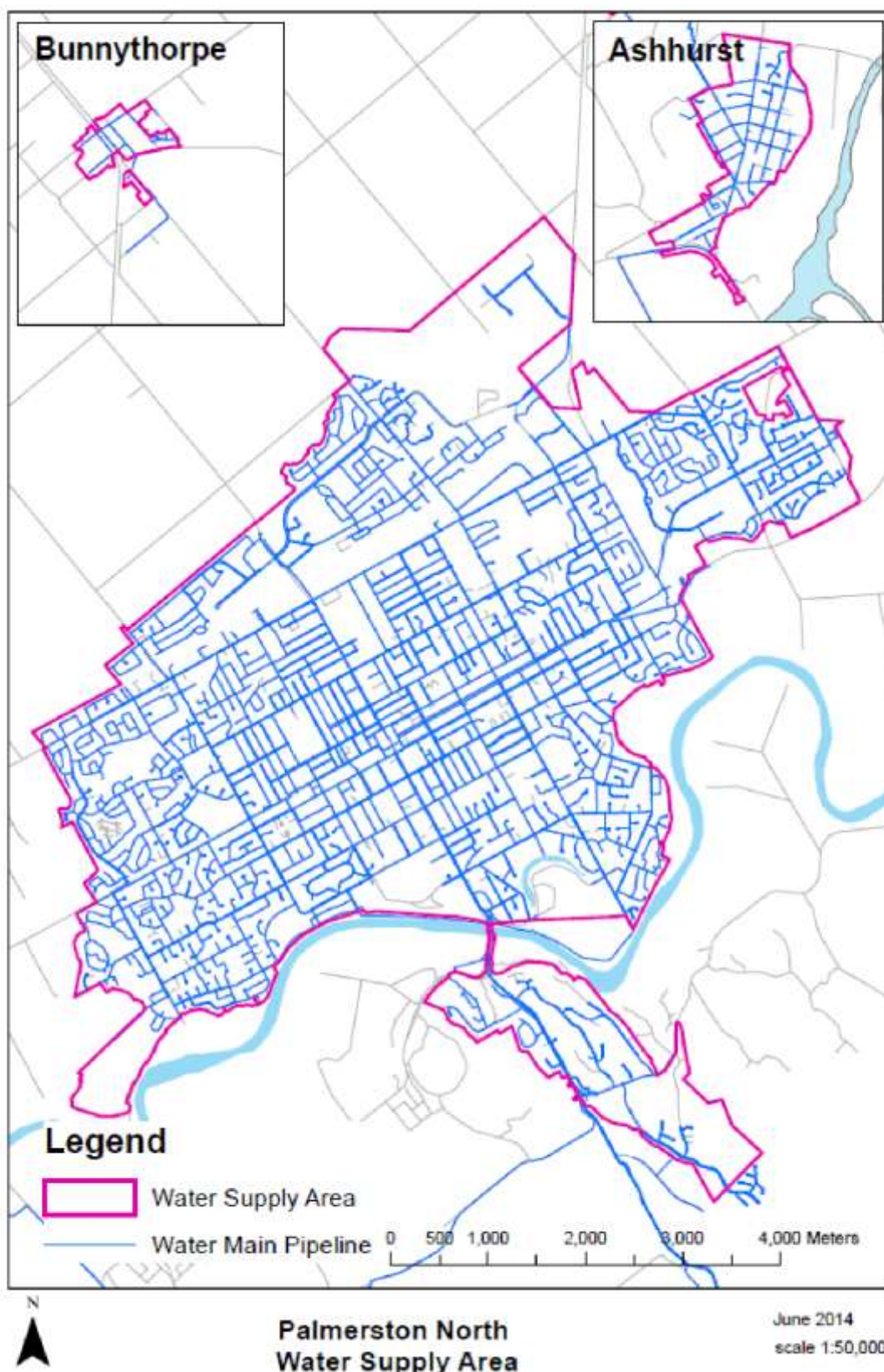
To minimise the risk that the water supply once treated becomes contaminated Council's policy is that an appropriate level of backflow prevention is provided on all water connections. Accordingly, this policy is made having regard to:

- All new connections require a type of backflow prevention at the point of supply between the customer and the water supplier
- The type of backflow prevention device being dependant on the risk to the water supply posed by the customer.
- Generally domestic/ordinary use connections will have a non-testable dual check device and commercial/extraordinary use customers will require a testable backflow prevention device at the point of supply.
- Installation, maintenance, testing and replacement of boundary backflow prevention devices shall be undertaken only by Council approved contractor or by Council staff who are appropriately qualified.
- The installation and replacement details shall be in accordance with Council's Code of Practice/Engineering Standards for Land Development and be as approved by Council.
- Testable backflow prevention devices, whether owned by Council or the customer, must be tested at least annually and after any maintenance. A test report must be submitted to the Council for the customer owned devices.
- A schedule of standard charges for backflow prevention devices of different sizes will be included in the Annual and Long Term Plans. The appropriate charge will be added to the customer's water account.
- Existing Extraordinary Supply connections as defined by the bylaw without adequate backflow prevention are to be upgraded at the customers' cost. These will be prioritised according to potential risk and customers will be given the option to install the device or have Council install and pass on the cost.
- Existing Ordinary Supply as defined by the bylaw (domestic) connections without backflow prevention will be upgraded when the service valves or meters are replaced by Council (at no additional cost to the customer).
- Whether the ownership of a boundary testable backflow prevention device has been vested in Council, it will be maintained and replaced as required by Council at the customer's cost.
- Periodic surveying of existing connections will be undertaken to determine any change of use requiring upgrading of backflow prevention.
- Enforcement where necessary will be as set out in the Water Supply Bylaw 2015.



### APPENDIX 3 - WATER SUPPLY AREAS

The following map shows the water supply areas designated by the Council.





## APPENDIX 4 – APPLICATION FOR PERMIT TO ACCESS TURITEA CONTROLLED CATCHMENT AREA

### Controlled Catchment Area Access Permit Application Form ("Hunting Permit")



#### APPLICANT DETAILS

Full Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone (work): \_\_\_\_\_ Phone (home): \_\_\_\_\_

Phone (mobile): \_\_\_\_\_ Email: \_\_\_\_\_

#### FIREARMS DETAILS

(Firearms licence must be sighted or a copy sent if applying by mail prior to permit being issued)

Calibre of rifle: \_\_\_\_\_ Firearms Licence No: \_\_\_\_\_

Licence sighted by: \_\_\_\_\_ (Signature of issuer)

\_\_\_\_\_ (Date)

#### VEHICLE(S) DESCRIPTION

Make: \_\_\_\_\_ Make: \_\_\_\_\_

Model: \_\_\_\_\_ Model: \_\_\_\_\_

Reg. No: \_\_\_\_\_ Reg. No: \_\_\_\_\_

Colour: \_\_\_\_\_ Colour: \_\_\_\_\_

#### DOG(S) DETAILS

Breed: \_\_\_\_\_ Breed: \_\_\_\_\_

Sex: \_\_\_\_\_ Sex: \_\_\_\_\_

Reg. No: \_\_\_\_\_ Reg. No: \_\_\_\_\_

#### OFFICE USE

- ☐ 2 x Passport photos supplied
- ☐ Application fee received
- ☐ Firearms licence sighted

PTO



## HEALTH POLICY

1. The Turitea Water Catchment provides the main water supply for the city of Palmerston North. To avoid the spread of serious waterborne diseases such as giardia, cryptosporidium and typhoid, this area of the larger Turitea Reserve is closed to the general public. The Turitea Reserve is managed for water supply and the preservation of indigenous flora and fauna.
2. All people working for or on behalf of Palmerston North City Council or permitted by Council to enter the Reserve are required to complete a health declaration.
3. Controlling deer and other introduced animals is important to minimize risk to the water supply and maintain forest health. For this reason, bona fide hunters are welcome in the Reserve provided they first obtain a permit. As part of the permit process Council requires the applicant to complete a health declaration.
4. By signing this declaration, applicants authorise Council to periodically check their medical history with the Public Health Unit, if required, and agree to obtain a written clearance from their Doctor regarding any diseases that would be a problem in a water supply area, if requested by Council.

## BEST PRACTICE

1. Gastro Intestinal Disorders
2. Any person authorised to enter the Turitea Reserve who has suffered from symptoms of gastro intestinal disorder such as diarrhoea, vomiting or stomach cramps **MUST NOT** enter the Reserve until they have been clear of symptoms following recovery from the disorder for at least two days.
3. Toilet Waste
  - a. Whenever possible avoid toileting in the Turitea Reserve. If this is not possible then:
  - b. Endeavour to use the eastern or southern side of the Water Catchment Access Track (area not draining into the City's water catchment). If that is not possible then:
  - c. Select a place that is at least 20m from any waterway, dig a hole about 10 to 15 cm deep and bury all waste then refill the hole with loose soil.

---

## AGREEMENT WITH THE CONDITIONS OF ENTRY

- I have read and understood and agree to abide by the Conditions of Entry as listed and the Health Policy, Best Practice and Declaration.
- I have also read and understood the Safety and Hazard Identification forms

### HEALTH DECLARATION

- I have not had or been exposed to any illness that would pose a threat to the City water supply.
- I have read, understood and agree to abide by the Health Policy and Best Practice.
- I authorise Council to check my name against the notifiable diseases list held by the Department of Public Health and agree to provide a written health clearance from my Doctor, if required.

Signature: \_\_\_\_\_  
(applicant)

Date: \_\_\_\_\_

### Medical History checked (if requested by PNCC)

Signature: \_\_\_\_\_  
(Medical Officer of Health or applicant's Doctor)

Date: \_\_\_\_\_



## Controlled Catchment Area Access Permit Information ("Hunting Permit")

### GENERAL POLICY

- The Turitea Water Catchment provides the main water supply for the City. To avoid the spread of serious waterborne diseases such as giardia, cryptosporidium and typhoid, this area of the larger Turitea Reserve is closed to the general public. The Turitea Reserve is managed for water supply and the preservation of the indigenous flora and fauna. Controlling deer and other introduced animals is important to minimizing risks to the water supply and maintaining forest health. For this reason, bona fide hunters are welcome in the Reserve provided they first obtain a permit. As part of the permit process Council will require the applicant to complete a health declaration and will check an applicant's medical history with the Public Health Unit or the applicant's doctor.
- This permit will only give right of access along The Water Catchment Access Road, through the locked gate at the end of South Range Rd. No access is permitted to the block surrounding the Water Treatment Plant and the dams.
- A key to the locked gate at the end of South Range Rd can be issued with the permit once a \$30 bond has been paid. The key bond is refunded when the key is returned or can be rolled over to a new key when the lock is changed.
- Permits are issued for a maximum 12-month period and must be renewed by the expiry date printed on the back of the permit card. The gate lock and keys will be renewed at the same time.
- Authority will be obtained from applicants to allow checking of their name against the notifiable diseases list held by the Ministry of Health. Occasionally permit holders may also be requested by Council to provide a doctors letter confirming that they have not had any illnesses that may pose a threat to the water supply. This letter will need to be provided to Council within seven days of receiving the request.

### APPLICATION REQUIREMENTS

When returning the attached application forms, applicants must:

- Supply two passport photos
- Have their firearms licence sighted by the Councils Customer Service staff or if applying by mail attach a photocopy of the licence to the application forms.
- Pay a \$15.00 permit fee

Once the applicants medical history and firearms licence status has been confirmed and application details recorded the permit will be mailed out.



## CONDITIONS OF ENTRY

**SAFETY WITH FIREARMS** – *It should be noted that other hunters and people employed by, or on the business of Council may be in the area covered by the entry permit. The greatest possible care must therefore be taken with firearms at all times. It is your responsibility to identify your target beyond all possible doubt.*

### Hunters Responsibilities:

- Permit card is to be carried at all times.
- All people entering the Reserve must have a permit. Non-permitted people must not accompany a permit holder.
- Permits and keys will be renewed annually.
- The supplied car ID tag is to be displayed in clear view, on the front window shelf or hanging from the rear view mirror, in any car entering or parked in the Reserve.
- Quarterly returns must be completed and returned by all permit holders. If a minimum of two quarterly returns are not returned in any one year a permit will not be provided for the following year.
- If using firearms, permit holders must hold a current firearms licence and be familiar with the contents of, and abide by the Arms Amendment Act 1992 and the Police booklet entitled "Arms Code".
- Spot lighting is **not permitted**.
- Shotguns or rim fire rifles are **not permitted**.
- The entry permit authorises the hunting of animal pests only.
- Hunting, shooting or killing any bird, whether native or introduced, is prohibited. All birds are protected
- No carcasses, offal, human waste or rubbish is to be buried or left within 20 metres of any running stream, streambeds, and the dams or in the vicinity of roads and tracks. Care must be taken that waterways are not polluted. **No litter** is to be dropped.
- Registered dogs for hunting purposes are permitted, solely at the owners risk. Hunters are restricted to two dogs per person and four dogs per party.
- Council reserves the right to allow or disallow the use of any form of firearms or weapon.
- Camping is **not permitted**
- The lighting of fires is **not permitted**. Care must be taken to prevent fire from matches, cigarettes etc. The provisions of the Forest and Rural Fires Act and Regulations shall be observed.

### Access to Reserve

- Access is only available along Water Catchment Access Road from the end of South Range Road.
- There is no access from Turitea or Greens Roads to areas surrounding the water treatment plant and water supply dams (see shaded area on attached map). **Entry to these areas is prohibited.**
- Permit holders are reminded that they have no legal right of access across private property adjacent to the Reserve without first having gained permission from the property owner



- From time to time it may be necessary to close off portions or all of the Reserve or restrict vehicular access along Water Catchment Access Road. The details of these restrictions, together with the period of the restriction will be sent to permit holders.

#### General Conditions

- All Council property, signs, gates and fences must not be interfered with.
- The entry permit confers no right to cut, fell or remove any live trees, shrubs or other forest produce.
- The entry permit does not authorise the shooting from or landing of helicopters in the Reserve.
- Council may change these conditions of entry at any time by notification of permit holders.
- Permit holders must update Council of any changes in contact details, vehicles, or dogs used.

#### Penalties

- Where permit requirements are breached, a written warning will be issued to the permit holder. If there is a subsequent breach of the same requirement within any one-permit year, a permit will not be issued to that person in the subsequent year.
- Permits are issued at the discretion of Council and can be revoked at any time.
- ***Any breaches of legal requirements will result in immediate removal of access and no future permit issue.***

***NOTE: Council is happy to allow authorised hunting within the Turitea Water Catchment Reserve but the safety of all users is of prime importance. Your co-operation in complying with the Conditions of Entry and considering other users is important in creating a safe environment for all Reserve users. Permit holders are encouraged to report unsafe conditions which may be hazardous to other Reserve users.***



## SAFETY AND HAZARD IDENTIFICATION

### Hardings Park

- With the classification of Hardings Park as a Scenic Reserve, the public have unrestricted access to Hardings Park from the Sledge Track for recreational purposes. Permit holders hunting in this area need to be aware that other people may be in the area and exercise the greatest possible care with firearms at all times
- Several vertical and horizontal mine shafts have been located in the Hardings Park area (see attached map). The vertical shafts have been temporarily fenced off but the possibility exists that there are other unlocated mine shafts in the general area of Hardings Park. Caution must therefore be exercised at all times while traversing untracked areas of the Reserve to ensure solid footing. It should be assumed that there could be unmarked mine shafts in any area of the Reserve and caution exercised accordingly.

### General Safety

- In consideration of being given a permit to enter the Reserve, permit holders agree that they do so entirely at their risk. Council takes no responsibility for the safety of permit holders, their vehicles, possessions or dogs while they are on Council property.
- Care must be taken when driving or walking within the Reserve as other people could be using the same route at any time.
- Permit holders are responsible for ensuring that their vehicles are appropriate for the road conditions. NOTE: Road conditions can deteriorate rapidly in wet weather.
- From time to time possum control operations by way of trapping, shooting and poisoning by authorised people will be carried out in the Reserve. Permit holders are therefore cautioned against touching any baits, traps, lures or carcasses.
- It is recommended that all Reserve users wear bright (preferably high viz) clothing.
- It is recommended that communications are maintained while hunting in isolated areas by hunting with other people, carrying a cellular phone, carrying a personal locator beacon and or by having daily contact with someone outside of the Reserve

### Water Points

- Three water points of varying size, depth and water holding capability have been excavated in the vicinity of the edge of Watercatchment Road as indicated on the attached map. Caution must be exercised when driving, parking and turning a vehicle or when walking near these areas.

### Wind Farm

- Monitoring work associated with the proposed wind farm in the Reserve is ongoing. This will result in more traffic on the Access Track and more people working in the vicinity of the Access Track. Caution must be exercised while hunting or driving in the Reserve.



## Possum Control

An ongoing possum control operation is being carried out throughout the Reserve. The initial knockdown operation involved trapping and the use of Feratox (an encapsulated form of cyanide). Some areas will require further knockdown operations over time and it is likely we will use a combination of Feratox, Feracol (cholecalciferol) and trapping.

The second stage will follow the knockdown operation. This stage involves setting up bait stations through the area and then pulsing Pestoff (brodifacoum) through the bait stations. At some times during the pulsing it may be necessary to include some Feratox capsules or Feracol with the brodifacoum to limit the amount of poison being fed or to change the poison being used to Pindone to avoid bait shyness. Approximately 140 large bait stations will be located in close proximity to the Water Catchment Access Track and through the block a further three thousand smaller stations will be attached to trees. Please do not interfere with these bait stations both in the interests of your own health and the ongoing success of the operation. The bait stations will be filled initially until no more bait is taken and then will be refilled every three months or so. You should treat them as full at all times.

### What Do You Need To Know

Cyanide paste is a rapid knockdown toxin, which is acutely poisonous to vertebrate pests in very small doses. Cyanide is a fast acting broad-spectrum toxin that is readily absorbed into the bloodstream causing acute oxygen deficiency or respiratory failure. A significant amount of research has gone into the design of cyanide baits and management of operations to reduce the risk to non-target species and avoid exposure to humans.

Feratox is the trade name for encapsulated pellets containing potassium cyanide. Cyanide pellets can be placed in bait stations or small bags stapled to trees and is an effective option for controlling high possum numbers.

Feracol is the brand name for cholecalciferol paste otherwise known as vitamin D paste which can be placed in bait stations or small bags stapled to trees and is effective in small doses. Pestoff is a brand name for brodifacoum which is an anticoagulant rodenticide, fed through bait stations in a cereal bait form.

Pindone is a first generation anticoagulant that needs to be consumed over several days to be effective and is fed through bait stations in a cereal bait form.

The larger bait stations set up near the Water Catchment Access Track are double anchored to reduce the possibility of non target animals gaining access to the baits and the smaller tree mounted bait stations are set high enough up the tree to once again reduce the likelihood of non target animals gaining access to the bait. You need to be aware that there is a risk of secondary poisoning with brodifacoum, that is, animals eating poisoned possum carcasses can accumulate the poison especially in their liver. Regarding the likely effects in terms of hunting in the reserve the Public Health Unit have informed the Council as follows;



*"We believe the following advice (to permit holders) is appropriate:*

- *Brodifacoum is being used in the area*
- ***You may choose not to eat the offal of any animal killed in the catchment***
- *Nobody should eat from the carcass of any dead animals found in the catchment. This advice is not due to the presence of brodifacoum. If a dead animal is found, and the cause of death is not known, nobody should be eating from the carcass anyway."*

In addition the Council advises:

- You should not eat possums taken from the Reserve.
- You should not feed possum carcasses taken from the Reserve to other animals e.g. dogs, cats, pigs
- If you take dogs into the Reserve and they are inclined to scavenge possum carcasses there is a risk of secondary poisoning. My understanding is that a dog would need to consume more than one carcass to be affected and that there is an antidote to the poison available through the vet. If you choose to take dogs into the Reserve, then you do so at your own risk.
- **Meat taken from the Reserve cannot be sold**

Following these simple rules can eliminate the risks associated with the use of these toxins:

- **Treat all green/blue baits as poisonous at all times**
- **DO NOT handle any bait.**
- **DO NOT allow CHILDREN to wander unsupervised in this area.**
- **DO NOT allow DOGS or other pets to wander unsupervised in this area.**

Please Note:

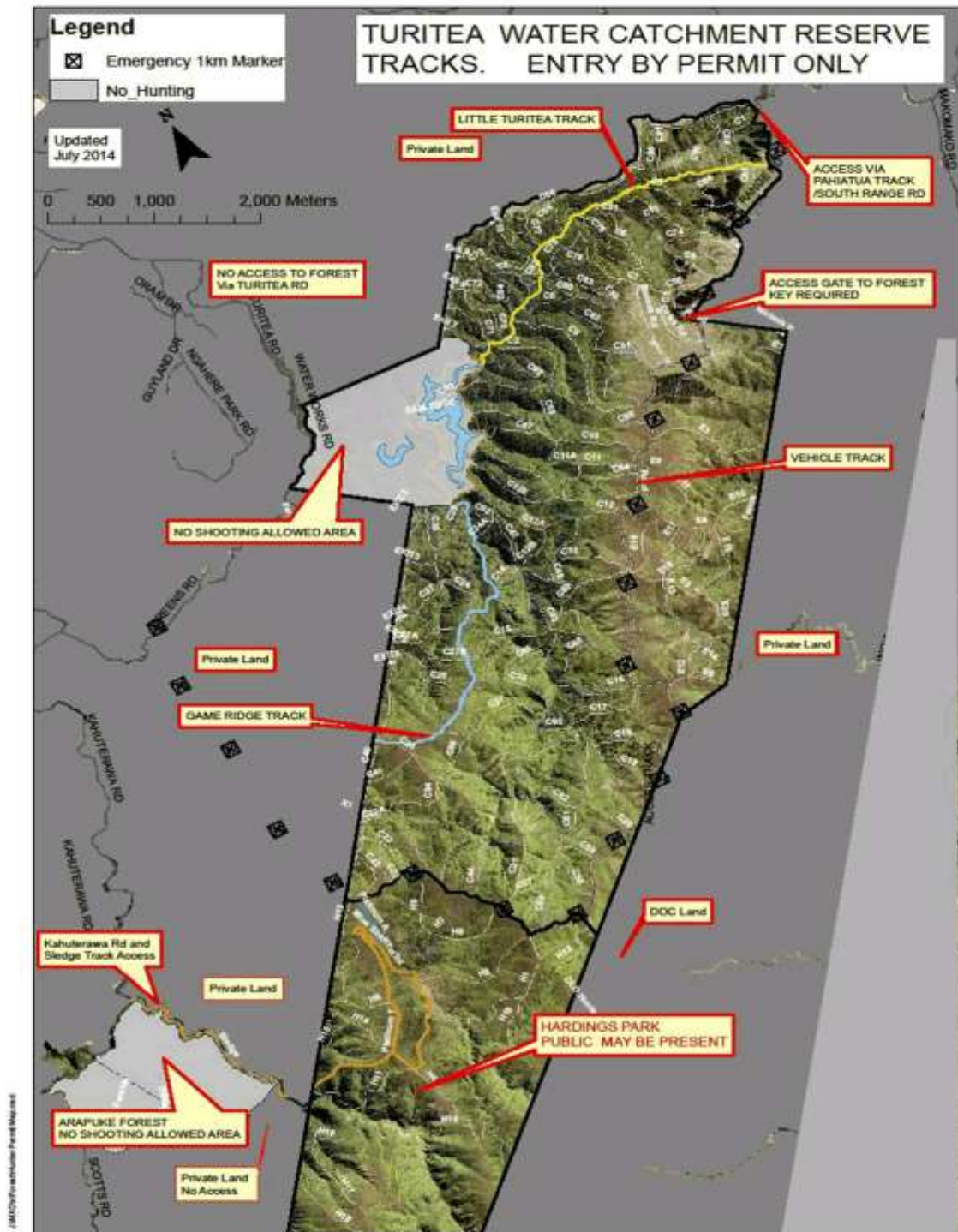
- **It is an offence for any person to remove the sign(s) prior to clearance of the area.**
- **It is an offence for any person (other than the applicator) to remove/move baits from the area.**

What Do I Do If I Suspect Poisoning?

Always contact your:

- Local doctor, or
- Local hospital, or
- National Poison Centre on **03 479 7248 or 0800 764 766.**







## Hazard Register

**Workplace / Location: Turitea Water Catchment Reserve – Hazards for Recreational and Other Forest Users**

Hazards Identified	Potential Harm	Significant Hazard Yes No	E	I	M	Hazard Controls
Forest Operations (includes all establishment, silvicultural, harvesting and animal control operations)	Potential harm to forest user groups from forest operations - various	X			X	<ul style="list-style-type: none"> <li>■ Notify forest user groups of forest operations</li> <li>■ Provide appropriate signage.</li> <li>■ If appropriate cordon off operational areas, create no go areas, or close forest to user groups.</li> </ul>
Other Forest User Groups (includes mountain bikers, hunters, orienteering groups, Army)	Potential harm to forest user groups from other forest users - various	X			X	<ul style="list-style-type: none"> <li>■ Notify forest user groups of other forest users and one off events by way of permit application form and quarterly kill return</li> <li>■ If appropriate cordon off areas, create no go areas.</li> <li>■ In the case of large events consider closing the forest to other recreational users.</li> <li>■ Recommend that forest users wear bright coloured clothing</li> </ul>
Natural Hazards for User Groups (e.g. Wind thrown trees – hung up, mine shafts, water hazards)	Potential harm to forest user groups from other natural hazards - various	X			X	<ul style="list-style-type: none"> <li>■ Notify forest user groups of natural hazards.</li> <li>■ Where practical locate hazards on a map and make available to user groups.</li> </ul>
Road Conditions	Potential harm to forest user groups from other forest users driving on forest roads - various	X			X	<ul style="list-style-type: none"> <li>■ Notify forest users of the road condition and the need for an appropriate vehicle for the conditions.</li> <li>■ Also that other forest users or employees could be driving on forest roads at any time.</li> <li>■ Impose speed restriction on forest roads.</li> <li>■ Signage re need for vehicles on forest roads to have headlights on at all times while driving in the forest.</li> </ul>
Possum Control Operations / Bait Stations – poisons – steel standard anchors	Potential harm to forest user groups from possum control operations - various - cuts, puncture wounds serious harm, poisoning	X			X	<ul style="list-style-type: none"> <li>■ Notify forest users of possum control operations.</li> <li>■ Use appropriate signage.</li> <li>■ If appropriate close areas of the forest or the whole forest.</li> <li>■ Forest users not to interfere with any bait stations, traps or baits / avoid walking near large bait stations that are anchored with steel standards</li> </ul>
Topography	Trips, falls, sprains, bruising, various	X			X	<ul style="list-style-type: none"> <li>■ All people that are in the forest are to familiarise themselves with the topography of the area and avoid those areas which place themselves or others at risk.</li> </ul>
Adverse Weather Conditions	Hypothermia	X			X	<ul style="list-style-type: none"> <li>■ All people that are in the forest are to have and wear appropriate clothing for the weather conditions, which can include heavy rain, strong cold winds, snow.</li> </ul>
Animals	Bites, kicks, butts		X		X	<ul style="list-style-type: none"> <li>■ Notify forest users that the forest is leased for grazing and that they should avoid contact with animals.</li> </ul>
Fence Lines (standard and electric)	Entanglement, trips, electric shock		X		X	<ul style="list-style-type: none"> <li>■ Notify forest users that most of the fences within the forest are electrified or have an electric wire attached to them.</li> <li>■ Forest users should use gateways and avoid touching climbing fences wherever possible</li> </ul>
Trips and falls on rough terrain	Trips, falls, sprains, bruising, various	X			X	<ul style="list-style-type: none"> <li>■ Appropriate footwear for the activity being undertaken and the ground conditions should be worn.</li> <li>■ Ongoing alertness to footing</li> <li>■ Do not traverse bluffs and other areas where it is possible for a fall to have serious consequences</li> </ul>

**WARNING – While this register endeavours to list all known hazards within the forest, users must exercise caution and be aware that forests are an environment where new hazards can occur or be created as a result of many unforeseen factors. Your help in reporting any new or unlisted hazards will be appreciated.**



## APPENDIX 5 – APPLICATION FOR PERMIT TO USE WATER FILLING STATION

### Water Filling Station Permit Application Form



Permit No. BF: \_\_\_\_\_

#### APPLICANT DETAILS

Business Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone (work): \_\_\_\_\_ Phone (home): \_\_\_\_\_

Phone (mobile): \_\_\_\_\_ Email: \_\_\_\_\_

Specify Permit: FRANCIS WAY TANKER FILLING STATION

(a) The location: \_\_\_\_\_

(b) The date or dates of the use \_\_\_\_\_

#### GENERAL CONDITIONS

1. The Council Officer is permitted to remove all fittings, stand pipes, hoses etc from any person who are not permitted users.
2. No water is to be drawn off by use of a fire hydrant
3. All charges must be paid by the due date.
4. The applicant will be liable for any damage to Council property or a third party
5. Tanker filling stations are to be locked on departure.

#### DECLARATION

I declare that the above details are correct and I will observe and comply with the conditions contained above and on the attached Information Sheet.

Signature: \_\_\_\_\_ (applicant) Date: \_\_\_\_\_

#### OFFICE USE

Backflow Unit No: PNCC

Key no: PNCC

Code No:

Plant No:

Permit Fee: \$

Bond Fee: \$

Total Due: \$  
(incl GST)

Receipt No:



## INFORMATION AND CONDITIONS RELATING TO A WATER FILLING STATION PERMIT

The use of a tanker filling station is controlled by the Palmerston North Water Supply Bylaw 2015.

The facility can provide water up to 25 m<sup>3</sup>/hr. The current charge rate is \$1.11/m<sup>3</sup> (GST excl).

### **CONDITIONS**

#### **1. EQUIPMENT**

- 1.1. The applicant is responsible for providing all the equipment necessary to connect to the filling station.

#### **2. RESPONSIBILITY FOR DAMAGE**

- 2.1. The applicant is required to inform the Council Officer of any possible defect or damage to the Filling Station.
- 2.2. The applicant will be held responsible for the cost of any repairs of damage caused by the incorrect operation of a tanker filling station.
- 2.3. The applicant will also be held responsible for any third party damage that occurs whilst the tanker filling station is in use.
- 2.4. In this regard (for example), the operator must wear an orange high visibility vest and use at least 3 x 900 mm orange double reflector cones to warn vehicles and pedestrians of the obstruction or danger, as set down by the Health and Safety in Employment Act 1992.

#### **3. PAYMENT OF FEES**

- 3.1. The applicant must ensure that all applicable fees are paid before water is drawn from the filling station. Service may be disconnected if fees are unpaid.

#### **4. DECLARATION**

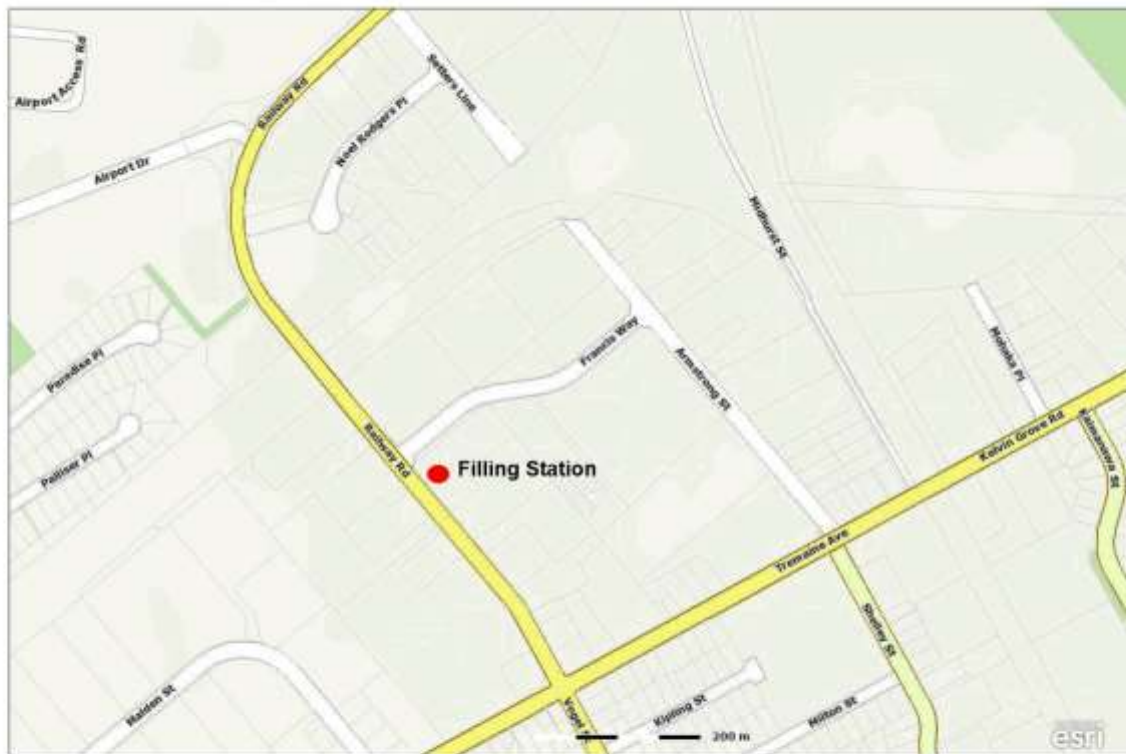
- 4.1. A false declaration or other action, which results in a significant expense or inconvenience to Council, will result in immediate cancellation of the Permit and may result in prosecution.

#### **5. CANCELLATION**

- 5.1. The Council reserves the right to cancel any permit at any date or time by giving notice to the station operator.



Map showing location of Francis Way Water Filling Station







PALMERSTON NORTH CITY

# **PALMERSTON NORTH STORMWATER DRAINAGE BYLAW**

**2015**

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## **Administration Manual**



**Contents**

Part One – Introduction ..... 4

Part Two – Standard Conditions For Stormwater Connections..... 5

Appendix 1 – Application for Stormwater Drainage Connection ..... 9



### Document control

Version No.	Reason for amendment	Date
1.0	Adopted by Council	25 May 2015

### Authorisation

	Name	Signature	Date
Prepared by			
Reviewed by			
Authorised by			



## **PART ONE – INTRODUCTION**

The purpose of this Administration Manual is to provide material complementary to the Stormwater Drainage Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are more likely to be amended before the Bylaw is reviewed. In taking this approach, it will simplify the administration of the Bylaw, allow for administrative and technical processes to be kept up to date, and assist in the interpretation of the bylaw.

The Administration Manual is made under the Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the Bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be authorised either by the General Manager for City Networks or the Water and Waste Services Manager.



## **PART TWO – STANDARD CONDITIONS FOR STORMWATER CONNECTIONS**

### **1 APPLICATION FOR CONNECTION**

- 1.1 Any new stormwater connection to the public stormwater drainage network, installed after the adoption of the Bylaw, must be located and installed in accordance with the Council's Engineering Standards for Land Development.
- 1.2 Where new extensions to the public stormwater drainage network are required as part of a subdivision, the consent holder must construct all the drainage works in accordance with the Council's Engineering Standards for Land Development and any Council approved design.
- 1.3 Every application to carry out stormwater drainage under the Bylaw must include drawings and specifications for the proposed works. The drawings must show, to the satisfaction of Council, the proposed works and their effects on the subject site and surrounding land.
- 1.4 All proposed stormwater drainage works affecting or connected to the public stormwater drainage network must be designed, constructed and operated:
  - (a) to Council's standards for corresponding public drainage works where they serve or may serve land or buildings in different ownership; and
  - (b) to minimise sediment or environmental pollutant discharge to any stormwater drain in accordance with any relevant industry standards or codes of practice;
  - (c) to comply with any written conditions imposed by Council when approving the works, and with any relevant building or resource consent; and
  - (d) to be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the catchment as a whole;
  - (e) comply with any approved stormwater management plan.
  - (f) comply with the Council's Engineering Standards for Land Development and any approved Council design.
- 1.5 Stormwater drainage remains the responsibility of the owner of the land on which the works occur unless and until they are taken over and vested in Council.
- 1.6 The cost of all stormwater drainage for the purpose of land development will be at the land owner's cost unless the Council agrees in writing to share costs.
- 1.7 When the stormwater arising from a new connection is such that it exceeds the defined level of service for the Council's stormwater network, Council may require the installation or construction of private stormwater attenuation measures to retard the flow of stormwater or to limit the volume of extra stormwater produced from new connections or



developments. Any such attenuation measures must be constructed at the land owner's expense. The land owner must also meet the costs of the required maintenance and servicing program.

## **2 ACCESS**

- 2.1 The owner or occupier of a premises must allow the Council, or its agents, with any necessary equipment, access to any affected area of a premises and about the point of connection for the purposes of:
- (a) monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day.
  - (b) ascertaining whether non-complying connections have been made
  - (c) ascertaining whether the drains are being misused
  - (d) ascertaining whether overland flow paths have been compromised in any way.
- 2.2 The Council will give 24 hours' notice to the customer of the intended entry.
- 2.3 Under emergency conditions the customer must allow the Council free access to and about the point of connection at any hour.

## **3 WORKS OVER OR NEAR PUBLIC STORMWATER DRAINAGE NETWORKS**

- 3.1 Building or loading over the public stormwater drainage network, or excavation near such networks, is controlled by this section.
- 3.2 Buildings may be built over stormwater pipes in the public stormwater drainage network with the permission of the Council and on the following terms unless varied:
- (a) Sufficient investigation is undertaken to accurately determine the stormwater location and depth, and to establish that the stormwater pipe is in a condition where it has a remaining life of at least 50 years, or carry out remedial work or relaying of the stormwater pipe to achieve a 50 year remaining life. Council will commission a condition video inspection of the pipe at the applicants' cost;
  - (b) Bore piling the building to a minimum 1.0 metre clear distance either side of the pipe to below the invert and ensuring that no building loads are transferred to the stormwater pipe and that it is possible to excavate down to the stormwater pipe without threat to the building;
  - (c) Providing two service openings into the pipe between 2.0 and 3.0 metres from the edge of the building at the point it enters and leaves the building (unless there is an existing service opening within 10 metres), provided that the stormwater pipe lies in a straight line and that there are no connections between these service openings;
  - (d) Carrying out all work on and around the public stormwater drainage network in accordance with Council's Engineering Standards for Land Development; and



- (e) Identifying and protecting the Council's interest in the stormwater pipe by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title.
- 3.3 The requirements of sections 3.2 (d) and (e) may be relaxed for the construction of light weight buildings such as single car garages or utility sheds subject to the written approval of Council.
- 3.4 No person may cause the crushing load imposed on a public stormwater pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by NZ Transport Agency Bridge Manual).
- 3.5 No person may place any additional load exceeding 2000 kg of material over or within 1 metre of a public stormwater drainage network without prior written Council approval.
- 3.6 No person may cover any service openings without prior written Council approval. The removal of any covering material or adjustment to service the openings as a result of covered materials may be at the land owner's expense.
- 3.7 No person shall excavate, or undertake piling or similar work within 1 metre of a stormwater pipe or culvert, without prior Council approval.
- 3.8 Other restrictions may be applied by the Council for the protection of the public drainage network, including overland flow paths or natural drainage features, after consideration of proposed work methods, depth of excavation, soil physical properties, and other site-specific factors.

#### **4 POINT OF CONNECTION**

- 4.1 Unless otherwise approved there shall only be one point of connection to the public stormwater drainage network for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.
- 4.2 For single dwelling units the point of connection must be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be obtained in writing from the Council and recorded on the site drainage plan.
- 4.3 Where a private drain discharges into a public stormwater drainage network on that same private property, the point of connection shall be the downstream end of the pipe or channel which forms the junction with the public network.
- 4.4 For multiple dwelling units or if more than one point of connection is required the point of connection for the different forms of multiple ownership of premises or land shall be as follows:
  - (a) For company share/block scheme (body corporate) - as for single ownership in section 4.2;
  - (b) For Leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner shall have an individual drain with



the point of connection determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement.

(c) Recorded on the site drainage plan.

- 4.5 For stormwater connections in existence prior to this bylaw coming into effect of this bylaw, the point of connection shall be the existing point of connection.
- 4.6 Common private drains cannot serve more than a maximum of 5 single dwelling units, and must also have only one point of connection (in common). Common drains must be covered by a certificate recording the rights of each party, which is registered against the certificate of title

## **5 LIABILITY**

- 5.1 The Council shall not be liable for any losses, damages expenses or inconvenience including any consequential losses whatsoever and however caused which the customer may sustain as a result of any defects, deficiencies or inadequate capacity in the public stormwater drainage network including where this interrupts stormwater drainage or causes surface flooding.



## APPENDIX 1

### SERVICE CONNECTION APPLICATION FORM (SC1)



CN: \_\_\_\_\_

Use this application form to get connected to Palmerston North city's water supply, wastewater and stormwater systems. Refer to the application notes at the end of the form for guidance if required.

(Approval of this Service Connection maybe subject to payment of Development Contributions)

APPLICANT DETAILS	CONTACT DETAILS (If different)
Name: .....	Name: .....
Mailing Address: .....	Mailing Address: .....
.....	.....
Phone: .....	Phone: .....
Email: .....	Email: .....
Would you prefer your approved application sent by email or posted?	
Email <input type="checkbox"/> Posted <input type="checkbox"/>	

PROJECT LOCATION
Site Address: .....
Legal Description (From certificate of title or rates): .....
Does this water/sewer/stormwater service application relate to a Resource or Building Consent for the development of the property?
Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide the Resource/Building Consent Number: .....
Also, if known, the Consent type and Description: .....

TYPE OF PROJECT
(Tick as Required)
Subdivision <input type="checkbox"/> Existing Building <input type="checkbox"/> New Building <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/>

CONNECTIONS REQUIRED AND SIZE OF CONNECTIONS
(Tick as Required)
Sewer <input type="checkbox"/> Stormwater to Kerb <input type="checkbox"/> Stormwater to Main <input type="checkbox"/> Water <input type="checkbox"/>
Sewer diameter: _____    Stormwater diameter: _____    Water diameter: _____
<b>Special Requirements:</b>
.....
If you are applying for a water connection please fill out the backflow assessment.



### Backflow Assessment

You may need a backflow preventer device to protect the city's water supply. This assessment will help Council determine what type of backflow prevention device you will need. Please tick all boxes that apply. Residential applicants, start at section 2.

#### 1. High Hazard

Medical/Dentist/Vet Clinic	<input type="checkbox"/>	Commercial laundry	<input type="checkbox"/>
Sewage Pump Station/Sump ejectors	<input type="checkbox"/>	Vehicle Wash Station	<input type="checkbox"/>
Food preparation facilities	<input type="checkbox"/>	Airport, pier or dock	<input type="checkbox"/>
Photography labs/x-ray facilities	<input type="checkbox"/>	Mortuary	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	Pest Control	<input type="checkbox"/>
School/University with laboratories	<input type="checkbox"/>	Beauty/Hair salon	<input type="checkbox"/>
Horticultural or commercial garden			<input type="checkbox"/>
Commercial building (e.g. direct heat exchanger, fire sprinkler systems, separate building hydrant systems)			<input type="checkbox"/>
Fire/cooling systems with chemicals (e.g. antifreeze, biocides)			<input type="checkbox"/>
Water treatment facilities (e.g. chlorinators, auxiliary supplies, demineralising equipment etc)			<input type="checkbox"/>
Industrial and Trade Waste (e.g. boiler, chiller, make up tower, stripping tanks)			<input type="checkbox"/>
Use of hydrants for purging of flammable/explosive gases			<input type="checkbox"/>
Rural water supply (e.g. livestock water supply without added chemicals)			<input type="checkbox"/>

#### 2. Medium Hazard

Recirculated water system	<input type="checkbox"/>	Rain water collection	<input type="checkbox"/>
Pools or spas	<input type="checkbox"/>		
Water treatment system (e.g. deionised water, reverse osmosis units, equipment cooling without chemicals)			<input type="checkbox"/>

#### 3. Low Hazard

Childcare facility	<input type="checkbox"/>	Residential premises with hose tap	<input type="checkbox"/>
Drinking fountains			<input type="checkbox"/>
Cafe/Restaurant (Drink dispensers with carbonators, coffee machines, dishwashers, ice maker, etc.)			<input type="checkbox"/>
Commercial premises with potential change of use (Domestic sanitary fixtures only)			<input type="checkbox"/>



### APPROVED CONTRACTOR

Only fill out this if you have already entered into an agreement with an Approved Contractor.

Name of Approved Services Contractor:

.....

A list of approved contractors and their contact details can be found on the PNCC website.

Do not begin work until you receive approval from the Council with any conditions and specifications and you have notified the Council who your approved contractor is.

The contractor must carry out all associated work. The contractor will need a copy of the permit with any conditions and the approved site plan with them on site.

### **Please attach the site drainage plans**

Site drainage plans should indicate:

- Layout and details of stormwater drains, subsoil drains, sumps and ancillary work.
- Layout and details of wastewater drains and ancillary work.
- Layout and details of water mains and ancillary work.
- Floor level heights to official Council datum (not assumed datum).
- Diameters of pipe connections (stormwater, water and sewer).
- Trees
- The position of the proposed connections together with marked distances to the nearest boundaries.

#### **Note:**

A detailed site plan showing property boundaries, existing services, and the proposed works must be attached to this application. The application cannot be approved without a plan.

The plan must show the preferred position of the connection, or the location of the connection to be removed, together with marked distances/measurements to the nearest boundaries (if a corner site, nominate street from which connection is to be taken).

Name: .....

Position:.....

Signature:.....

Date: ...../...../.....



## Palmerston North City Council Service Connection Application Notes

**Legal Description:** This will be completed by the Council Officer receiving the application or can be obtained from the rates demand for the property to be serviced by the customer.

**Wastewater - Special Requirements:** This will usually relate to commercial or industrial property. Some businesses may need a trade waste consent. Some may require grease traps or oil interceptors on their wastewater connection or require a manhole. For more information please refer to the Engineering Standards for Land Development sections 4.12 (wastewater drainage), 6.13 (stormwater drainage) and the Trade Waste Bylaw on the PNCC website.

**If you are applying by post:** Send the completed form and accompanying information with the application fee to: Development Services, Palmerston North City Council, Private Bag 11034, Palmerston North.

**Backflow Prevention Device:** All properties connecting to the water supply will require an appropriate backflow prevention device. The type of device will depend on the level of risk. Properties are classified into three degrees of risk and this will determine the type of backflow device required. High risks will require a reduced pressure backflow device, medium risks will require a testable double check valve backflow device and low risks will require either a registered air gap, a hose connection vacuum breaker or an approved manifold with backflow prevention function. Examples of high, medium and low risks are given on the PNCC website.

### Site Drainage Plans:

- The builder/contractor will be able to complete the floor level heights to official Council datum. Alternatively, a suitable reference point may be able to be obtained from Council on enquiry.
- Trees must be indicated on site drainage plans according to the Vegetation Framework for Palmerston North:

*The removal of trees on Council land is discouraged, where removal is simply to provide for new accesses for infill subdivision or house removal. All alternative options should be explored before removal is considered. Council's preference is to retain trees, especially healthy specimens. Removal will be at the discretion of Council.*

### Please be aware:

- Council may require aged connections to be removed which will be at the developer's/applicant's expense.
- Some commercial and residential properties may require a stormwater backflow prevention device. The Council is not liable for any backflow associated costs.
- Any backflow prevention device and/or water meter installed will be at the developer's/applicant's expense.
- Position of the approved service connections must not be altered on site without specific written approval.

### Further Information:

If you have any questions or require further information please contact Palmerston North City Council.

Phone: 06 356 8199

Web: [www.pncc.govt.nz](http://www.pncc.govt.nz)





PALMERSTON NORTH CITY

# **PALMERSTON NORTH WASTEWATER BYLAW**

**2017**

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## **Administration Manual**



## **CONTENTS**

<b>PART 1 – INTRODUCTION .....</b>	<b>4</b>
<b>PART 2 - CONDITIONS OF WASTEWATER CONNECTION .....</b>	<b>5</b>
1. DISCHARGE FROM PREMISES .....	5
2. WORKS OVER OR NEAR PUBLIC DRAINAGE SYSTEMS .....	5
3. STORAGE OF HAZARDOUS MATERIAL .....	7
4. POINT OF DISCHARGE .....	7
5. DISCONNECTION BY CUSTOMER .....	13
6. LEVEL OF SERVICE .....	13
7. EMERGENCY .....	13
8. BLOCKAGES .....	13
9. INFLOW AND INFILTRATION .....	14
10. SWIMMING POOLS .....	15
<b>APPENDIX 1 - PALMERSTON NORTH WASTEWATER AREA MAPS .....</b>	<b>16</b>
<b>APPENDIX 2 – WASTEWATER CONNECTION APPLICATION FORM .....</b>	<b>18</b>
<b>APPENDIX 3 - SERVICE CONNECTIONS AS-BUILTS FORM .....</b>	<b>22</b>



### Document Control

Version No.	Reason for Amendment	Date

### Authorisation

	Name	Signature	Date
Prepared By			
Reviewed By			
Authorised By			



## PART 1 – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Wastewater Bylaw. It addresses aspects of wastewater management that could be included in the Bylaw, but are of a technical or administrative nature, or address operational matters. These aspects of wastewater management may be amended before the Bylaw is reviewed and this is appropriately achieved by Council resolution changing this Manual. This will simplify the administration of the Bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the Bylaw.

The Administration Manual is made under the Wastewater Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document and will be made available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up-to-date and reflects current practice. Amendments to this document will be authorised either by the general manager for City Networks or the Water and Waste Services manager.



## PART 2 - CONDITIONS OF WASTEWATER CONNECTION

### 1. DISCHARGE FROM PREMISES

- 1.1. The instantaneous flow rate discharged to the wastewater system from domestic premises or other premises without a trade waste consent must not exceed 2.0 litres/sec.
- 1.2. The maximum daily flow from domestic premises or other premises without a trade waste consent must not exceed 5,000 litres per day.
- 1.3. Wastewater with prohibited characteristics (as detailed in Schedule 3 of the Palmerston North Trade Waste Bylaw 2015) must not be discharged into the wastewater system.
- 1.4. Domestic wastewater must not exceed the substance limits in Schedule 1 of the Palmerston North Trade Waste Bylaw 2015.
- 1.5. Where part of any domestic premises is used as an office or for a trade related activity from which no trade waste could be produced, and no other persons apart from those living at those premises use the premises, then the premises is treated as a domestic premises.
- 1.6. Any trade activity that produces or has the potential to produce wastewater is treated as being from a trade premises.
- 1.7. The customer must allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. The Council must give reasonable notice to the customer of the intended entry.
- 1.8. Under emergency conditions the customer must allow the Council free access to and about the point of discharge without notice.
- 1.9. The customer must allow the Council with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

### 2. WORKS OVER OR NEAR PUBLIC DRAINAGE SYSTEMS

- 2.1. The restrictions described in sections 2.2 to 2.8 apply to building, excavation, physical works or loading on or near public wastewater systems.
- 2.2. Alternative restrictions than those listed below may be applied by the Council at its discretion for the protection of the public wastewater system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site-specific factors.
- 2.3. A building must not be built over a public rising main or trunk sewer or closer than the greater of:
  - a) 1.5 metres from the centre of any rising main or sewer;



- b) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer subject to compliance with 3.1 of NZS3604.
- 2.4 Buildings may be built over public sewers (except as per clause 2.3) subject to the building developer doing the following to the satisfaction of the Council:
  - a) Carrying out sufficient investigations to accurately determine the sewer's location and depth, and to prove that the sewer is in a condition where it has a remaining life of at least 50 years or carry out remedial work or relaying of the sewer to achieve a 50 year remaining life; and
  - b) Bore piling the building floor slab or foundations to 1.0 metre clear distance either side of the sewer to below the invert level to ensure that no building loads are transferred to the sewer and that it is possible to excavate down to the sewer without threat to the building; and
  - c) Providing two additional service openings into the sewer between 2.0 and 3.0 metres from the edge of the building at the point it enters and leaves the building (unless there is an existing service opening within 10 metres), provided that the sewer lies in a straight line and that there are no connections between the service openings; and
  - d) Carrying out all work on and around the sewer in accordance with Council's Engineering Standards for Land Development; and
  - e) Registering the public sewer by a Memorandum of Encumbrance and Deed of Covenant against the Certificate of Title.
- 2.5 The requirements of sections 2.4 (d) and (e) above may be relaxed for the construction of light weight buildings subject to the approval of Council.
- 2.6 No person may cause the crushing load imposed on a public wastewater system to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by NZ Transport Agency Bridge Manual).
- 2.7 No person may place any permanent additional load of material over or near a public wastewater system without approval.
- 2.8 Service openings must not be covered in any way unless approved by the Council. Removal of any covering material or adjustment of the service opening is at the property owner's expense.
- 2.9 No person may excavate, or carry out piling or physical works without approval from the Council, if it is closer than:
  - a) 5 metres from the centre line of any Rising main or Trunk sewer, or
  - b) 2 metres from the centre line of any other Sewer.

Approval may impose conditions on the carrying out of any work near the wastewater system.



### **3. STORAGE OF HAZARDOUS MATERIAL**

- 3.1 No person may store raw material, products or waste containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the public wastewater system, may:

- a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities; or
- b) damage the public wastewater system, the environment or adversely affect the health and safety of Council staff and the public

in a manner or location such that there is a more than minor risk of that material entering the public wastewater system.

### **4. POINT OF DISCHARGE**

- 4.1 The point of discharge is the point which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries. The typical layout at a point of discharge is shown in figure 1.

- 4.2 There must only be one point of discharge for each premises. Any private drain must not extend by pipe or any other means to serve other Premises unless it is a common private drain that has been sized appropriately to accommodate the additional flows in accordance with Council's Engineering Standards for Land Development. This requirement can be varied in writing by the Council.

- 4.3 Individual lots or premises must not be crossed by more than one private drain regardless of the number of properties served by that private drain.

- 4.4 No connections may be allowed to public rising mains under any circumstances.

- 4.5 For single dwelling units the point of discharge must be located at the boundary as shown in figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the Council and recorded on the drainage plan.

- 4.6 Where a private drain discharges into a public wastewater system on that same private property, the point of discharge must be the upstream end of the pipe fitting which forms the junction with the public system. The point of discharge must be in a location accessible for future maintenance as per Council's Engineering Standards for Land Development.

- 4.7 The point of discharge for the different forms of multiple ownership of premises and/or land must be one of the following:

- a) Company share/block scheme (body corporate) as for single ownership; or
- b) Leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner must have an individual drain with the point of discharge determined by agreement with the Council at building consent or resource consent stage. If not practicable there must be a common private drain which must be incorporated as an additional provision in the lease agreement; or



- c) Multiple ownership connections in existence prior to this Bylaw, the point of discharge shall be the arrangement existing at that time.
- 4.8 Common private drains may serve a maximum of five single dwelling units, and may also have one point of discharge only (in common).
- 4.9 Common private drains must be covered by a certificate recording the rights of each party which is registered against the Certificate of Title.
- 4.10 For private pumping systems the point of discharge shall be on the downstream side of the isolation valve (shown in figure 2), installed in conjunction with the boundary kit (shown in figure 3), and must be located as shown in figure 1.



FIGURE 1 - POINT OF DISCHARGE DIAGRAMS

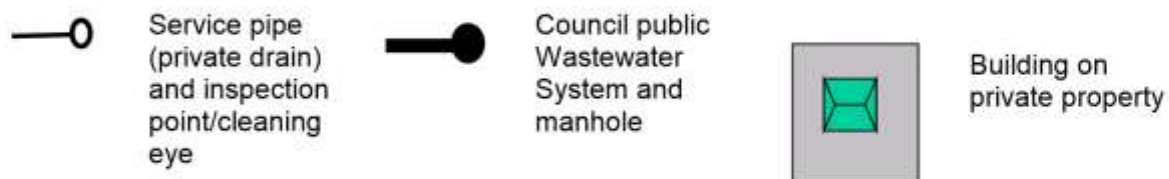


Figure 1(a).

PUBLIC WASTEWATER SYSTEM IN ROAD

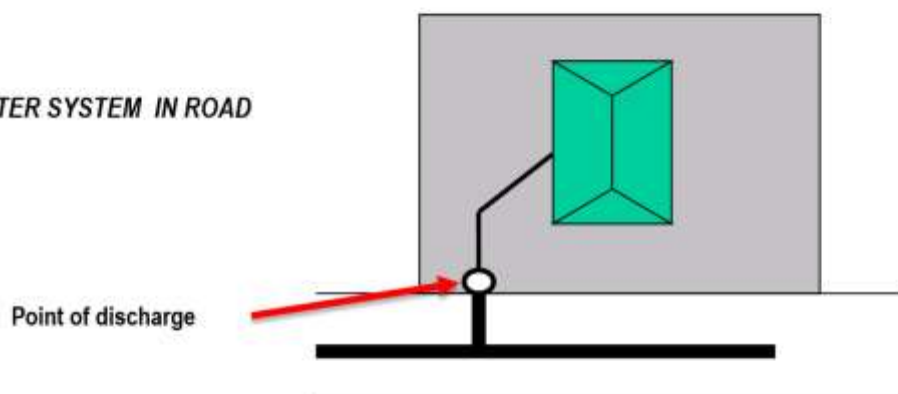


Figure 1(b).

CROSS-LEASE OR UNIT TITLES WITH SEPARATE SERVICES

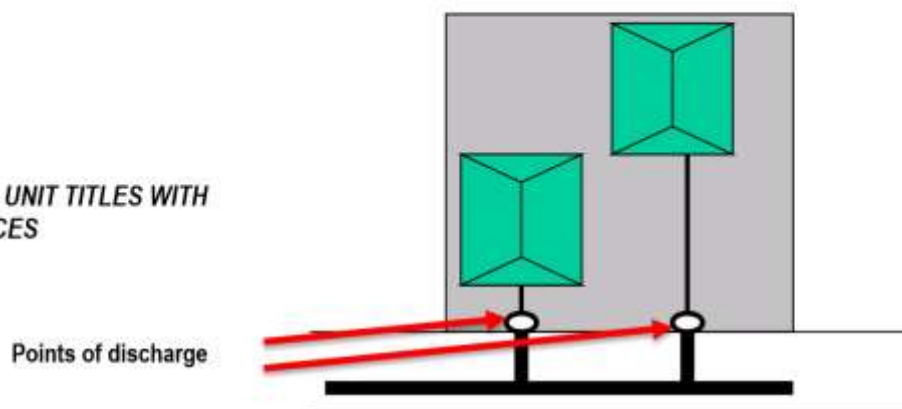


Figure 1(c).

NO COUNCIL EASEMENT OVER ROW TO REAR PROPERTIES

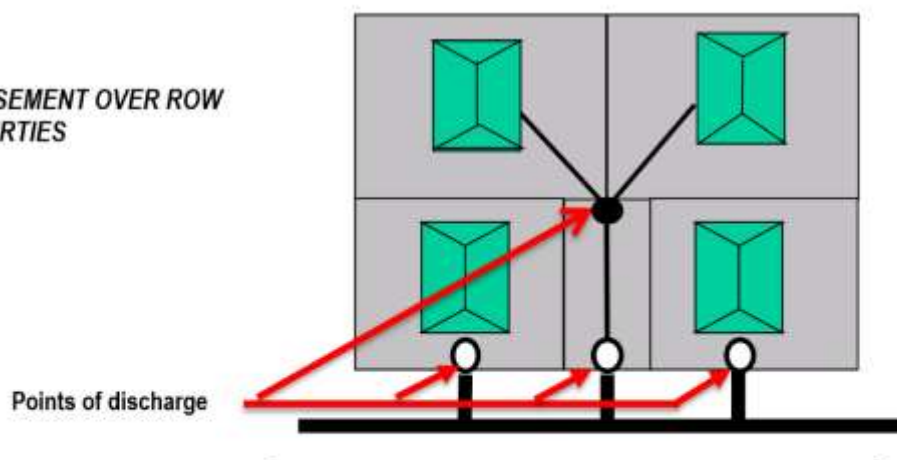




Figure 1(d).

CROSS-LEASE OR UNIT TITLE  
PROPERTIES SHARING ONE SERVICE

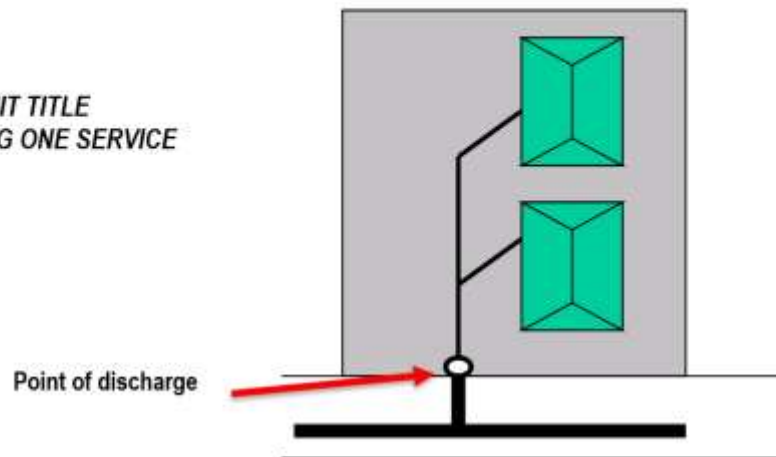


Figure 1(e).

PUBLIC WASTEWATER SYSTEM  
PASSING THROUGH PRIVATE PROPERTY

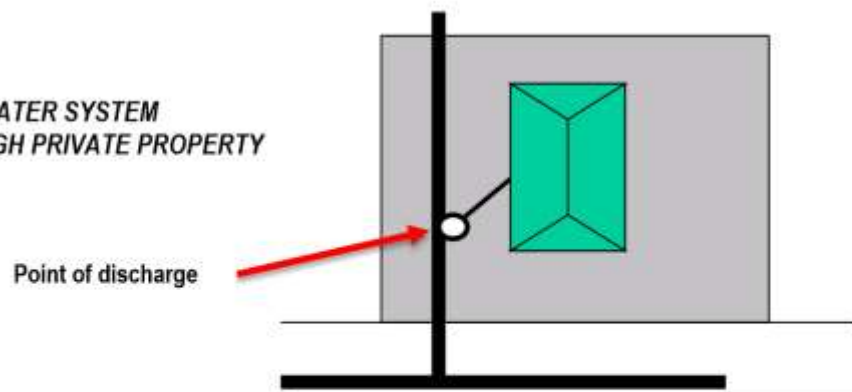


Figure 1(f).

COUNCIL EASEMENT OVER  
RIGHT OF WAY TO REAR  
PROPERTIES

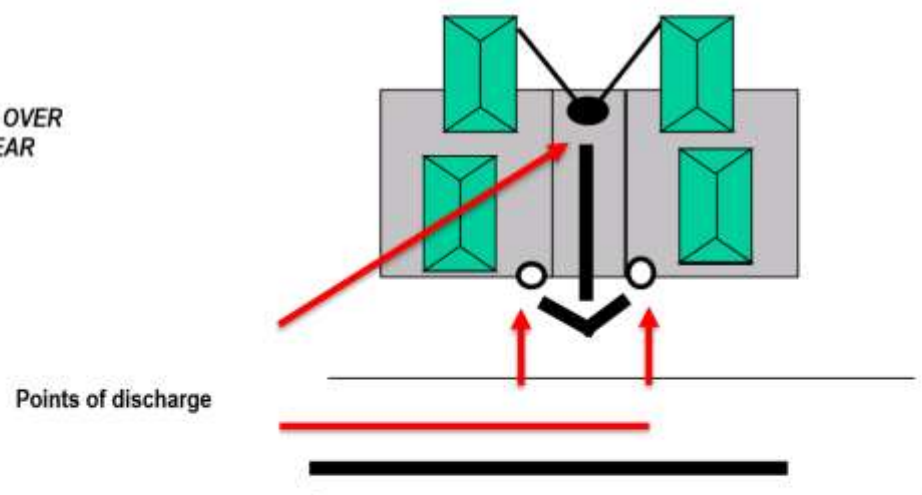
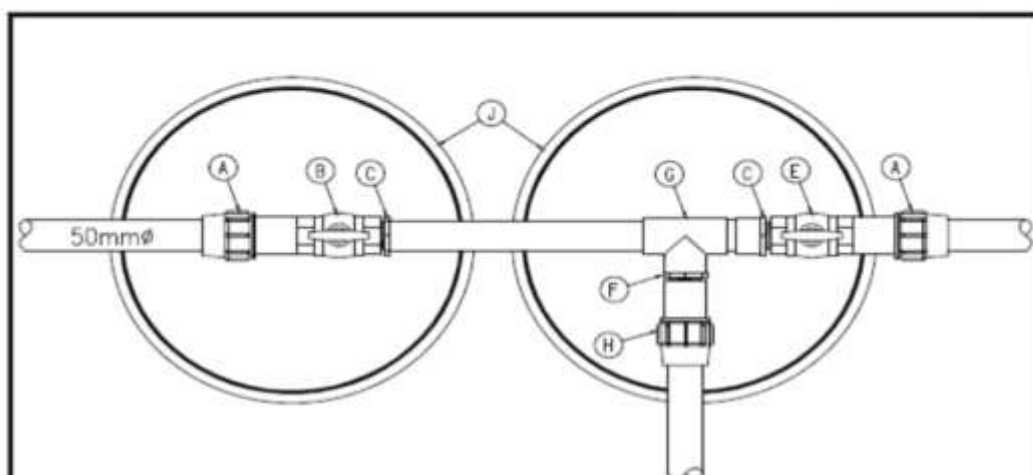




FIGURE 2 - ISOLATION VALVE DIAGRAM



TYPICAL ISOLATION VALVE DETAIL PLAN

Scale 1:10

Description

- A - 50mm x 3" BSP Male Coupling
- B - 50mm Brass Ball Valve
- C - 50mm Valve Spigot
- D - 50mm Valve Socket
- E - 50mm Brass Ball Valve
- F - 50mm Valve Spigot
- G - 50mm Tee
- H - 50mm x 3" BSP Female Coupling
- J - 610mm  $\phi$  x 450mm Riser, 610mm fibreglass lid & 4 bolts (not shown)

TYPICAL ISOLATION VALVE DETAIL



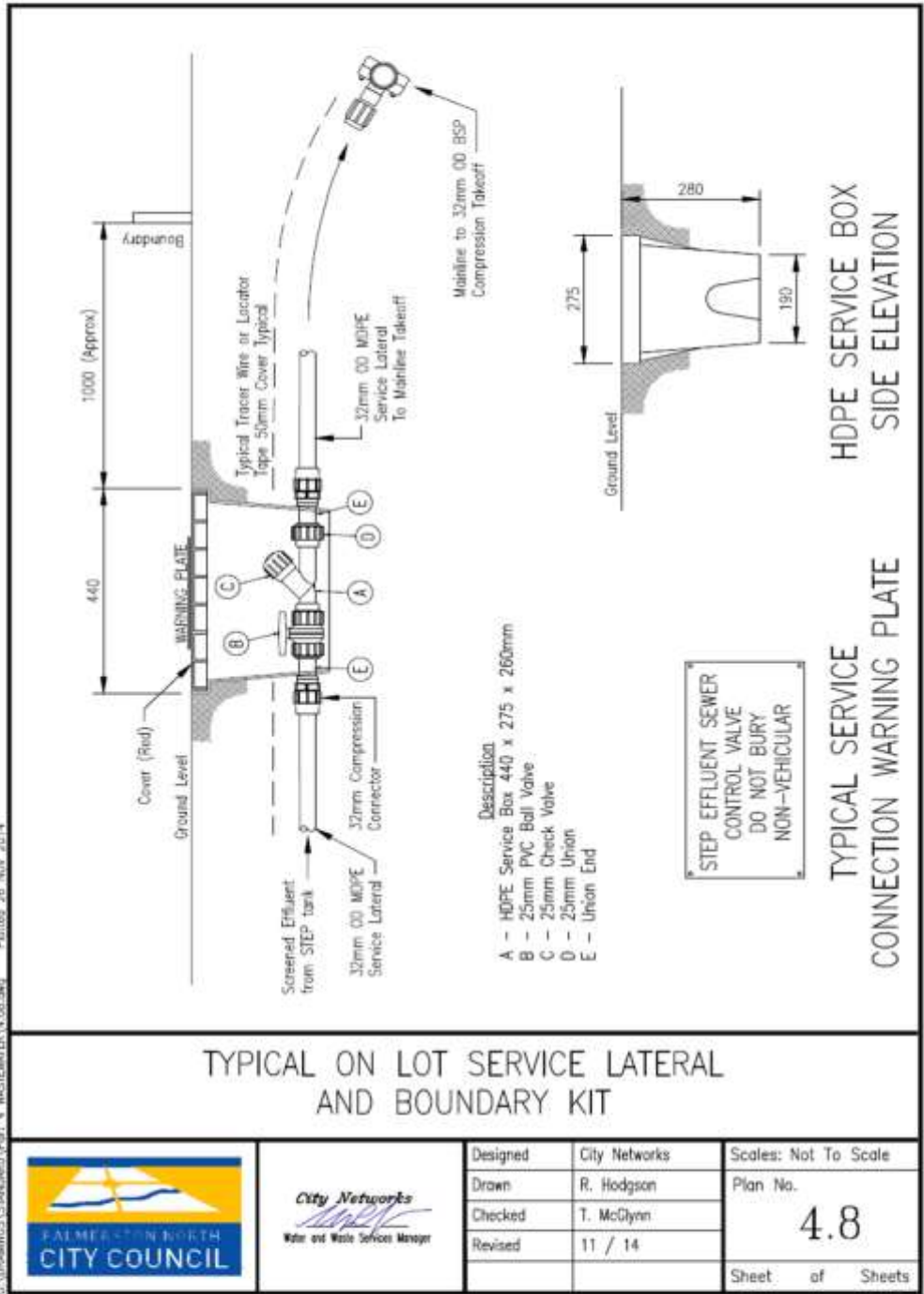
*City Networks*  
Water and Waste Services Manager

Designed	City Networks	Scales: Not To Scale
Drawn	R. Hodgson	Plan No.
Checked	T. McGlynn	4.7
Revised	11 / 14	Sheet of Sheets

C:\Users\KCS\STANDARD\Part 4 WASTEWATER\4.07.dwg Plotted 25 NOV 2014



FIGURE 3 – TYPICAL ON LOT SERVICE LATERAL AND BOUNDARY KIT





## **5. DISCONNECTION BY CUSTOMER**

- 5.1. A Customer must give 15 working days' notice in writing of their intention to demolish or remove a building connected to the wastewater system.
- 5.2. Demolition or removal must not commence until the property has been disconnected from the wastewater system by the Council or an authorised agent.
- 5.3. A customer must give 15 working days' notice in writing to the Council of their requirement for disconnection of the discharge connections if relaying of the private drain is required.

## **6. LEVEL OF SERVICE**

- 6.1 The Council shall provide wastewater services in accordance with the level of service contained in the Long Term Plan of the Council.
- 6.2 The Council does not guarantee an uninterrupted wastewater service, but shall make every reasonable attempt to provide continuity of service.
- 6.3 Where physical works are planned which will substantially affect an existing wastewater service, the Council shall give reasonable notice to those who are known to be affected.
- 6.4 Where it is not practical to provide notification of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and notification will be provided as soon as possible.
- 6.5 The Council is not liable for any costs, expenses damages or losses of any character and from any cause arising from loss of a wastewater service.

## **7. EMERGENCY**

- 7.1. Natural hazards or accidents beyond the control of the Council that result in disruptions to the ability of the Council to receive wastewater will be deemed an emergency.
- 7.2. 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.
- 7.3. The decision to make and lift restrictions shall be made by the Council, or where immediate action is required by an authorised officer of the Council.

## **8. BLOCKAGES**

- 8.1. If a customer's gully-trap is overflowing or if a customer has other reasons to suspect a blockage, the customer must first call a registered drainlayer to clear and remove any blockage in their private drain.
- 8.2. If the registered drainlayer finds that the blockage is within the public wastewater system, then the registered drainlayer must contact the Council who must clear and remove the blockage and clean up all affected areas.



- 8.3. The Council shall reimburse the customer for actual and reasonable costs incurred in paying the registered drainlayer to identify the location of the blockage, provided that:
- a) The blockage has not been forced downstream into the public system in the act of clearing it from the private drain; and
  - b) The customer has not been negligent in discharging a non-acceptable wastewater; and
  - c) The blockage has not been caused by roots coming from a tree within the customer's property or neighbour's property.
- 8.4. If subsequently, the blockage is found to be the fault of the customer, the Council may choose to recover the costs of the unblocking work from the customer.
- 8.5. For private pumping systems the boundary kit remains the property of the landowner. The landowner is responsible for maintenance and repair.

## **9. INFLOW AND INFILTRATION**

- 9.1. Stormwater must be excluded from the wastewater system by ensuring that:
- a) There is no direct connection of any stormwater pipe or drain to the wastewater system - unless the wastewater system has been specifically designed as a combined wastewater/stormwater system; and
  - b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels; and
  - c) Inspection covers are in place and are appropriately sealed; and
  - d) New drainage is constructed in accordance with Council's Engineering Standards for Land Development.
- 9.2. For large impervious areas (e.g. stock yards or truck washing facilities), specific provision must be made for a permanent barrier that will prevent water from the impervious area from entering the wastewater system.
- 9.3. Private drains must be kept and maintained in a state which is free from cracks and other defects that may allow Infiltration.
- 9.4. If stormwater runoff is found to be entering the system by way of private drains, then it is the owner's or occupier's responsibility to immediately fix, repair or replace the said pipe or pipes to a standard acceptable to Council.
- 9.5. If the owner or occupier fails to carry out required repair works, the Council will carry out the works under sections 186 and 187 of the Local Government Act 2002 and will recover the cost of the repair works from the customer.



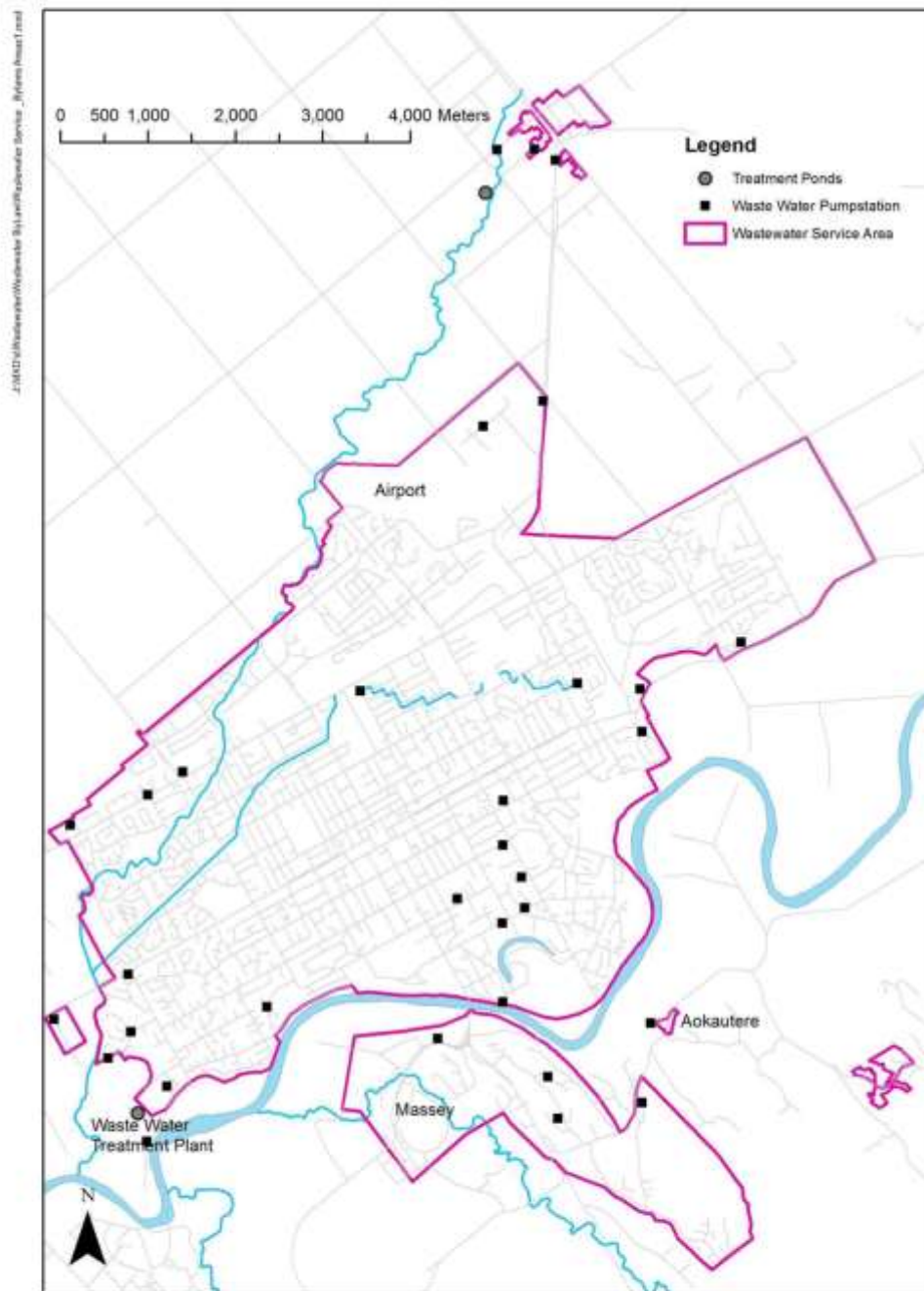
## **10. SWIMMING POOLS**

- 10.1. Customers with swimming or spa pools must 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 per second.



## APPENDIX 1 - PALMERSTON NORTH WASTEWATER AREA MAPS

Note: the following maps indicate the current wastewater service areas. These maps will be updated to reflect changes to the Council's wastewater service area.



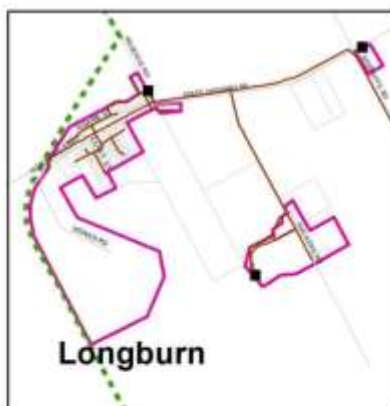
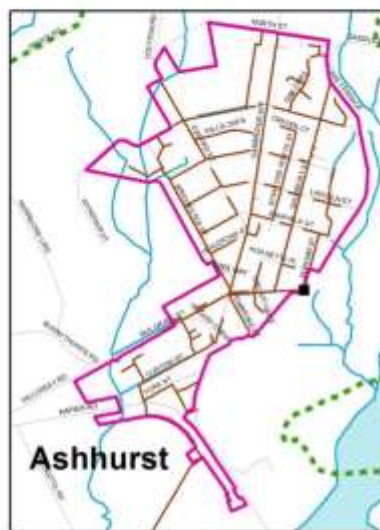
Sheet 1 of 2

**Palmerston North  
Wastewater Service Area**

December 2016  
scale 1:50,000

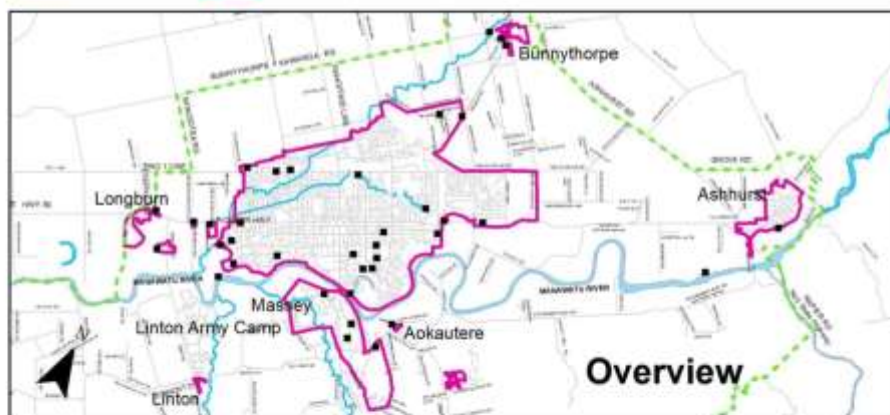


21/06/2017 10:00:00 AM Wastewater By-Law (Amendment Service - Hygiene Amendment 2017)



#### Legend

--- PNCC Boundary     Wastewater Service Area    • Waste Water Pumpstation



Sheet 2 of 2

### Palmerston North Wastewater Service Area

December 2016



## APPENDIX 2

## SERVICE CONNECTION APPLICATION FORM (SC1)



CN: \_\_\_\_\_

Use this application form to get connected to Palmerston North city's water supply, wastewater and stormwater systems. Refer to the application notes at the end of the form for guidance if required.

(Approval of this Service Connection maybe subject to payment of Development Contributions)

APPLICANT DETAILS	CONTACT DETAILS (If different)
Name: .....	Name:.....
Mailing Address:.....	Mailing Address.....
.....	.....
.....	.....
Phone:.....	Phone:.....
Email: .....	Email: .....
Would you prefer your approved application sent by email or posted?	
Email <input type="checkbox"/>	Posted <input type="checkbox"/>

PROJECT LOCATION
Site Address: .....
Legal Description (From certificate of title or rates): .....
Does this water/sewer/stormwater service application relate to a Resource or Building Consent for the development of the property?
Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please provide the Resource/Building Consent Number:.....
Also, if known, the Consent type and Description:.....

TYPE OF PROJECT	
(Tick as Required)	
Subdivision <input type="checkbox"/>	Existing Building <input type="checkbox"/> New Building <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/>
CONNECTIONS REQUIRED AND SIZE OF CONNECTIONS	
(Tick as Required)	
Sewer <input type="checkbox"/>	Stormwater to Kerb <input type="checkbox"/> Stormwater to Main <input type="checkbox"/> Water <input type="checkbox"/>
Sewer diameter:_____	Stormwater diameter:_____ Water diameter:_____
<b>Special Requirements:</b>	
.....	
If you are applying for a water connection please fill out the backflow assessment.	



## Backflow Assessment

You may need a backflow preventer device to protect the city's water supply. This assessment will help Council determine what type of backflow prevention device you will need. Please tick all boxes that apply. Residential applicants, start at section 2.

### 1. High Hazard

Medical/Dentist/Vet Clinic	<input type="checkbox"/>	Commercial laundry	<input type="checkbox"/>
Sewage Pump Station/Sump ejectors	<input type="checkbox"/>	Vehicle Wash Station	<input type="checkbox"/>
Food preparation facilities	<input type="checkbox"/>	Airport, pier or dock	<input type="checkbox"/>
Photography labs/x-ray facilities	<input type="checkbox"/>	Mortuary	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	Pest Control	<input type="checkbox"/>
School/University with laboratories	<input type="checkbox"/>	Beauty/Hair salon	<input type="checkbox"/>
Horticultural or commercial garden			<input type="checkbox"/>
Commercial building (e.g. direct heat exchanger, fire sprinkler systems, separate building hydrant systems)			<input type="checkbox"/>
Fire/cooling systems with chemicals (e.g. antifreeze, biocides)			<input type="checkbox"/>
Water treatment facilities (e.g. chlorinators, auxiliary supplies, demineralising equipment etc)			<input type="checkbox"/>
Industrial and Trade Waste (e.g. boiler, chiller, make up tower, stripping tanks)			<input type="checkbox"/>
Use of hydrants for purging of flammable/explosive gases			<input type="checkbox"/>
Rural water supply (e.g. livestock water supply without added chemicals)			<input type="checkbox"/>

### 2. Medium Hazard

Recirculated water system	<input type="checkbox"/>	Rain water collection	<input type="checkbox"/>
Pools or spas	<input type="checkbox"/>		
Water treatment system (e.g. deionised water, reverse osmosis units, equipment cooling without chemicals)			<input type="checkbox"/>

### 3. Low Hazard

Childcare facility	<input type="checkbox"/>	Residential premises with hose tap	<input type="checkbox"/>
Drinking fountains			<input type="checkbox"/>
Cafe/Restaurant (Drink dispensers with carbonators, coffee machines, dishwashers, ice maker, etc.)			<input type="checkbox"/>
Commercial premises with potential change of use (Domestic sanitary fixtures only)			<input type="checkbox"/>



### APPROVED CONTRACTOR

Only fill out this if you have already entered into an agreement with an Approved Contractor.

Name of Approved Services Contractor:

.....

A list of approved contractors and their contact details can be found on the PNCC website.

Do not begin work until you receive approval from the Council with any conditions and specifications and you have notified the Council who your approved contractor is.

The contractor must carry out all associated work. The contractor will need a copy of the permit with any conditions and the approved site plan with them on site.

### Please attach the site drainage plans

Site drainage plans should indicate:

- Layout and details of stormwater drains, subsoil drains, sumps and ancillary work.
- Layout and details of wastewater drains and ancillary work.
- Layout and details of water mains and ancillary work.
- Floor level heights to official Council datum (not assumed datum).
- Diameters of pipe connections (stormwater, water and sewer).
- Trees
- The position of the proposed connections together with marked distances to the nearest boundaries.

#### Note:

A detailed site plan showing property boundaries, existing services, and the proposed works must be attached to this application. The application cannot be approved without a plan.

The plan must show the preferred position of the connection, or the location of the connection to be removed, together with marked distances/measurements to the nearest boundaries (if a corner site, nominate street from which connection is to be taken).

Name: .....

Position:.....

Signature:.....

Date: ...../...../.....



## Palmerston North City Council Service Connection Application Notes

**Legal Description:** This will be completed by the Council Officer receiving the application or can be obtained from the rates demand for the property to be serviced by the customer.

**Wastewater - Special Requirements:** This will usually relate to commercial or industrial property. Some businesses may need a trade waste consent. Some may require grease traps or oil interceptors on their wastewater connection or require a manhole. For more information please refer to the Engineering Standards for Land Development sections 4.12 (wastewater drainage), 6.13 (stormwater drainage) and the Trade Waste Bylaw on the PNCC website.

**If you are applying by post:** Send the completed form and accompanying information with the application fee to: Development Services, Palmerston North City Council, Private Bag 11034, Palmerston North.

**Backflow Prevention Device:** All properties connecting to the water supply will require an appropriate backflow prevention device. The type of device will depend on the level of risk. Properties are classified into three degrees of risk and this will determine the type of backflow device required. High risks will require a reduced pressure backflow device, medium risks will require a testable double check valve backflow device and low risks will require either a registered air gap, a hose connection vacuum breaker or an approved manifold with backflow prevention function. Examples of high, medium and low risks are given on the PNCC website.

### Site Drainage Plans:

- The builder/contractor will be able to complete the floor level heights to official Council datum. Alternatively, a suitable reference point may be able to be obtained from Council on enquiry.
- Trees must be indicated on site drainage plans according to the Vegetation Framework for Palmerston North:

*The removal of trees on Council land is discouraged, where removal is simply to provide for new accesses for infill subdivision or house removal. All alternative options should be explored before removal is considered. Council's preference is to retain trees, especially healthy specimens. Removal will be at the discretion of Council.*

### Please be aware:

- Council may require aged connections to be removed which will be at the developer's/applicant's expense.
- Some commercial and residential properties may require a stormwater backflow prevention device. The Council is not liable for any backflow associated costs.
- Any backflow prevention device and/or water meter installed will be at the developer's/applicant's expense.
- Position of the approved service connections must not be altered on site without specific written approval.

### Further Information:

If you have any questions or require further information please contact Palmerston North City Council.  
Phone: 06 356 8199  
Web: [www.pncc.govt.nz](http://www.pncc.govt.nz)



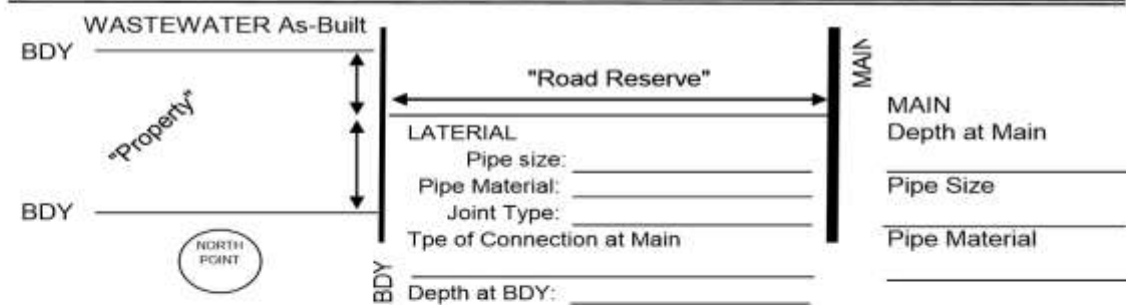
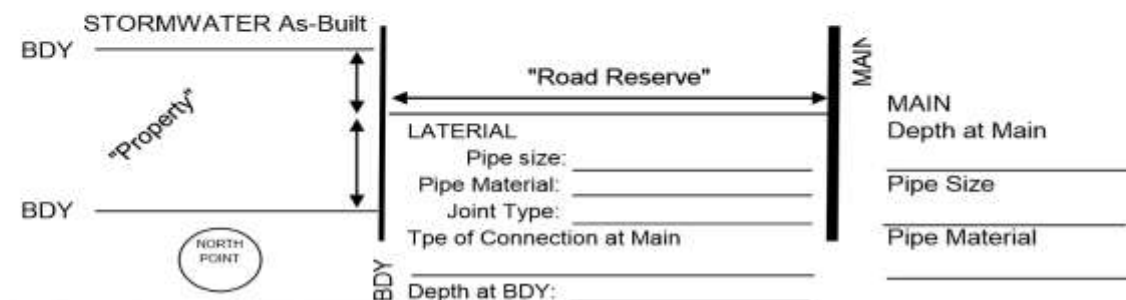
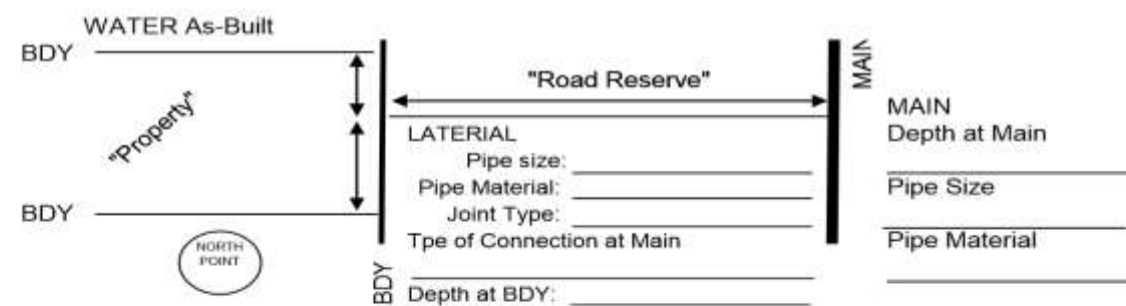
Site Address: \_\_\_\_\_

Contractor: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_



Back Flow Presenter  
BFP





## REPORT

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017

**TITLE:** Amendments to Waste Management and Minimisation Bylaw 2016  
- approval for consultation

**DATE:** 9 October 2017

**AUTHOR/S:** Peter Ridge, Policy Analyst, City Future

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### RECOMMENDATION(S) TO PLANNING AND STRATEGY COMMITTEE

1. That the Consultation Document on the proposed amendments to the Waste Management and Minimisation Bylaw 2016 and Administration Manual, attached as attachment 1 to this report, be approved for public consultation.
2. That delegated authority is given to the Chairperson and Deputy Chairperson of the Planning and Strategy Committee for the approval of minor amendments to the Consultation Document prior to publication.



# **SUMMARY OF OPTIONS ANALYSIS FOR PROPOSED AMENDMENTS TO THE WASTE MANAGEMENT AND MINIMISATION BYLAW AND ADMINISTRATION MANUAL**

## **ITEM 7**

<b>Problem or Opportunity</b>	A number of improvements and refinements to the Waste Management and Minimisation Bylaw and Administration Manual have been identified. In order to make these changes, community consultation is required.
<b>OPTION 1:</b>	<b>To consult on the proposed amendments to the Bylaw and Administration Manual</b>
Community Views	No community views have been sought yet.
Benefits	Feedback from the community on the proposed amendments.
Risks	There are no particular risks.
Financial	There are no particular financial impacts.
<b>OPTION 2:</b>	<b>To not consult on the proposed amendments to the Bylaw and Administration Manual</b>
Community Views	No community views have been sought yet.
Benefits	There are no particular benefits.
Risks	There may be risks to staff health and safety if the processes around collecting contaminated recycling containers are not revised.
Financial	There are no particular financial impacts.
<b>Contribution of Recommended Option to Council's Strategic Direction</b>	The Waste Management and Minimisation Bylaw, including the proposed amendments discussed in this report, contributes to the draft Eco-City Strategy, specifically through the draft Waste Plan's objectives to ensure the city's solid waste is adequately and affordably managed, and to maximise the proportion of waste diverted from landfill (e.g. through recycling, composting).



## **RATIONALE FOR THE RECOMMENDATIONS**

### **1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY**

- 1.1 Since the adoption of the Waste Management and Minimisation Bylaw 2016 officers have identified a number of improvements and refinements to both the Bylaw and the Administration Manual. A number of amendments are being recommended that will make enforcement of the Bylaw simpler and are expected to improve levels of compliance and reduce the costs arising from contaminated recycling collections.

### **2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS**

- 2.1 The Waste Management and Minimisation Bylaw was adopted in September 2016. Since that time, officers have been implementing the new bylaw and revising processes and systems to give effect to the new Bylaw. As a result of that work, a number of improvements and refinements have been identified which warrant amendment to the Bylaw. Amending the Bylaw requires community consultation.

### **3. DESCRIPTION OF OPTIONS**

- 3.1 There are effectively two options – to consult on the proposed amendments, or to not consult.
- 3.2 The first option – to consult on the proposed amendments – will allow the Council to seek community feedback on the suggested changes. Several of the changes are minor, and those that are not minor are not specific to any particular group or stakeholder. Accordingly, the consultation is proposed to be city-wide, with the public generally.
- 3.3 The suggested changes that would be consulted on include the following:
- Adding clause 19.3 to the Bylaw, to allow staff to refuse collection of a container that contains or is believed to contain offensive material. This also requires the addition of a new defined term – “offensive material.”
  - Add new point 18 to the Standard Conditions for Council Kerbside Collection in the Administration Manual, to give Council discretion to not empty contaminated containers, with guidance on the criteria for exercising that discretion.
  - Insert revised flowcharts in the Administration Manual – “Rubbish Bags” and “Wheelie Bin” (correct minor typos); “Three Strikes (simplified process with regards to contaminated recycling containers).
  - Minor amendments to correct typos, and to reflect changes in practice since the Bylaw was adopted (e.g. removing Bunnythorpe Transfer Station from



table of locations for depositing Approved Diverted Materials, remove batteries from the Prohibited Diverted Materials list/add to the table of Approved Diverted Materials for Ferguson Street Recycling Centre).

- Revising the wording of the terms and conditions for events waste management and minimisation to promote 100% usage of compostable materials for food packaging at events held on Council land or with Council funding.
- Updating the maps showing the Council Kerbside Collection areas and days of collection.

3.4 The second option – to not consult – would leave the Bylaw unchanged. The Council is required by the Local Government Act 2002 to consult before amending a Bylaw, so the proposed changes could not be made without consultation. Some of the very minor changes proposed to the Administration Manual could be made by resolution without consultation, however the substantive changes would still require consultation.

#### 4. ANALYSIS OF OPTIONS

4.1 The changes that are being proposed for consultation are mostly minor and reflect changes that have arisen as a result of implementing the new Bylaw. However, they will bring overall improvements to the delivery of the waste management and minimisation services covered by the Bylaw. For instance, as a result of a trial batteries will now be accepted as a diverted material at the Ferguson Street Recycling Centre.

4.2 Other changes are the result of refining processes following the adoption of the Bylaw in September 2016. In particular, the process for dealing with contaminated recycling collection containers was evaluated and a number of barriers were identified. The current process did not provide for immediate refusal to collect a recycling container where that container held offensive material. Ordinarily, a container would be collected if this was the first offence. However, in some instances, the level of contamination was such that it posed a risk to the health and safety of staff collecting and sorting those containers. Consequently, it is proposed to add clause 19.3 to the Bylaw to reserve to Council the right to refuse collection where the container contains offensive material. This broad power of discretion is tempered by the addition of point 18 in the Standard Conditions for the Kerbside Collection Service in the Administration Manual. It provides guidance for staff to determine the severity of contamination to justify non-collection of the container.

4.3 Supporting this change to the recorded process, a simplified “three strikes” flowchart is proposed. The new process now simply refers to “strike” notices, rather than identifying them as first, second or third strike notices. A single strike notice



will not result in a suspension of service. However, three or more strike notices will result in a suspension of service from four to eight weeks. Under this new process, repeated contamination of the recycling container will result in an escalated term of suspension. The new process also changes the way that officers undertake education for contaminated recycling containers. Rather than requiring a visit from an officer in person, the new process simply notes that a Council officer will make attempts to contact the property occupier to discuss the correct use of the service. This gives officers greater flexibility over methods of contacting the property occupier, allows limited staff resources to be used more effectively, and also addresses concerns for staff safety in dealing with sometimes aggressive property occupants.

4.4 The first option – to consult on the proposed amendments – has the advantage of allowing the Council to receive feedback from the community on the proposed changes. Community consultation often reveals additional issues that may not have been considered, or may suggest alternative approaches or refinements to the Council’s proposal.

4.5 The second option – to not consult on the proposed amendments – would leave the current Bylaw unaltered. This would require no further work from officers on this process.

## 5. CONCLUSION

5.1 The recommended option is option one – consult on the proposed changes to the Bylaw. This will enable the community to provide feedback on those changes.

## 6. NEXT ACTIONS

6.1 If the recommendations are accepted, then officers will start the consultation process, as outlined in section 7 below.

## 7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

7.1 The Special Consultative Procedure is not required to be used in this instance. However, the proposed community engagement exercise will follow a similar process. A written document (the Consultation Document) will be published to the Council’s website and will be available in hard copy at the Customer Services Centre and the central and branch libraries. The period for written submissions will run from 18 November to 20 December 2017. Hearings for oral submissions will be scheduled for February 2018, with deliberations on those submissions to follow in April.

7.2 The consultation process will be promoted through a mix of traditional and online media. A story will appear in the Square Circular, along with a press release outlining the scope of changes proposed. Posts will appear on Facebook and on Twitter




promoting the opportunity to make a submission. An online submission form will be available on the Council website.

- 7.3 Most of the proposed changes do not have a greater impact on any one group more than any other, and therefore this consultation process will be directed to the community in general. The changes to the terms and conditions for events waste management and minimisation are likely to be of interest to event organisers, and so they will be contacted directly and invited to make a submission.

### **COMPLIANCE AND ADMINISTRATION**

Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual Clause 168	
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>

### **ATTACHMENTS**

1. Consultation Document Amendments to Waste Management and Minimisation Bylaw 2016 - November 2017 [↓](#) 

Peter Ridge  
**Policy Analyst**





**Palmerston North City Council**  
**Amendment to Waste Management and Minimisation Bylaw**  
**2016 and Administration Manual**

**Consultation Document**





## Introduction

This consultation document proposes making a number of minor amendments to the current Waste Management and Minimisation Bylaw 2016 (the Bylaw) and the associated Administration Manual. The current Bylaw was adopted in September 2016, replacing the waste management provisions of the Nuisance Bylaw 2011. The purpose of this consultation document is to describe the proposal and explain why the Council is proposing to amend the Bylaw and Administration Manual.

## The Proposal

This proposal is to insert new clause 19.3 to the Bylaw, relating to collection of contaminated recycling containers. The new clause will read:

"19.3 Notwithstanding anything in clause 19.1 or 19.2, the Council reserves the right to immediately refuse collection of any approved collection container where it contains, or where the Council has reasonable grounds to believe that it contains, any offensive material."

Consequently, a new defined term would be inserted in clause 5, as follows:

**"Offensive material means:**

- (a) Any human or animal waste or human or animal remains;
- (b) Any material that creates a foul odour;
- (c) Any perishable waste such as vegetable or meat scraps; or
- (d) Any prohibited waste."

Supporting these proposed changes, a further change is proposed to the Administration Manual, which sets out the standard conditions for the Council's kerbside collection service. The proposal is to add new condition 18, to read:

"18. The Council reserves the right to determine the level of compliance with these terms and conditions that justifies non-collection of an approved collection container. In determining the level of compliance with these terms and conditions, the Council will have regard to the following factors:

- a. The volume of non-approved materials in the approved collection container (for instance, a negligible amount of non-approved materials may not warrant non-collection).
- b. The type of non-approved materials in the approved collection container (for instance, non-approved materials which can be readily identified and easily removed may not warrant non-collection).



- c. The condition of non-approved materials in the approved collection container (for instance, non-approved materials which are generally clean or inoffensive may not warrant non-collection)."

The Council is also proposing to amend three of the flowcharts in Part 4 of the Administration Manual, which relates to the workflow process that shows how the Council will determine compliance with the terms and conditions for the Council Kerbside Collection Service. Minor typos are corrected in the "Rubbish Bag" flowchart ("weight" corrected to "weigh") and the "Wheelie Bin" flowchart (missing "no" box inserted at the bottom of the flowchart).

The "Three Strikes" flowchart has been substantially simplified to provide a more streamlined process in response to repeated contamination of recycling containers. Under the proposed process, a contaminated recycling container will not be emptied regardless of the number of strikes, where currently the container is still emptied at the first strike. The obligations of Council officers to educate those property occupiers who have been issued a strike notice have also been revised. It is proposed that officers do not have to visit the property occupier to discuss the suspension and correct use of the recycling containers. Instead, officers will be required to make attempts to contact (for instance, by phone, letter or email, or in person, as appropriate) the property occupier to discuss the correct use of the service.

The table in Part 3 showing locations for approved diverted materials has been amended. Bunnythorpe Transfer Station, which has closed, is proposed to be removed from the table. A new line is added for batteries, which are now accepted for recycling at the Ferguson Street Recycling Centre. A consequent change is proposed under Prohibited Diverted Materials, reflecting that batteries are now accepted for recycling at the Ferguson Street Recycling Centre.

A number of minor typos are corrected throughout the document, and the maps showing the Council Kerbside Collection areas and days for collection have been updated.

## **Reason for the Proposal**

The reason for inserting new clause 19.3 (giving Council the ability to refuse immediately the collection of a recycling container that has been contaminated with offensive material) is to protect the health and safety of Council staff who collect, empty, and sort recycling. Since the adoption of the Bylaw it has become apparent that in spite of the "three strikes" approach used for dealing with contaminated recycling, some containers are being contaminated with offensive material which poses a hazard to Council staff. If staff are required to follow the current process, they would be obliged to empty the contaminated container and could only refuse to empty the container for a second offence. Staff have observed that the level of contamination of some recycling containers warrants non-collection in the first instance. Therefore, clause 19.3 is proposed to give Council staff the ability to refuse to collect and empty a recycling container contaminated with offensive material, as defined in the Bylaw.



The addition of condition 18 to the Standard Conditions for the Council Kerbside Collection Service in the Administration Manual supports this approach. The broad scope of clause 19.3 is tempered by clear and transparent guidance over how staff will determine whether the contamination should result in the container not being collected and emptied. There may be some instances where the volume, type or condition of the contamination is such that collection is possible. Condition 18 is thus included to provide assurances that staff will exercise appropriate judgement in determining whether the contamination is sufficiently serious to justify not collecting and emptying that container.

The reason for revising the "Three Strikes" flowchart is principally to simplify the process. Since the adoption of the Bylaw, Council staff have found it difficult to manage the different types of strike notice (first, second, and third strike notices). By simply calling them a strike notice, and recording the number of notices issued against a property, staff will be able to more effectively monitor and respond to instances of recycling contamination. Allowing for a recycling container to not be collected even after a single strike is consistent with the other proposed changes that allow for immediate non-collection for contamination of a container with offensive material. It also acknowledges that a strike notice is only issued where there is a clear failure to comply with the terms and conditions of the kerbside collection service. The reason for not requiring Council staff to visit the property occupier where a strike notice has been issued is principally because of concern for staff resources and health and safety.



## Consultation Process

Anyone can make a submission about the proposal described in this document. We encourage anyone with an interest in the issues raised in this proposal to make a submission.

This consultation document and the submission form can be found at:

- Palmerston North City Council website  
<https://www.pncc.govt.nz/yourcouncil/consultations/>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and
- Ashhurst Services Delivery Centre, 122 Cambridge Avenue, Ashhurst.

You are welcome to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at the Planning and Strategy Committee meeting, scheduled for February 2018. The date and time for hearings will be confirmed in the letter acknowledging your submission, and will also be advertised in the Tribune newspaper.

To get your submission to us, either:

Mail to: Amendments to Waste Management and Minimisation Bylaw 2016 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

Email to: [submission@pncc.govt.nz](mailto:submission@pncc.govt.nz) (write "Amendments to Waste Management and Minimisation Bylaw 2016 Submissions" in the subject)

Phone: 06 356 8199

Fax: 06 355 4115

**The submission period runs from 18 November  
until 4pm on Wednesday 20 December 2017**

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media and on the Council's website, unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at [info@pncc.govt.nz](mailto:info@pncc.govt.nz).





## **PALMERSTON NORTH**

### **WASTE MANAGEMENT AND MINIMISATION BYLAW**

**2016**

**(incorporating amendments as at 6 November 2017)**



## CONTENTS

<b>PART ONE - INTRODUCTION.....</b>	<b>3</b>
1. Title .....	3
2. Purpose .....	3
3. Commencement .....	3
4. Repeal .....	3
5. Definitions .....	4
<b>PART TWO – COUNCIL WASTE AND DIVERTED MATERIAL SERVICES .....</b>	<b>9</b>
6. Council Kerbside Collection.....	9
7. Council Waste and Diverted Material Facilities .....	9
8. Public Recycling Bins and Public Litter Bins .....	9
<b>PART THREE - LICENSING OF WASTE AND DIVERTED MATERIAL TRANSPORTERS AND COLLECTORS.....</b>	<b>11</b>
9. Licensing of Waste and Diverted Material Collectors.....	11
<b>PART FOUR - WASTE CAUSING HAZARD OR NUISANCE.....</b>	<b>13</b>
10. Accumulated Waste or Litter .....	13
11. Burial of waste .....	13
12. Interference with and Removal of waste or Recyclables.....	13
<b>PART FIVE – UNSOLICITED MAIL .....</b>	<b>14</b>
13. Unsolicited Mail Restricted .....	14
14. Exceptions to Unsolicited Mail Restrictions .....	14
<b>PART SIX – EVENTS .....</b>	<b>15</b>
15. Events Waste Management and Minimisation .....	15
<b>PART SEVEN - ADMINISTRATION.....</b>	<b>16</b>
16. Administration Manual and Delegations .....	16
17. Permits and Licences .....	17
18. Fees.....	17
<b>PART EIGHT - ENFORCEMENT .....</b>	<b>18</b>
19. Non-compliance with Terms and Conditions for Collection of Waste and Diverted Material .....	18
20. Non-compliance with Terms and Conditions for Council Waste and Diverted Material Facilities .....	18
21. Non-Compliance with Conditions of a Licence .....	18
22. Bylaw Breaches .....	19



## **PALMERSTON NORTH WASTE MANAGEMENT AND MINIMISATION BYLAW 2016**

### **PART ONE - INTRODUCTION**

#### **1. TITLE**

- 1.1 The title of this Bylaw is the "Palmerston North City Council Waste Management and Minimisation Bylaw 2016".

#### **2. PURPOSE**

- 2.1 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, sections 64 and 65 of the Health Act 1956, and section 12 of the Litter Act 1979. The purpose of this Bylaw is to:

- (a) Protect, promote and maintain public health and safety, by regulating the collection and disposal of Waste and Diverted Material;
- (b) Promote effective, efficient and safe collection, transportation, management, storage and disposal of Waste and Diverted Material;
- (c) Regulate and monitor Waste and Diverted Material Operators within the City through a licensing process, to support Council's Waste Minimisation Plan.

#### **3. COMMENCEMENT**

- 3.1 This Bylaw comes into force on 17 October 2016, except for Part Three which comes into force on 1 July 2017.

#### **4. REPEAL**

- 4.1 This Bylaw repeals the Palmerston North City Council Nuisance Bylaw 2011 Part 6: Clauses 15-20, Part 7: Clauses 21-26 and Part 8: Clauses 27-28 with effect from midnight on 16 October 2016.



## 5. DEFINITIONS

5.1 In this Bylaw, unless the context requires otherwise, the following definitions apply:

<b>Administration Manual</b>		means the Waste Management and Minimisation Bylaw Administration Manual passed by resolution of the Council at the same time as making this Bylaw and as amended from time to time under this Bylaw.
<b>Approved</b>		means authorised in writing by the Council.
<b>Approved collection bag</b>		means a bag approved for use in the Council kerbside collection service for approved waste. The characteristics of an approved collection bag are contained in Part 2 of the Administration Manual.
<b>Approved container</b>	<b>collection</b>	means a collection container approved for use in the Council kerbside collection service for approved diverted materials. The characteristics of an approved collection container are contained in Part 2 of the Administration Manual.
<b>Approved material</b>	<b>diverted</b>	means a material or class of material that has been approved for recycling at a waste and diverted materials facility or in the Council kerbside collection service. The types of approved diverted materials are listed in Part 3 of the Administration Manual, including whether they are accepted for collection through the Council kerbside collection service or at a waste and diverted materials facility.
<b>Approved waste</b>		means waste which has been approved for collection through the Council kerbside collection service. The types of approved waste are listed in Part 3 of the Administration Manual.
<b>Authorised officer</b>		means a person appointed or authorised in writing by the Council to act on its behalf in relation to this Bylaw.
<b>Bylaw</b>		means the Palmerston North Waste Management and Minimisation Bylaw 2016.



<b>City</b>		means the area within the boundary of Palmerston North City Council.
<b>Collection day</b>		means, the day allocated to the eligible property as shown on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
<b>Commercial waste</b>		means any scrap, waste material or refuse resulting from the conduct of any business, manufacture, process, trade, market or other industrial operation or undertaking.
<b>Commercial collector</b>	<b>waste</b>	means a person who collects, transports, and deposits for treatment or disposal any waste and/or diverted material.
<b>Commercial collector licence holder</b>	<b>waste</b>	means a commercial waste collector who holds a current commercial waste collector licence issued under this Bylaw.
<b>Controlled waste</b>		means waste which has been approved for collection through the Council kerbside collection service provided it meets the controlled waste conditions listed in Part 3 of the Administration Manual. The types of controlled waste are listed in Part 3 of the Administration Manual.
<b>Council</b>		means the Palmerston North City Council.
<b>Council collection service</b>	<b>kerbside</b>	means any collection service provided by, or under contract to, the Council for the collection of any approved or controlled waste or diverted material from eligible properties within the City.
<b>Council kerbside collection service area</b>		means the area highlighted on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
<b>Diverted material</b>		means anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded. This includes material able to be recycled.



<b>Eligible property</b>	means a property within the City that is on the collection route of any of the Council kerbside collection services as shown on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
<b>Green waste</b>	means garden waste such as lawn clippings, weeds and tree prunings but does not include food or kitchen waste.
<b>Hazardous waste</b>	means waste containing substances defined in Section 2 of the Hazardous Substances and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001.
<b>Household waste</b>	means waste resulting from domestic housekeeping operations. It includes waste similar to domestic waste that the Council has agreed to take from retail premises, businesses and offices where the Council provides a kerbside collection service.
<b>Licence</b>	means a licence issued by the Council in accordance with this Bylaw.
<b>Litter</b>	means any refuse, rubbish, animal remains, building materials, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature, but does not include waste or diverted materials placed for collections through the Council kerbside collection service or for collection by a commercial waste collector.
<b>Nuisance</b>	has the meaning given in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.
<b>Occupier</b>	means any person or company who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.



<b><u>Offensive material</u></b>	<p><u>means</u></p> <p><u>(a) any human or animal waste or human or animal remains;</u></p> <p><u>(b) any material that creates a foul odour</u></p> <p><u>(c) any perishable waste such as vegetable or meat scraps; or</u></p> <p><u>(d) any prohibited waste</u></p>
<b>Owner</b>	is the person or company whose name is on the certificate of title for the premises.
<b>Permit</b>	means a permit issued by the Council in accordance with this Bylaw.
<b>Person</b>	includes a corporation sole, and also a body of persons, whether corporate or unincorporated.
<b>Prohibited waste</b>	means waste which has been prohibited for collection through the Council kerbside collection service. The types of prohibited waste are listed in Part 3 of the Administration Manual.
<b>Property or Premises</b>	means land or buildings which are separately occupied.
<b>Public place</b>	means an area that is open to or used by the public and that is under the control of the Palmerston North City Council, or one of its Council Controlled Organisations and includes a road (whether under the control of Council or otherwise).
<b>Public litter bin</b>	means a bin placed in a public place that is under the control of the Council into which litter (other than those items prohibited by clause 8 of the Bylaw) may be placed.
<b>Public recycling bin</b>	means a bin placed in a public place that is under the control of the Council into which glass, plastics, tins, cans, clean paper and cardboard may be placed.



**Unsolicited mail**

means any printed material which is not addressed to a named person and includes any circular, leaflet, brochure, or flyer.

For the avoidance of doubt 'named person' does not include 'the householder', 'the owner', 'the occupier', or similar phrases that do not use the intended recipient's given or family name.

**Waste**

means

- (a) Anything disposed of or discarded;
- (b) Includes a type of waste that is defined by its composition or source (for example organic waste, electronic waste or construction and demolition waste);
- (c) To avoid doubt, includes any component or element of diverted material if the component or element is disposed of or discarded; and
- (d) Litter.

**Waste and diverted material facility**

means any land and associated improvements used for the handling, storage, processing and/or disposal of waste, diverted material or both by, or on behalf of the Council, and includes, but is not limited to, resource recovery parks, landfills and transfer stations.

**Waste Management and Minimisation Plan**

means the operative Waste Management and Minimisation Plan adopted by the Council under the Waste Minimisation Act 2008.



## **PART TWO – COUNCIL WASTE AND DIVERTED MATERIAL SERVICES**

### **6. COUNCIL KERBSIDE COLLECTION**

- 6.1 The Council may identify kerbside collection areas within which the Council will provide to eligible properties a kerbside collection for household waste and diverted materials. The Council's kerbside collection areas are shown in the Administration Manual.
- 6.2 The kerbside collection of household waste and diverted materials from eligible properties are subject to the terms and conditions for the Council's kerbside collection service as contained in the Administration Manual. These terms and conditions must be complied with, including terms and conditions relating to the use of the Council berm for this service.
- 6.3 No commercial waste will be collected by the Council unless the Council has given prior written agreement and subject to such conditions as Council sees fit, including, but not limited to, collection times, collection fees, waste type, and the form, manner or position in which the commercial waste shall be placed for collection.

### **7. COUNCIL WASTE AND DIVERTED MATERIAL FACILITIES**

- 7.1 The Council may provide facilities where users may deposit waste or diverted materials.
- 7.2 The use of such waste or diverted material facilities is subject to the terms and conditions for that facility contained in the Administration Manual.

### **8. PUBLIC RECYCLING BINS AND PUBLIC LITTER BINS**

- 8.1 The Council may provide public litter bins or public recycling bins for collecting litter or the diverted materials identified by signs placed on the public recycling bins.
- 8.2 No person may deposit in any public litter bin any offensive matter (excluding domestic animal waste), household waste, hazardous waste or any material which may be placed in a public recycling bin, if a public recycling bin is located in the same area.
- 8.3 No person may deposit in any public recycling bin any litter or any other material other than glass, plastics, tins, cans, clean paper or cardboard.



The correct type of bin must be used for the type of material being deposited, as designated on that bin.

- 8.4 The following conditions apply to public litter bins and public recycling bins:
- (a) No person may deposit into the bins any waste or diverted material that is generated from residential, commercial or industrial premises, or which would ordinarily be put out for collection by either the Council kerbside collection service or a similar non-Council collection service.
  - (b) No person may deposit or attempt to deposit any material into the bin if the bin is full or if depositing any material is likely to cause the bin to overflow.
  - (c) No person may remove anything from the bin unless authorised to do so by the Council or unless it represents an immediate threat to the health and safety of any person.
  - (d) No person may interfere with, damage or destroy any bin.



## **PART THREE - LICENSING OF WASTE AND DIVERTED MATERIAL TRANSPORTERS AND COLLECTORS**

### **9. LICENSING OF WASTE AND DIVERTED MATERIAL COLLECTORS**

- 9.1 Any person involved in the removal, collection or transportation of more than ten (10) tonnes of approved waste or diverted material in any one twelve (12) month period within the City must have a commercial waste collector licence issued by the Council.
- 9.2 The application form for a commercial waste collector licence, and the information required on that form, will be in the Administration Manual.
- 9.3 A commercial waste collector licence may be granted subject to conditions, including, but not limited to, the conditions listed in the Administration Manual.
- 9.4 When exercising its discretion to grant a Licence and determining the conditions to be imposed in respect of it, the Council may take into account the following non-exhaustive list of factors:
  - (a) The quantity and type of waste or diverted material to be removed, collected, transported, treated or disposed;
  - (b) The methods employed for the removal, collection, transportation, storage, treatment or disposal of waste or diverted material including the identity of the waste and diverted material facility at which it is proposed that treatment or disposal will occur;
  - (c) The frequency and location of the waste or diverted material collection, removal, and transportation services;
  - (d) The specifications of the vehicles, equipment and containers to be used for the collection, removal, transportation, treatment or disposal of waste or diverted material;
  - (e) The applicant's experience, reputation and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions;
  - (f) The terms and conditions under which such disposal of waste or diverted material is permitted and the existence of, or need for, any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal.
- 9.5 A licenced collector must comply with all terms and conditions of the licence.



- |
- 9.6 The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms and obligations of the licence or acts in a manner which the Council reasonably considers is not suitable for a commercial waste collector.

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## **PART FOUR - WASTE CAUSING HAZARD OR NUISANCE**

### **10. ACCUMULATED WASTE OR LITTER**

- 10.1 No occupier of any land or building (or in the case of unoccupied land or buildings, the owner) may permit or allow any waste to accumulate or remain in or upon any building or land which is, in the opinion of an authorised officer, likely to be a nuisance, injurious to health, a fire risk, cause an offensive smell or is otherwise offensive, or be a source of litter or harbour vermin.
- 10.2 Where an occupier or owner is in breach of clause 10.1, an authorised officer may issue to the occupier or owner of the premises on which the waste or litter has accumulated a Notice of Removal. The notice must specify the manner and time by which the waste must be disposed of.
- 10.3 If the owners or occupiers of the property fail to comply with the notice, or where in the opinion of the authorised officer removal and disposal of the waste is urgent, then an authorised officer may remove the accumulated waste and recover the costs of the removal and disposal of the waste from the owners or occupiers.

### **11. BURIAL OF WASTE**

- 11.1 No person shall bury any non-biodegradable waste of any kind without the appropriate consents from Manawatu-Wanganui Regional Council and Palmerston North City Council.
- 11.2 For the avoidance of doubt, a consent from Manawatu-Wanganui Regional Council may also be required before burying biodegradable waste.

### **12. INTERFERENCE WITH AND REMOVAL OF WASTE OR RECYCLABLES**

- 12.1 The interference with or removal of waste or recyclables from any public place is prohibited by anyone other than either the Occupier or Owner of the property from which the waste or recyclables were generated, or a person authorised by that Owner or Occupier, or an Authorised Officer.



## **PART FIVE – UNSOLICITED MAIL**

### **13. UNSOLICITED MAIL RESTRICTED**

13.1 No person may deposit, cause, permit or authorise the deposit of any unsolicited mail:

- (a) in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;
- (b) on any vehicle parked in a public place;
- (c) in a letterbox that is already full of mail and/or advertising materials.

### **14. EXCEPTIONS TO UNSOLICITED MAIL RESTRICTIONS**

14.1 Clause 13 shall not apply to any:

- (a) material from any government department or agency, crown entity, local authority, material from a network utility relating to the maintenance, repair, servicing or administration of that network utility, political party or political candidate, charity, or community newsletter;
- (b) newspaper or community newspaper, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.



## PART SIX – EVENTS

### 15. EVENTS WASTE MANAGEMENT AND MINIMISATION

- 15.1 All events held on Council land or with Council funding must comply with the terms and conditions for Events Waste Management and Minimisation contained in the Administration Manual.
- 15.2 The Council may require an event organiser to prepare an Events Waste Management and Minimisation Plan for the event and submit it to the Council for approval, and adhere to that approved Events Waste Management and Minimisation Plan.
- 15.3 If the Council requires an event organiser to prepare an Events Waste Management and Minimisation Plan, then the Council will:
- (a) Give the event organiser as much notice as possible but at least 20 working days' notice prior to the event being held of the need to prepare an Events Waste Management and Minimisation Plan; and
  - (b) Provide assistance and advice to the event organiser to develop the Events Waste Management and Minimisation Plan.
- 15.4 The Council reserves the right to monitor and assess any event for compliance with the requirements of this section, and the effectiveness of any waste minimisation plan at minimising the amount of waste generated at the event. The outcomes of that assessment may be considered when determining whether the event organiser is given permission to use Council land for that event, or whether Council funding is granted for that event, in the future.



## PART SEVEN - ADMINISTRATION

### 16. ADMINISTRATION MANUAL AND DELEGATIONS

- 16.1 The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. The Administration Manual may from time to time be amended by resolution of the Council and all matters over which the Administration Manual defines, regulates, control or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of the Council under section 151(2) of the Local Government Act 2002.
- 16.2 Before amending the Administration Manual the Council will consult in accordance with the decision-making requirements of S82 of the Local Government Act 2002.
- 16.3 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.
- 16.4 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 including the following without limitation:
- (a) Specify forms and procedures for the effective administration of the bylaw;
  - (b) Make any decision or determination required in this Bylaw in order to administer it;
  - (c) Make decisions regarding whether or not a permit or licence should be granted, and the terms and conditions of that permit or licence including standard conditions and variations
  - (d) Make decisions regarding suspension, withdrawal or removal of a permit or licence.
- 16.5 All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw called the Waste Management and Minimisation Bylaw Administration Manual, and shall be available to the public.
- 16.6 Every exercise of a power of delegation under this clause must be publicly reported to Council at least annually, if not exercised by Council by resolution, provided that failure to report does not invalidate the exercise of the delegate's power.



## **17. PERMITS AND LICENCES**

- 17.1 Where an activity under this Bylaw requires a permit or licence from the Council, the person seeking a permit or licence must:
- Complete the required application form;
  - Pay the applicable fee;
  - Comply with any requirements set as conditions of that permit or licence.
- 17.2 A permit or licence 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.
- 17.3 For the avoidance of doubt and only in exceptional circumstances, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 17.4 A permit or licence is personal to the applicant and is not transferable.
- 17.5 An authorised officer may revoke or suspend any permit or licence 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 to protect public health and safety or to minimise nuisance.

## **18. FEES**

- 18.1 The Council may charge a fee for receiving and processing an application for a licence or permit, and for issuing that licence or permit.
- 18.2 The Council may set fees payable for the use of services provided through this Bylaw (including the use of Council waste and diverted material services).
- 18.3 The Council must prescribe a fee for any permit or licence issued under this Bylaw in accordance with section 150 of the Local Government Act 2002.



## PART EIGHT - ENFORCEMENT

### 19. NON-COMPLIANCE WITH TERMS AND CONDITIONS FOR COLLECTION OF WASTE AND DIVERTED MATERIAL

19.1 Where an owner or occupier of an eligible property does not comply with clause 6 of the Bylaw then the Council may, in its discretion, choose not to collect the bag or choose not to empty material from the collection container. The Administration Manual contains the current policies of the Council that will inform the exercise of the Council's discretion.

**19.2** The Council may choose to suspend a kerbside collection service to any premises as a result of a serious, repeated, or ongoing breach of clause 6 of the Bylaw. The service to the premises may be suspended until the owner or occupier of that premises satisfies the Council on reasonable grounds that the Bylaw will be complied with. The Administration Manual contains the current policies of the Council that will inform the exercise of the Council's discretion. The targeted rate charged by the Council for any kerbside collection service will continue to be payable for that premises while the service is suspended.

**19.2.19.3** Notwithstanding anything in clause 19.1 or 19.2, the Council reserves the right to immediately refuse collection of any approved collection container where it contains, or where the Council has reasonable grounds to believe that it contains, any offensive material.

### 20. NON-COMPLIANCE WITH TERMS AND CONDITIONS FOR COUNCIL WASTE AND DIVERTED MATERIAL FACILITIES

20.1 Where a person does not comply with clause 7 of the Bylaw the Council may:

- (a) Refuse to accept any or all of the items intended to be deposited at that facility;
- (b) Issue a trespass notice against that person to prevent them from using the facility;
- (c) Suspend that person's use of any service provided by the Council at any or every waste collection service or facility

### 21. NON-COMPLIANCE WITH CONDITIONS OF A LICENCE

21.1 Where a licence holder does not comply with the terms and conditions of the licence, the Council may take one or more of the following steps:

- (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
- (b) Review the licence, which may result in:
  - (i) amendment of the licence; or
  - (ii) suspension of the licence; or
  - (iii) withdrawal of the licence.

18



- (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
- (d) Review the amount and nature of the performance bond or security, which may result in:
  - (i) an increase of the amount of the performance bond or security;
  - (ii) a change to the nature of the security that has been provided.

## 22. BYLAW BREACHES

- 22.1 Notwithstanding clauses 19-21 of the Bylaw, a person who fails to comply with the 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.
- 22.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008, or the Health Act 1956 is liable to a penalty under that Act.
- 22.3 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, the Litter Act 1979, the Waste Minimisation Act 2008, and the Health Act 1956.





PALMERSTON NORTH CITY

# **WASTE MANAGEMENT AND MINIMISATION BYLAW**

**2016**

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## **Administration Manual**

**(incorporating amendments as at 6 November 2017)**



**Document control**

Version No.	Reason for amendment	Date
1.0	Adopted by Council	26 September 2016

**Authorisation**

	Name	Signature	Date
Prepared by			
Reviewed by			
Authorised by			



## PART 1 – INTRODUCTION

The purpose of this Administration Manual is to provide information complementary to the Waste Management and Minimisation Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are likely to be amended before the Bylaw is reviewed. This approach has been adopted to simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw.

The Administration Manual is made under the bylaw, and governs the implementation and operation of the bylaw. The Administration Manual is a public document, and is available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be made by a resolution of Council and either the General Manager for City Networks or the Water and Waste Services Manager will sign off any changes made to this document as a result of such resolution.



## **PART 2 – STANDARD CONDITIONS FOR COUNCIL KERBSIDE COLLECTION AND WASTE AND DIVERTED MATERIALS FACILITIES**

The following conditions apply to the Council kerbside collection service.

### **Conditions for Waste Collection (“rubbish bag collection”)**

1. Only an approved collection bag may be used for waste. An approved collection bag is one that has the Council logo displayed on it, and is available to purchase from Council offices, or retail outlets within Palmerston North. The maximum acceptable weight for a single collection bag is 10 kilograms.
2. The approved collection bag must be placed for collection on the berm or verge outside the property no later than 7.30am on collection day, must be visible from the road, and must not impede pedestrian or vehicular traffic. Where there is no berm or verge the approved collection bag must be placed immediately outside the property boundary facing the road, provided that doing so will not pose a hazard to vehicular or pedestrian traffic. The property occupier remains responsible for any waste that may escape (for example, due to interference from animals) from the collection bag before it is collected.
3. There are three categories of waste: approved, controlled and prohibited waste, defined in part three of the Administration Manual. No prohibited items may be placed in an approved collection bag.
4. The Council may refuse to collect an approved collection bag if the above conditions are not met. In the event of non-collection of an approved collection bag, the occupier of the property must remove the collection bag from the berm or verge.

### **Conditions for Diverted Material Collection (“wheelie bin and glass crate”)**

#### **General**

1. Only an approved collection container may be used for diverted materials. An approved collection container is one that has the Council logo, or both the Council logo and a Council-registered identifier on it.
2. Only approved diverted materials may be placed in the collection container. A table of approved diverted materials which may be placed



in the approved collection container is included in Part 3 of the Administration Manual.

3. An approved collection container must not be filled or loaded such that the lid (if applicable) cannot be closed, or that the contents extend over the top edge of the container, or so that the contents cannot flow freely from the container.
4. Once it has been placed on the berm or verge for collection, no person may deposit into, or remove anything from, an approved collection container other than the occupier of the property or an authorised officer.
5. The property occupier remains responsible for any materials that may escape from the approved collection container before it is collected.
6. The maximum acceptable weights for approved collection containers are as follows:
  - a. Glass (45 litre black plastic crate): 18 kilograms
  - b. Other diverted materials (black wheelie bin with orange lid): 100 kilograms for 240 litre wheelie bin; 40 kilograms for 80 litre wheelie bin.

#### Ownership

7. Approved collection containers for approved diverted materials are allocated to eligible properties and shall remain at the eligible properties at all times for use in the Council kerbside collection service. Additional approved collection containers may be supplied on request to the Council, subject to the payment of an additional annual fee, as set out in the Council's Schedule of Fees and Charges.
8. Approved collection containers are supplied by the Council direct to the property occupier. Where the occupier of the property is not the owner of the property, the owner must not withhold from the occupier the approved collection containers supplied by the Council.
9. The approved collection containers remain the property of the Council and must not be intentionally damaged, altered, or disposed of or used for any purpose other than the Council kerbside collection service. The owner of the property will be liable for the cost of any replacement or repairs necessary to reinstate the approved collection containers to their operable state.
10. The Council reserves the right to use measures, whether electronic or otherwise, to identify and locate approved collection containers.
11. The Council reserves the right to recover or repossess any approved collection container where that container is not used at the eligible property to which it has been allocated.

#### Placement

12. The approved collection container must be placed for collection on the berm or verge outside the property no later than 7.30am on collection day, must be visible from the road, and must not impede any pedestrian or vehicular traffic. Where there is no berm or verge the approved collection ~~bag~~ container must be placed immediately outside the

3



property boundary facing the road, provided that doing so will not pose a hazard to vehicular or pedestrian traffic.

13. Collection containers should not be placed closer than 0.5m to another collection container or other permanent structure, or fixed or secured to any other container or structure.
14. No items should be placed on top of an approved collection container.

#### Timing

15. The approved collection container must be removed from the berm or verge before 7.30pm on collection day, and must be stored on the property to which it is assigned.

#### Nuisance

16. Where an approved collection container is causing an offensive odour, or is attracting vermin, the occupier is responsible for cleaning the container to remove the nuisance.

#### Refusal to collect

17. The Council may refuse to collect an approved collection container if the above conditions are not met. In the event of non-collection of an approved collection container the occupier of the property must remove the collection container from the berm or verge and store the container on the property to which it is assigned.
18. The Council reserves the right to determine the level of compliance with these terms and conditions that justifies non-collection of an approved collection container. In determining the level of compliance with these terms and conditions, the Council will have regard to the following factors:
  - a. The volume of non-approved materials in the approved collection container (for instance, a negligible amount of non-approved materials may not warrant non-collection.)
  - b. The type of non-approved materials in the approved collection container (for instance, non-approved materials which can be readily identified and easily removed may not warrant non-collection).
  - a.c. The condition of non-approved materials in the approved collection container (for instance non-approved materials which are generally clean or inoffensive may not warrant non-collection).



**Conditions for use of Waste and Diverted Material Facilities ("transfer stations and recycling centres")**

1. All users of waste and diverted material facilities must comply with all instructions or directions provided by the site operator or site staff.
2. All users of waste and diverted materials facilities must comply with all health and safety signage.
3. All users of waste and diverted materials facilities must pay the appropriate fee (where applicable) before unloading and depositing items.
4. All items must be deposited into the appropriate container or area or as advised by staff and/or signs posted at each facility.



## PART 3 – CLASSIFICATION OF WASTE AND DIVERTED MATERIAL

This Part is specific to Council's kerbside collection services and waste and diverted materials facilities.

### Approved, controlled and prohibited waste

#### Approved waste

Any waste which is not controlled waste or prohibited waste is considered approved waste.

#### Controlled waste

The following items are considered controlled waste, provided they are contained so as to prevent injury, damage or loss, secured to avoid puncturing the collection bag, or contained to prevent nuisance including a smell nuisance (for instance, wrapped in paper):

- Broken glass, broken china, broken plastic, razor blade, knife, or any other material capable of causing injury;
- Any sharp object or material capable of puncturing the collection bag or material capable of being rendered so during collection;
- Any perishable waste, such as vegetable and meat scraps.

#### Prohibited waste

The following items are classified as prohibited waste:

- Any explosive, flammable, infectious, radioactive, corrosive or toxic material, oxidant, or any other matter of any kind whatsoever that may endanger any person, animal or vehicle which may come into contact with the material at any time prior to, during or after disposal;
- Liquids;
- Hot ashes or other hot material;
- Compressed-gas cylinders;
- Asbestos-containing materials. (If you think that the material you are handling may contain asbestos please contact the Ministry of Business, Innovation and Employment. More information can be found on their website at <http://www.dol.govt.nz>.);
- Hazardous waste.



### Approved diverted materials ("Recycling")

The following table shows the approved diverted materials accepted at each of the waste and diverted materials facilities and in the Council kerbside collection service. A tick indicates that the material is accepted in the Council kerbside collection service or at the waste and diverted materials facilities (subject to any noted conditions). A cross indicates that the material is not accepted in the Council kerbside collection service or at the waste and diverted materials facilities. Materials in bold may incur a charge for disposing those items.

Materials	Council Kerbside Collection	Awapuni Resource Recovery Park	Ferguson Street Recycling Centre	Ashhurst Transfer Station	Bunnythorpe Transfer Station
Glass bottles and jars that once contained food or beverage	√ <sup>1</sup>	√	√	√	√
Plastic containers identified with recycling symbol numbered 1-7	√ <sup>2</sup>	√	√	√	√
Steel tins and aluminium cans	√ <sup>2</sup>	√	√	√	√
Empty aerosol cans	√ <sup>3</sup>	√	√	√	√
Clean paper and cardboard	√ <sup>4</sup>	√	√	√	√
<b>E-waste</b>	<b>X</b>	<b>X</b>	√	<b>X</b>	<b>X</b>
<b>Green waste</b>	<b>X</b>	√ <sup>5</sup>	<b>X</b>	√ <sup>5</sup>	√ <sup>5</sup>
<b>Compact Fluorescent Light Bulbs</b>	<b>X</b>	<b>X</b>	√	<b>X</b>	<b>X</b>
<b>Batteries</b>	<b>X</b>	<b>X</b>	√	<b>X</b>	

#### Notes:

1. Glass crate only. Washed with the lids off (the lids can go in the wheelie bin).
2. Wheelie bin only. Washed with lids off.
3. Wheelie bin only.
4. Wheelie bin only. Includes office paper, magazines, newspaper, egg cartons, cereal boxes, and envelopes.
5. Approved green waste excludes the following types of organic material: Sawdust, soil, stones and gravel, flax and bamboo, animal waste, ash, leather items, clothing, shoes or fabric, nappies, any organic material contaminated with chemicals known to compromise the quality of compost.



**Prohibited diverted materials**

Materials not listed as approved diverted materials are prohibited diverted materials. The following list indicates materials that are not able to be recycled at waste and diverted materials facilities and Council's kerbside collection service:

- Plastic wrap (e.g. Glad Wrap);
- Shopping and bread bags and other single-use plastic bags;
- Soft plastic bags and wrappers;
- Aluminium foil;
- Drinking glasses;
- Organic waste (excluding green waste);
- Needles (some pharmacies may provide a safe bin for needles and other sharp medical instruments);
- Pesticides, oil or hazardous chemicals;
- Ceramics, crockery, porcelain and ovenware including Pyrex products;
- Mirrors, window glass or broken glass;
- Light bulbs (the Ferguson Street Recycling Centre accepts compact fluorescent bulbs);
- Bubble wrap;
- Hot and cold ashes;
- Polystyrene (includes polystyrene meat and food trays);
- Tissues, serviettes, paper towels, toilet paper, wipes or similar items;
- Materials contaminated with food or human waste e.g. tissues and paper towels;
- Paint;
- Batteries (the Ferguson Street Recycling Centre accepts batteries);
- Perspex;
- Construction and demolition waste;
- Electric cables, string, and rope;
- Gas bottles;
- Any liquid.



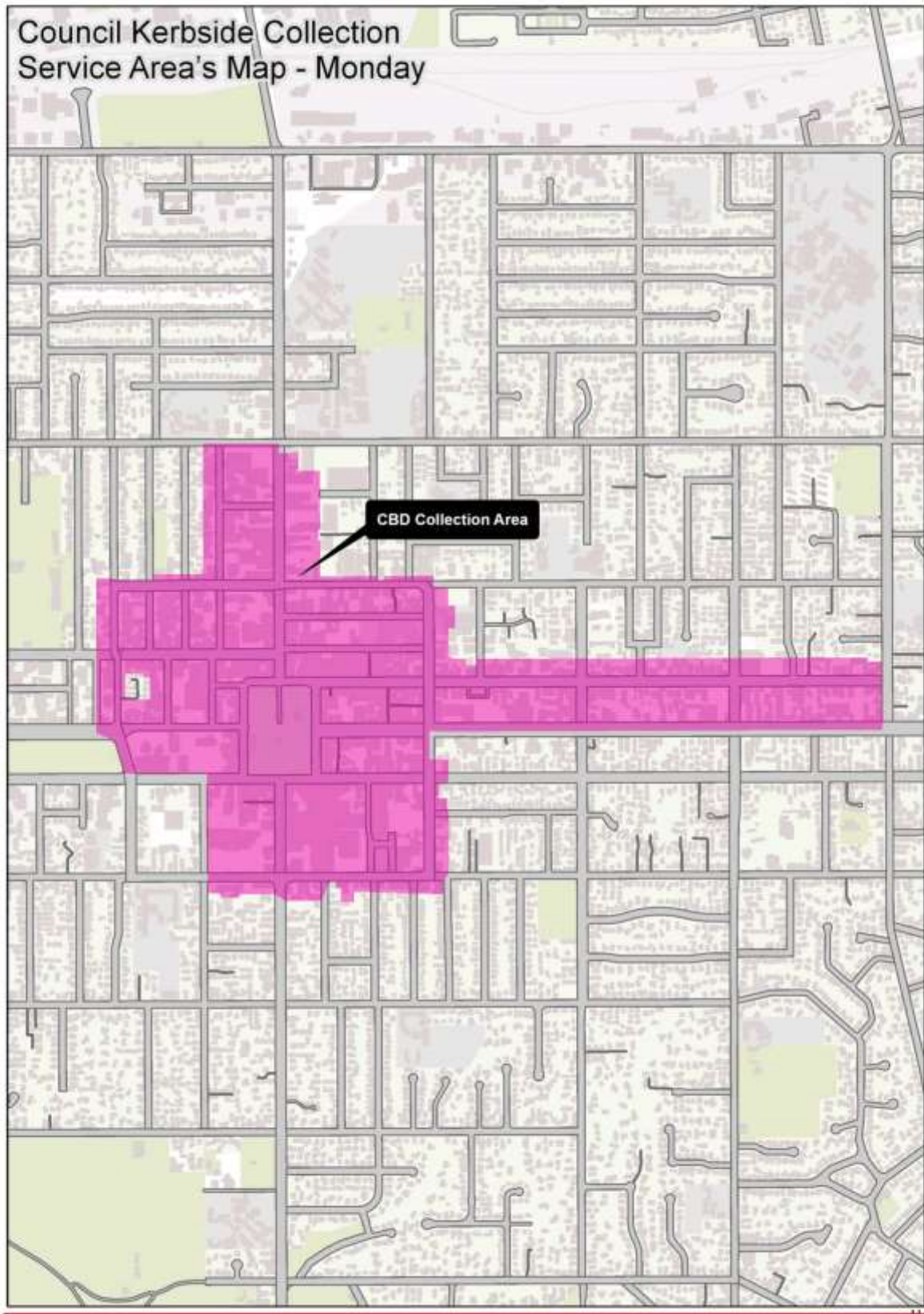
**The following maps show the coverage of the Council's kerbside collection service.**

Each map identifies the areas to which the stated collection day applies. Those properties within the highlighted area are eligible for the Council kerbside collection service on the day stated on that map.

Council operates an alternating collection service for recycling. Each year Council publishes a "Week 1" and "Week 2" calendar that identifies for each week of that year whether the kerbside service is collecting either the "wheelie bin" or the "glass crate". Where the maps in this section indicate an area as "Week 1" or "Week 2", this identifies which week applies to that area.

DRAFT FOR CONSULTATION

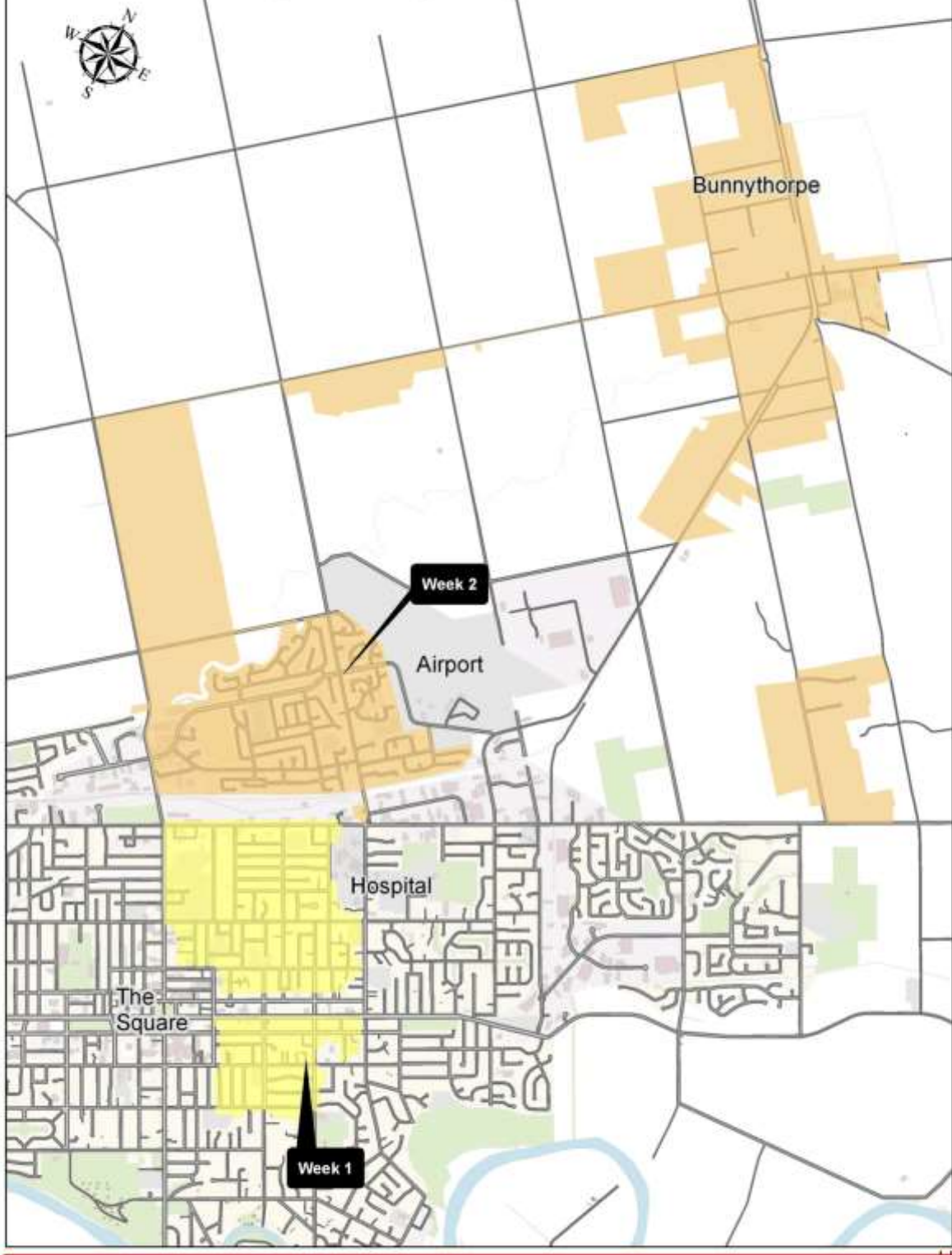




Palmerston North Waste Management and Minimisation Bylaw 2016 - Administration Manual

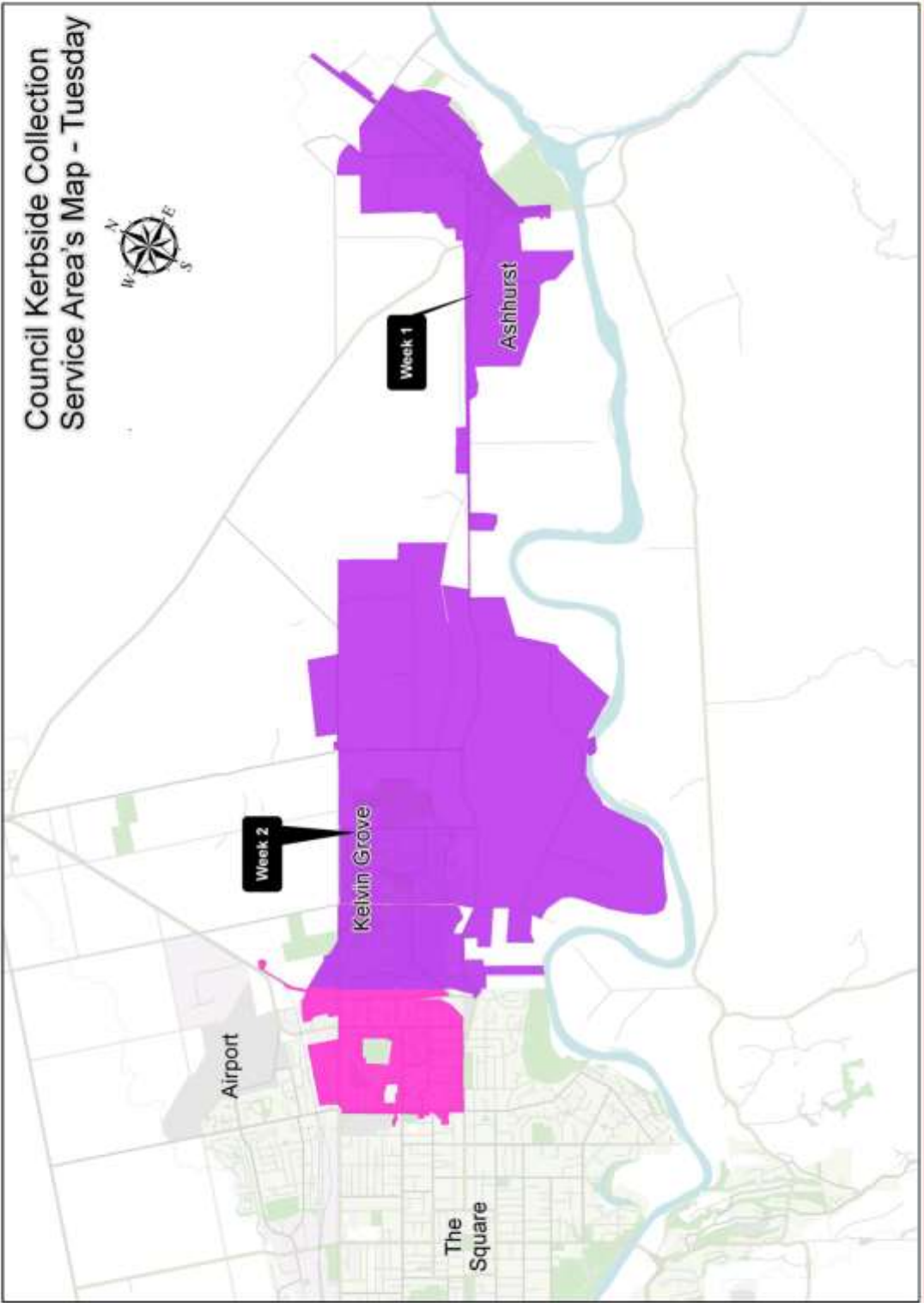


# Council Kerbside Collection Service Area's Map - Monday

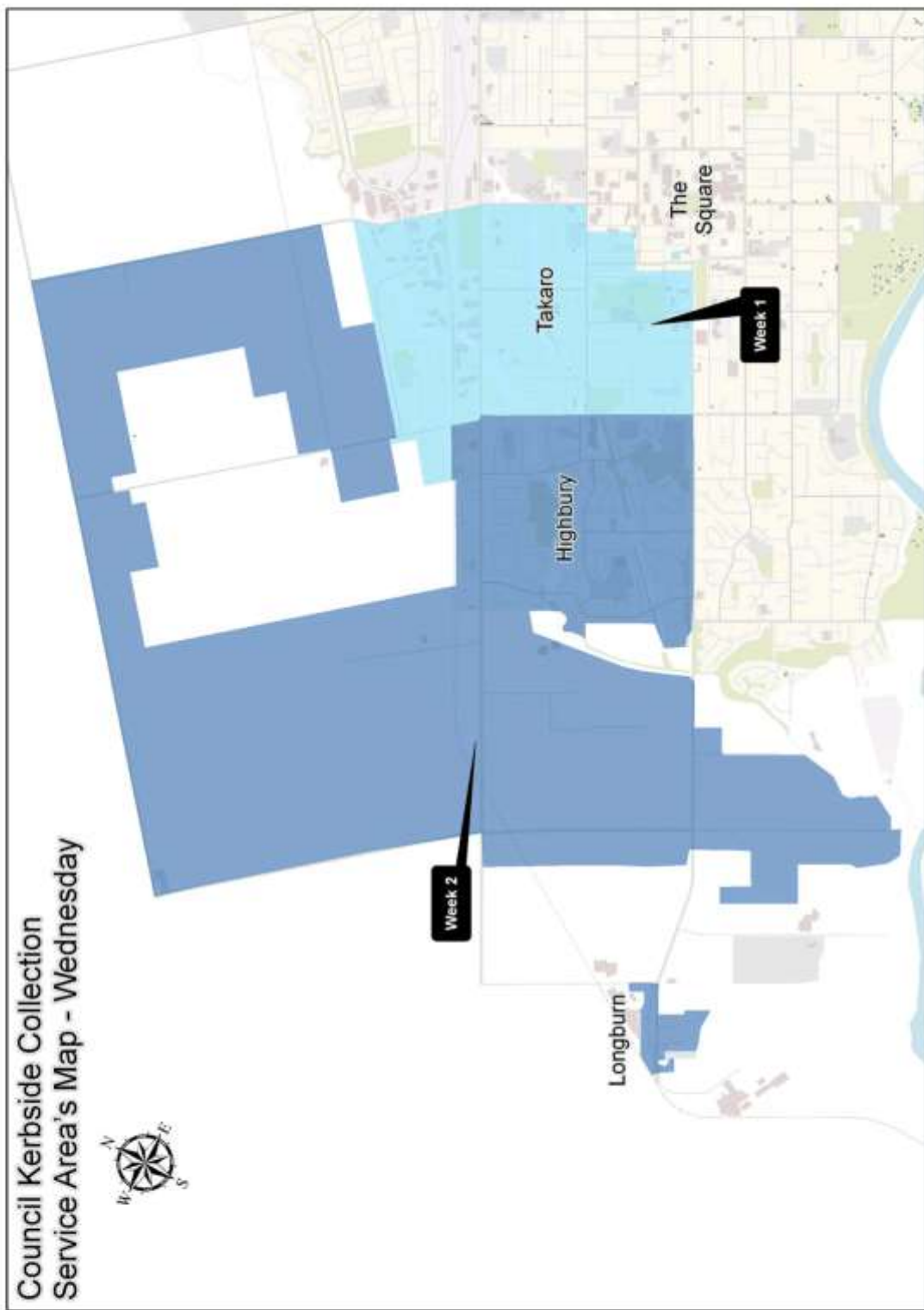


Palmerston North Waste Management and Minimisation Bylaw 2016 - Administration Manual

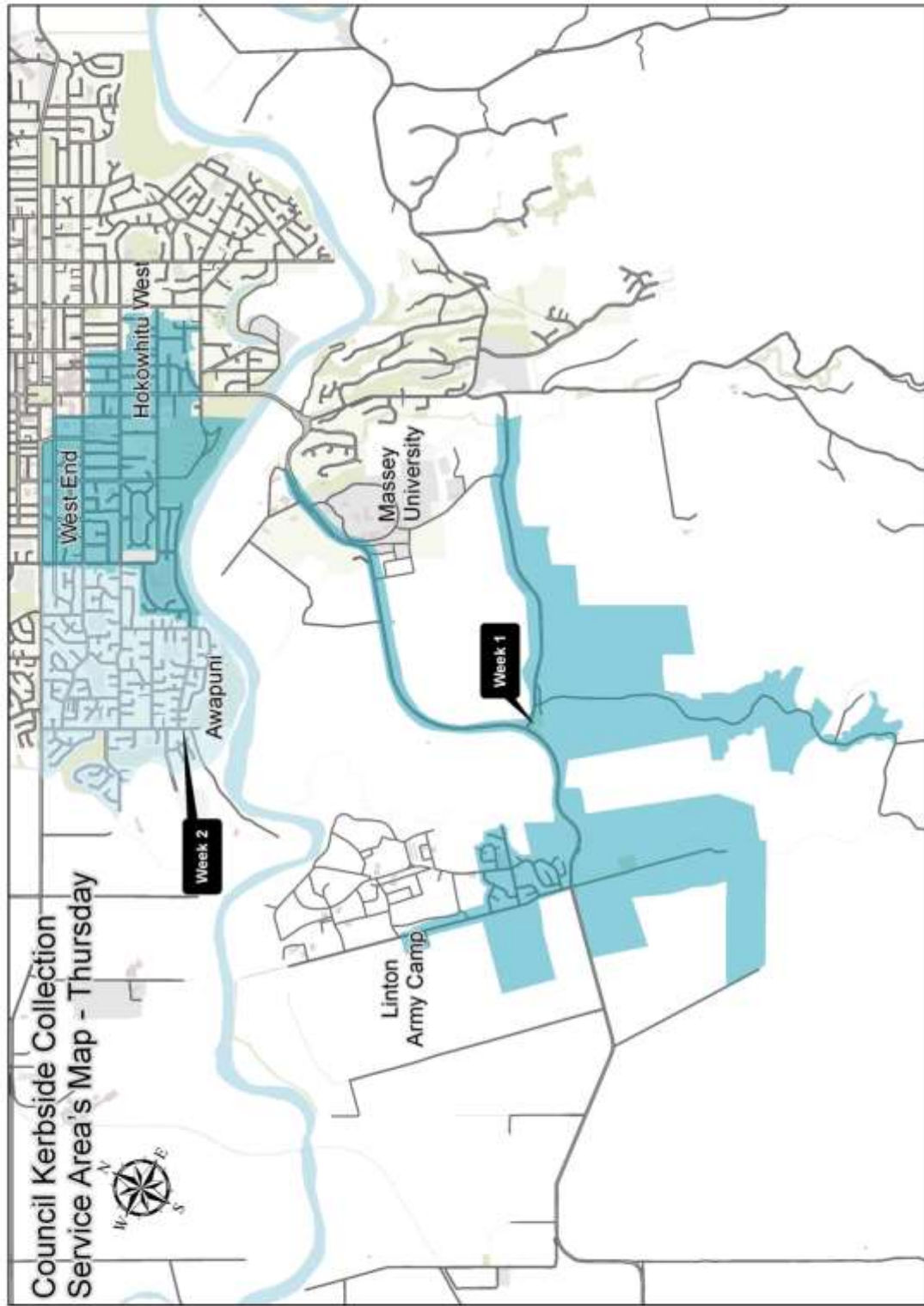




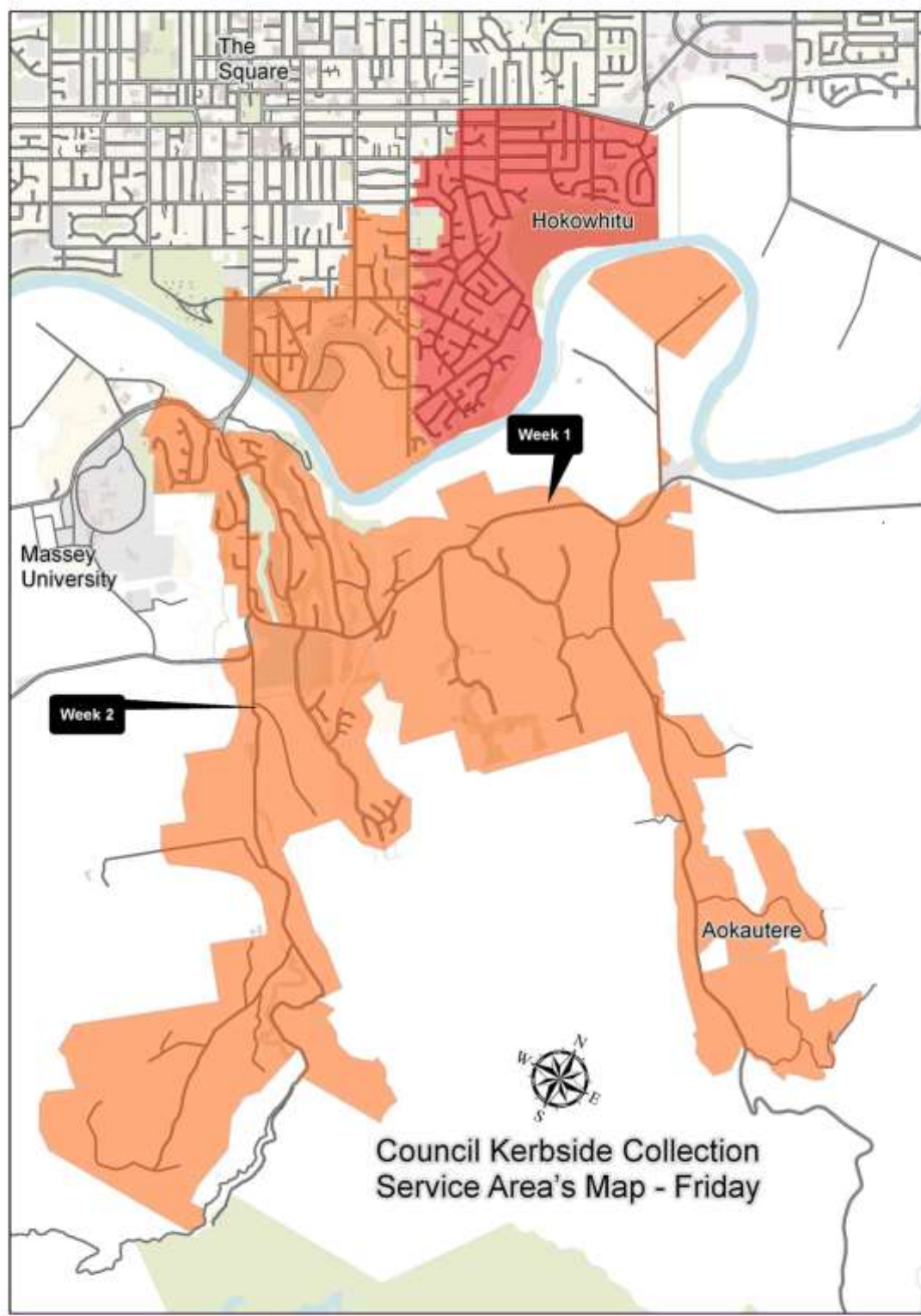














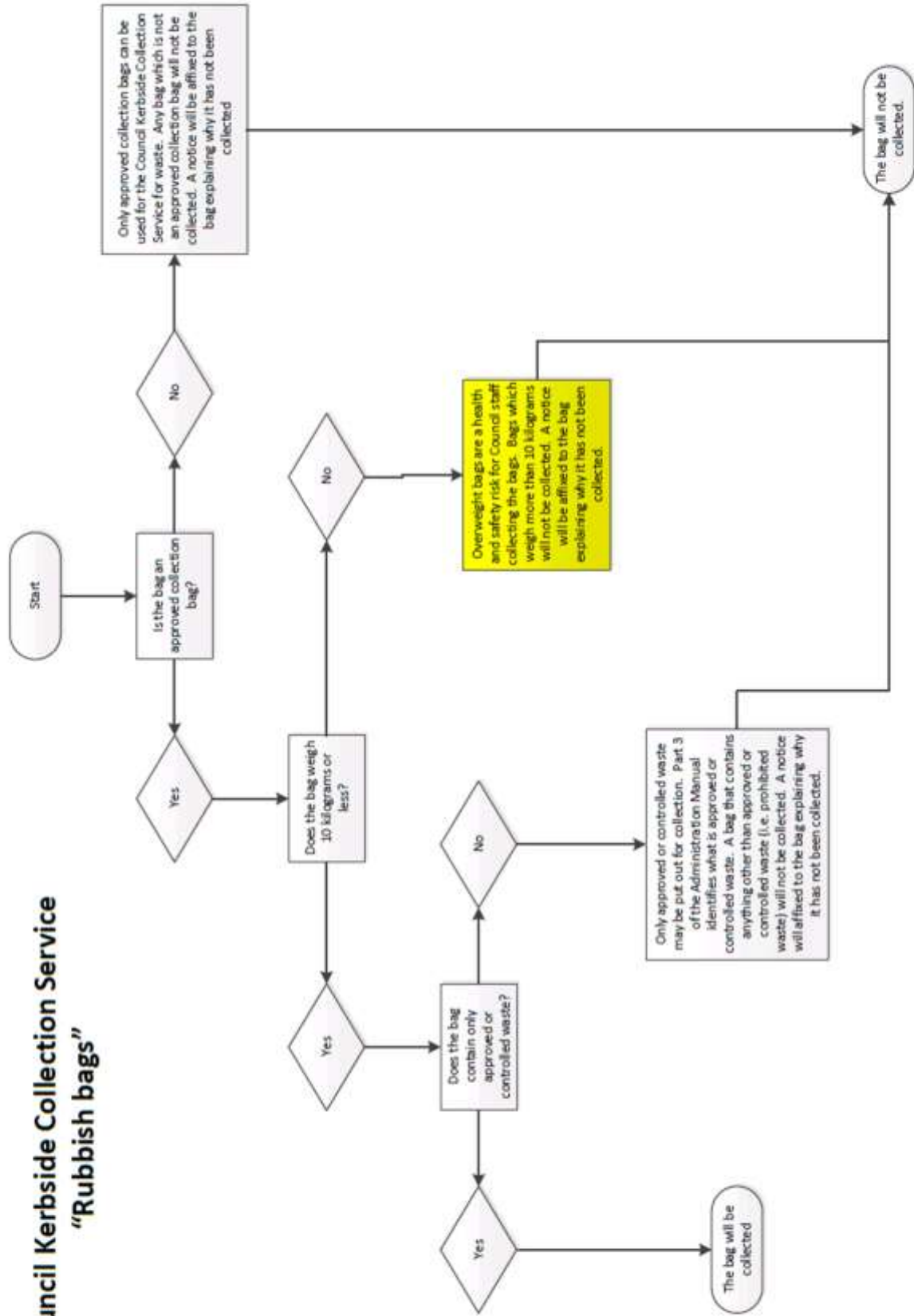
## **PART 4 – POLICY FLOWCHART FOR COUNCIL KERBSIDE COLLECTION SERVICE ENFORCEMENT**

The following flowcharts describe how Council staff will determine compliance with the terms and conditions for the Council kerbside collection service, and what action should be taken in the event of non-compliance.

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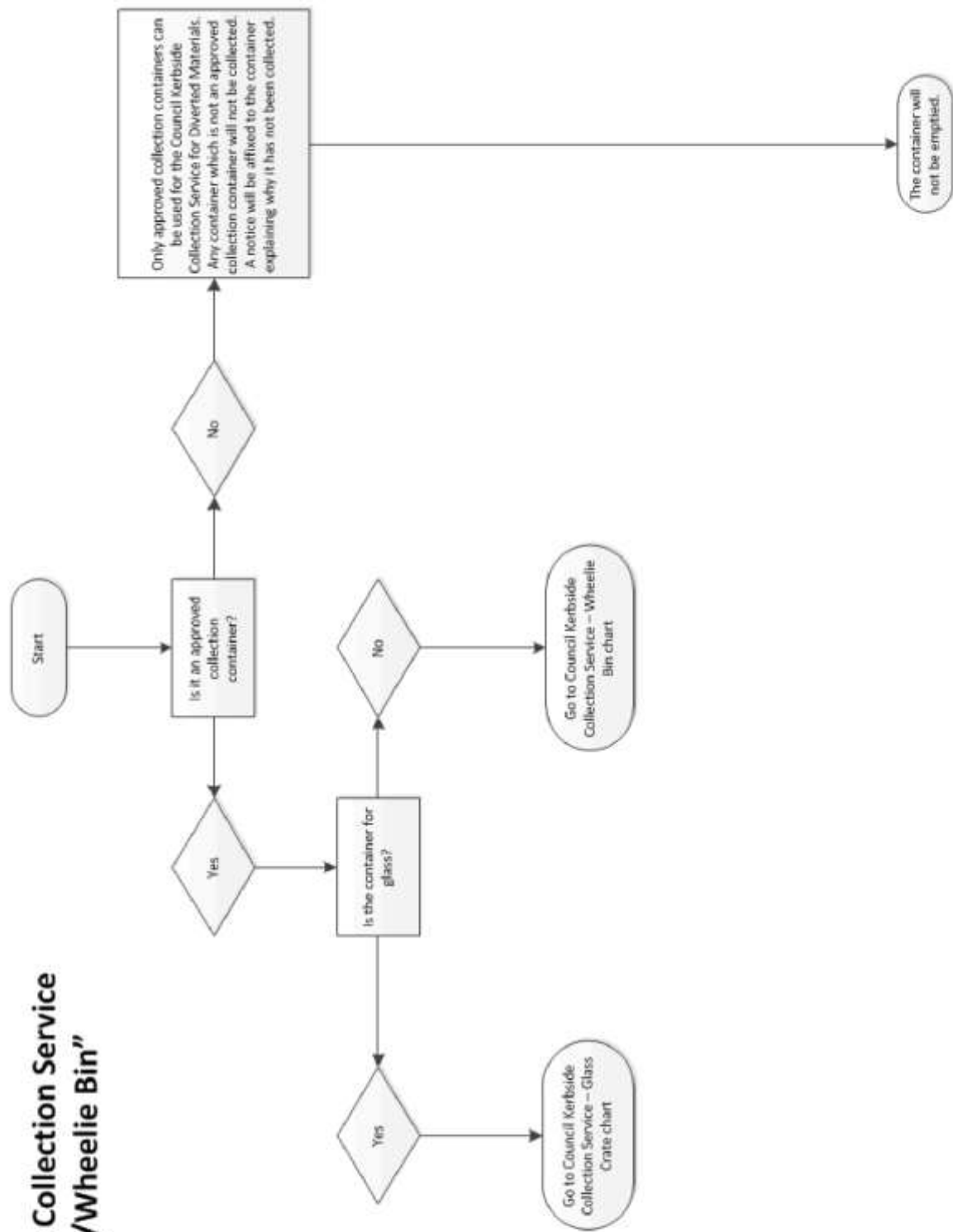


## Council Kerbside Collection Service "Rubbish bags"



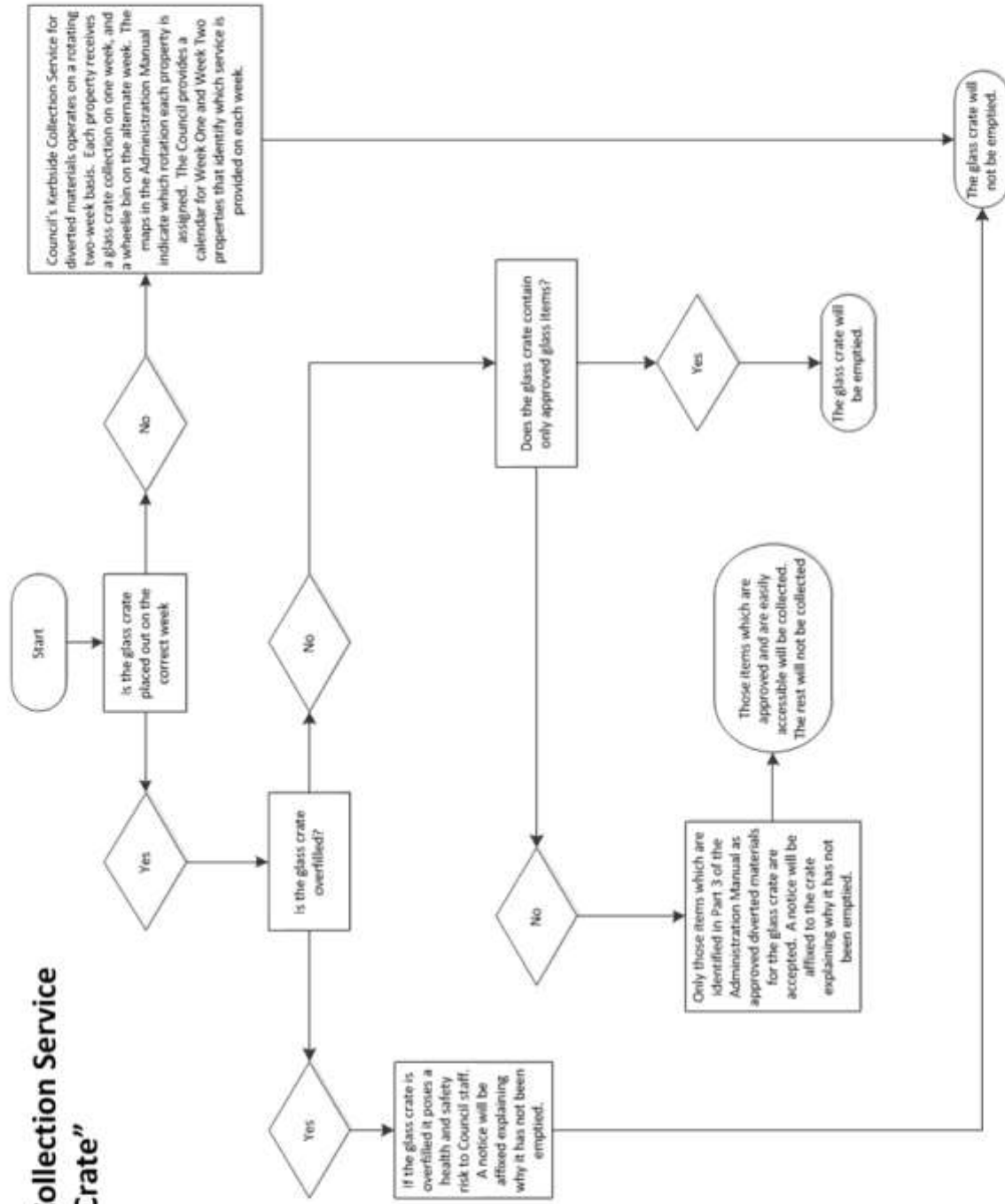


## Council Kerbside Collection Service "Glass Crate/Wheelie Bin"





## Council Kerbside Collection Service "Glass Crate"





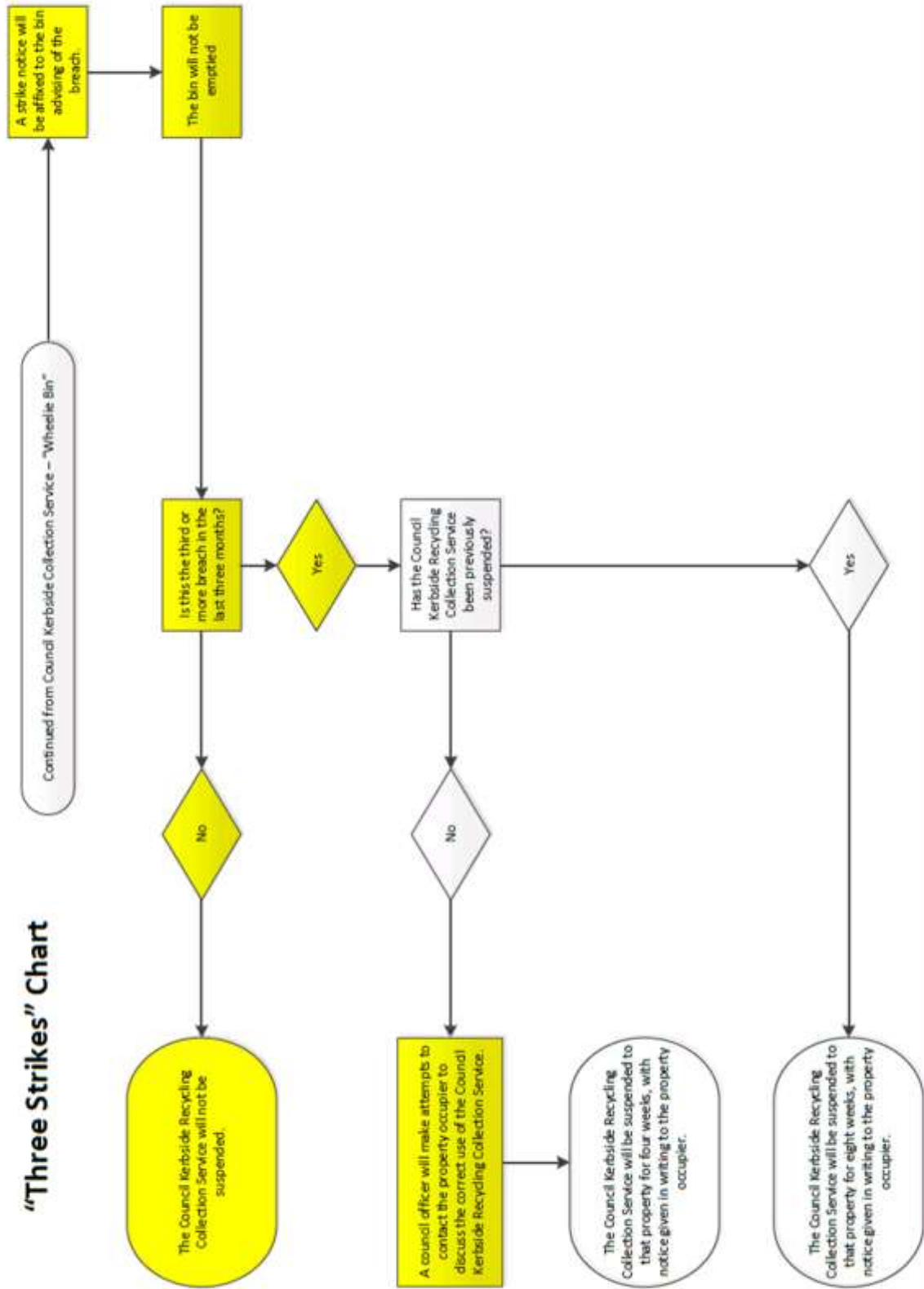
### Council Kerbside Collection Service "Wheelie Bin"

```
graph TD
    Start([Start]) --> Q1{Is the wheelie bin placed out on the correct week?}
    Q1 -- Yes --> Q2{Is the wheelie bin located at the correct property?}
    Q1 -- No --> Note1[Council's Kerbside Collection Service for diverted materials operates on a rotating two-week basis. Each property receives a glass crate collection on one week, and a wheelie bin collection on the alternate week. The maps in the Administration Manual indicate which rotation each property is assigned. The Council provides a calendar for Week One and Week Two properties that identify which service is provided on each week.]
    Q2 -- Yes --> Q3{Has the Council Kerbside Collection Service been suspended for this property?}
    Q2 -- No --> Note2[Approved Collection Containers can only be used at the property to which they are allocated. If the container is not at the correct property then it will not be emptied. Council staff will record the details of the bin and the property and it will be referred for retrieval.]
    Q3 -- Yes --> Note3[The Council can suspend the Kerbside Collection Service to an individual property for serious, repeated, or ongoing breaches of the terms and conditions for the collection service. If a suspension is still in effect, then the bin will not be emptied.]
    Q3 -- No --> Q4{Is the bin placed out correctly?}
    Q4 -- Yes --> Q5{Is the container lid shut and material not overflowing the top of the container?}
    Q4 -- No --> Note4[The terms and conditions listed in Part 2 of the Administration Manual describe how the bin must be placed for collection.]
    Q5 -- Yes --> Q6{Does the bin contain only approved diverted materials?}
    Q5 -- No --> Note5[The lid of the container must be able to close, and materials must not be filled over the top edge of the container. Overloading the container can interfere with the operation of the equipment used to empty the container.]
    Q6 -- Yes --> Note6[The bin will be emptied.]
    Q6 -- No --> Q7{ }
    Q7 --> Note7[Only approved diverted materials may be placed in the wheelie bin. Part 3 of the Administration Manual identified what is approved or prohibited diverted materials for the Council Kerbside Collection Service.]
    Q7 --> Note8[Go to "Three Strikes" Chart]
```

The flowchart outlines the process for the Council Kerbside Collection Service "Wheelie Bin". It begins with a "Start" terminal leading to the decision "Is the wheelie bin placed out on the correct week?". If "No", it refers to a note about the rotating two-week collection basis. If "Yes", it proceeds to "Is the wheelie bin located at the correct property?". If "No", it refers to a note about approved collection containers. If "Yes", it asks "Has the Council Kerbside Collection Service been suspended for this property?". If "Yes", it refers to a note about suspending the service. If "No", it asks "Is the bin placed out correctly?". If "No", it refers to a note about terms and conditions. If "Yes", it asks "Is the container lid shut and material not overflowing the top of the container?". If "No", it refers to a note about container lid and overloading. If "Yes", it asks "Does the bin contain only approved diverted materials?". If "Yes", it leads to "The bin will be emptied.". If "No", it leads to a yellow decision diamond, which then refers to a note about approved diverted materials and leads to "Go to 'Three Strikes' Chart".



## “Three Strikes” Chart





## PART 5 – COMMERCIAL WASTE COLLECTOR LICENCE – TERMS AND CONDITIONS

A commercial waste collector licence is subject to the following conditions:

### Scope of licence

1. The licence commences on the date it has been signed by the Licensee and the Council. The duration of the licence will be stipulated in the Licence.
2. Only waste or diverted materials of the type identified on the licence may be collected by the licence holder.

### Reporting and auditing

3. The licence holder must provide to the Council a monthly report on its waste and diverted material collection activities for the month prior no later than the 20<sup>th</sup> day of the month following the period reported on.
4. The information in the report must include the following details:
  - a. The amount (by weight in tonnes) of waste and diverted materials collected by the licence holder; and
  - b. A breakdown of the waste and diverted materials by type of material; and
  - c. Where the waste and diverted materials were deposited.
5. The Council reserves the right to audit the reports provided by the licence holder. For audit purposes, the Licence Holder will be required to grant Council or its designated contractor access to information reasonably necessary to validate the reports provided in accordance with the terms and conditions of the licence.

### Confidentiality

6. Commercially sensitive material received from the commercial waste collector licence holder that the License-holder wishes to keep confidential must be stamped "commercially sensitive" by the licence holder and will be received by the Council on that basis under the Local Government and Official Information and Meetings Act 1987 and held subject to that Act.

### Bond

7. The licensee may be required to lodge a bond with the Council, as security against costs that may be incurred by the Council in the event of non-compliance with the licence.

### Liability and indemnity

8. The Council is not responsible or liable in any way whatsoever in respect of the actions of the licensee or the compliance or otherwise of the licensee with the terms of this licence.



#### Compliance

9. The licensee must comply with applicable laws, bylaws, regulations and Council's standards and policies, including the Council's Waste Management and Minimisation Plan.
10. The Council may require that the licensee has a Traffic Management Plan in place.
11. If a licensee does not comply with the licence, the Council may:
  - a. Issue a written warning to the licensee, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
  - b. Review the licence, which may result in
    - i. amendment of the licence; or
    - ii. suspension of the licence; or
    - iii. termination of the licence;
  - c. Have recourse to any bond where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licensee;
  - d. Review the amount and nature of the bond, which may result in:
    - i. an increase of the amount of the bond;
    - ii. a change to the nature of the bond that has been provided;
  - e. Enforce any offence that may have been committed under the Litter Act 1979;
  - f. Enforce any breach of the Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

#### Termination of licence

12. The licensee may terminate the licence by giving two months' notice in writing, or at a shorter notice by agreement with the Council.
13. The Council may terminate the licence:
  - a. With one months' notice in writing, where the terms and conditions of the licence have not been met by the licensee;
  - b. Immediately, without written notice, where the terms and conditions of the licence have not been met by the licensee and the breach of the terms and conditions poses a risk to the health and safety of any person or damage to Council property, or where the licensee breaches the Bylaw.





# Application Form

Palmerston North City Council Waste Management and Minimisation Bylaw  
Commercial Waste Collector Licence

*(Any enquires please phone Palmerston North City Council 06 356 8199)*

## 1. APPLICANT DETAILS

Company Name: \_\_\_\_\_

Associated brand names: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Name of key contact: \_\_\_\_\_

Telephone Number 24/7: \_\_\_\_\_

Principle of company (Name): \_\_\_\_\_

Phone: \_\_\_\_\_

## 2. APPLICATION PERIOD

From \_\_\_\_\_ to \_\_\_\_\_ (maximum licence period 5 years)

*Licensee and Council checklist. Please ensure you complete all paperwork before returning.*

	<b>Licence Applicant</b>	<b>Council</b>
Form completed?		
Public Liability Insurance certificate attached		
Fee paid		
Terms and conditions received		
Issue licence		



### 3. DETAIL OF ACTIVITY

Type of material being received and handled under the licence

Please tick

Domestic waste

Recyclables

Green Waste

Construction and demolition waste

Commercial waste

Inorganic waste

Hazardous waste

Other (Please specify) \_\_\_\_\_


### 4. TYPE OF APPROVED CONTAINERS COLLECTED

TYPE	VOLUME (CAPACITY)

### 5. FACILITY/FACILITIES TO WHICH MATERIAL WILL BE TRANSPORTED BY THE COLLECTOR

Name the type of facility/facilities (e.g. Transfer Station, landfill, cleanfill, compost site, recycling plant, materials processing sites, Resource Recovery Facility)

FACILITY NAME AND TYPE	LOCATION	WASTE TYPE







## 8. EXPERIENCE

Provide details of your experience in the waste industry.

Please describe in the box below (or attach a separate sheet):

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## 9. PAST OPERATIONAL ISSUES

Provide details of any operational issues that might have affected your ability to perform in the past.

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## 10. PUBLIC LIABILITY

Provide a copy of certificate of public liability insurance covering the licence period. (A certificate from a broker is sufficient.)



## 11. DECLARATION

I/we agree to be bound by and fulfil all terms and conditions of the licence by signature, including (without limitation) meeting all information and reporting requirements.

I/we declare that all information provided in this application and any (numbered) attachments and any information subsequently provided under the terms and conditions of the licence are correct and accurate.

Signature of applicant: \_\_\_\_\_

Name and Title of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**Please note: The person completing this application must be authorised, in writing, to act as a signatory on behalf of the applicant.**

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**Please ensure you complete all paperwork before returning**



## PART 6 – TERMS AND CONDITIONS FOR EVENTS WASTE MANAGEMENT AND MINIMISATION

The following terms and conditions apply to any event held on Council land or with Council funding:

1. The event organiser must take all reasonable steps to minimise the amount of waste generated at the event. This includes encouraging event participants (e.g. food vendors) to minimise the amount of packaging used or given out, ~~and discouraging non-recyclable materials such as foil or foil-lined packaging, polystyrene or Styrofoam containers or cups, wax-lined paper cups or tetra packs.~~ Non-recyclable materials such as foil or foil-lined packaging, polystyrene or Styrofoam containers or cups, wax-lined paper cups or tetra packs should not be used at events and the event organiser should communicate this to the event participants.
2. The event organiser must take all reasonable steps to encourage recycling opportunities for materials used at the event. This includes:
  - a. Using ~~recyclable or 100%~~ compostable packaging, single-use beverage cups, and utensils wherever possible. Compostable materials are paper or cardboard (not plastic-lined), corn-starch/potato-bases/sugar-cane based packaging, bamboo, PLA ("plant plastic"). Where the use of compostable materials is not practicable, food packaging should be made from recyclable or reusable materials.
  - b. Promoting to event attendees opportunities to recycle packaging.
3. The event organiser is responsible for ensuring both waste and recycling bins (with the types of material that can be accepted in each type of bin) are available and distributed widely around the event location.
4. The event organiser is responsible for ensuring that all waste and recyclable material collected at the event is disposed of correctly.







## MEMORANDUM

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017

**TITLE:** Cemeteries and Crematorium Bylaw Review - Section 155 Determination Report

**DATE:** 17 October 2017

**AUTHOR/S:** Lili Kato, Policy Analyst, City Future

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### RECOMMENDATION(S) TO COUNCIL

1. That pursuant to section 155(1) of the Local Government Act 2002, the Council determines that a bylaw is the most appropriate way of addressing the issues relating to managing cemeteries and crematoria in Council's control, including protecting the solemn nature of cemeteries, protecting the private interests of those with exclusive rights to burials, and creating a balance between pragmatic management and meeting the needs of the community;
2. That pursuant to section 155(2) of the Local Government Act 2002, the Council determines that the standalone form of bylaw is the most appropriate form of bylaw;
3. That pursuant to section 155(2) of the Local Government Act 2002, the Council agrees that it is not anticipated that a revised bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990;
4. That the Chief Executive is instructed to draft a bylaw that addresses the issues relating to managing cemeteries and crematoria in Council's control, including protecting the solemn nature of cemeteries, protecting the private interests of those with exclusive rights to burials, and creating a balance between pragmatic management and meeting the needs of the community.

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### 1. ISSUE

On 26 September 2016 Council resolved:

*"That the review of the Cemeteries and Crematorium Bylaw scheduled for 2018 be brought forward to 2017".*



## 2. BACKGROUND

The process for reviewing bylaws that are created under the Local Government Act 2002 (LGA) is set out in section 160. It requires that an assessment is carried out under section 155 of the LGA to establish whether the bylaw is the best way to deal with the perceived problems.

The details of this assessment are contained in the attached report which concludes:

- a) That a bylaw is the most appropriate way of addressing the perceived problems relating to the management of Council controlled cemeteries and crematoria in Palmerston North;
- b) That a stand-alone form of bylaw is the most appropriate form;
- c) At this early stage of the process it is not anticipated that a revised bylaw would give rise to implications under the New Zealand Bill of Rights Act 1990.

## 3. NEXT STEPS

Pre-consultation will take place throughout November and December 2017, and a draft bylaw for consultation will be submitted to Council on 5 March 2018.

## 4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	No
If Yes quote relevant clause(s) from Delegations Manual <Enter clause>	
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No

## ATTACHMENTS

1. Section 155 Determination Report - Cemeteries and Crematorium Bylaw



Lili Kato  
Policy Analyst







Palmerston North City Council  
Cemeteries and Crematorium Bylaw  
Review 2017

S155 Determination Report

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## Executive summary

This report:

- (a) Describes the perceived problems related to the management of cemeteries and crematoria in Palmerston North.
- (b) Analyses the practicable options for addressing the perceived problems and concludes that a bylaw is the most appropriate way for addressing the perceived problems.
- (c) Concludes that the stand-alone bylaw is the most appropriate form of bylaw, as there are currently no other bylaws which share a common theme.
- (d) Concludes that the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990 (NZBORA) are unlikely to be unreasonably limited by a bylaw.

## Purpose of the report

This report provides Councillors with information on the perceived problems regarding the management of cemeteries and crematoria in Palmerston North, and options for addressing those perceived problems. Pursuant to the Local Government Act 2002 (LGA), section 155, this report considers; whether a bylaw is the most appropriate way of addressing the perceived problem, the most appropriate form of that bylaw, and any implications of the bylaw that arise under NZBORA.

## Legislative background

The LGA requires the Council, before making a bylaw, to consider whether a bylaw is the most appropriate way of addressing a perceived problem. To meet this requirement, the Council needs to identify the perceived problem/s and the options for addressing that problem, assess those options, and then determine formally (via a Council resolution) whether a bylaw is indeed the most appropriate way of addressing the perceived problem. The language used here is important – a bylaw must not only be appropriate in addressing the perceived problem; it must be the **most** appropriate way.

The Council is also required to consider the form of the bylaw, and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

## The perceived problem/s

### *1. Cemeteries as public places*

Cemeteries that are under Council control are public places and this may give rise to nuisance and offensive behaviour given the solemn nature of cemeteries, namely:

- a) People entering outside hours when there is no supervision of conduct and the entry is not for purposes befitting of the cemetery;
- b) Damage to graves, memorials or other things at the cemetery;
- c) Vehicle being driven on areas other than those marked for vehicles;
- d) Animals being brought into the cemetery;
- e) Carrying out activity that causes unreasonable disruptions to a burial or cremation.



All sorts of activity takes place at the cemetery other than burials and cremations, from visiting a grave, to people taking leisurely walks. Services to unveil the headstone, usually on the anniversary of the death, are becoming more common place. Flowers and mementos left by the grave are sometimes taken or vandalised. Currently there is a team of five staff who oversee the four cemeteries under Council's control. All four cemeteries are geographically dispersed and have a large combined land area. Cemeteries are also easy targets for vandals because of their secluded location (particularly for Kelvin Grove, Ashhurst and Bunnythorpe) as well as being less frequented areas of the City.

The Burial and Cremation Act 1964 makes it an offence for anyone to permit any animal to enter a cemetery, if permission has not been provided by Council<sup>1</sup>. The bylaw currently does not have provisions preventing people from taking animals to the cemeteries. There have been several occasions where roosters have been left at the Kelvin Grove cemetery and caused some nuisance, including defecating on headstones and attacking visitors.

Recently media reported two separate incidents at Kelvin Grove Cemetery regarding theft from a grave<sup>2</sup> and also extensive damage to the cemetery grounds as a result of a motor vehicle driving recklessly on the lawn<sup>3</sup>.

## 2. Private Interests in public places

Cemeteries are public places, but they also involve private interests, including the interests of those who purchase rights to interment, and their survivors. These interests are currently encapsulated in a 'plot certificate' conferring an "exclusive right of burial" on the owner. This gives rise to a number of issues namely:

- a) Understanding the exact nature of the legal interest (a licence to occupy forever or according to a set term?);
- b) The number of ashes or bodies permitted in a plot;
- c) The number of plots family are able to pre-purchase;
- d) Determining what level of family consent is needed to be buried in a purchased plot when the plot holder has died.

Under the Burial and Cremation Act 1964 Council is empowered to sell, either in perpetuity or for a limited period, an "exclusive right of burial" in a cemetery plot or vault<sup>4</sup>. This is effectively a licence to occupy which does not imply ownership or control of the land itself. The current bylaw does not stipulate whether the licence to occupy is forever or whether it is according to a set term, but the plot certificate (referred to in the bylaw) states it is a "*purchase of exclusive right of burial in perpetuity in the Palmerston North Cemeteries*". The validity of the plot certificate is questionable because it stipulates it is issued under the "*Cemeteries Act, 1908 and the Cemeteries Amendment Act, 1922*" which has been rescinded and replaced with the Burial and Cremation Act 1964.

A number of issues have arisen in regard to burials in purchased plots where the plot owner has died. The bylaw currently requires the consent of the plot owner or the family of the plot owner to

<sup>1</sup> Section 57

<sup>2</sup> <https://www.stuff.co.nz/national/93792509/girl-was-bullied-in-life-and-now-in-death-says-upset-family>

<sup>3</sup> <https://www.stuff.co.nz/manawatu-standard/news/95219882/cemetery-joy-ride-gets-bogged-down>

<sup>4</sup> Section 10(1)



authorise burials in plots they have purchased<sup>5</sup>. Council is in a difficult position when the situation involves the consent of the family, particularly in determining the level of evidence necessary to satisfactorily meet the 'consent of family' requirement. It is not uncommon for family disputes to arise due to this issue.

By default the bylaw only permits burial of one person in each plot, unless expressly authorised by Council<sup>6</sup>. To allow for two burials in a single plot, the funeral director or family members need to communicate with cemetery staff to ensure the extra depth at the first interment is allocated. There have been incidents where family have sought a second body burial in a plot but were unable to proceed because the first interment was not at the required depth for a second body burial. Requiring a grave depth that allows for two body burials as a default does present an increased risk for collapsed graves, particularly in the winter when the wet conditions make the soil boggy.

The bylaw currently allows the pre-purchase of additional plots<sup>7</sup> next to the family member who has been buried. The Burial and Cremation Act 1964 states that if pre-purchased plots are left unused for 60 years from the time of purchase then the exclusive right to burial lapses<sup>8</sup>. In practice Council does not invoke this right and some pre-purchased plots have been left unused for more than 60 years. The bylaw gives the Council discretion to decide on the number of additional plots that can be pre-purchased and recently this number has been set at one additional plot to ensure that a large portion of developed cemetery areas is available for immediate interments to meet the need of the community.

### *3. Balancing interests*

Council's responsibility to maintain and manage its cemeteries and crematorium in a pragmatic way, whilst accommodating for different cultural and ethnic practices regarding interment, cremation and bereavement, can give rise to the following perceived problems:

- a) Creating, installing and maintaining memorials;
- b) Operating times for interment and cremation;
- c) What is permitted in terms of floral tributes and other items placed on graves;
- d) Maintenance of closed or less active cemeteries;
- e) Providing for natural burials;
- f) Providing for interment and scattering of ashes.

At present floral tributes and items being placed on graves is permitted for up to five years, provided they are maintained continuously to a reasonable standard of tidiness and subject to annual approval by the sexton<sup>9</sup>. However, in practice, approval from the sexton is not sought by family members and this could be tied up with the assumption that purchase of the plot certificate confers ownership of the plot. This assumption may mean family members do not realise there are rules and the requirement for approval. Items being placed on the grave have implications on maintenance and resource allocation, particularly the length of time it takes to upkeep the large land

<sup>5</sup> Clause 10.3

<sup>6</sup> Clause 10.5

<sup>7</sup> Clause 10.2

<sup>8</sup> Section 10 (4)

<sup>9</sup> Clause 14



areas across four cemeteries by staff, which inevitably impacts on access to affordable burial options for the whole community.

Health and safety issues also arise in regard to the installation of monuments and items being placed on the grave and whether current practices are compliant with the Health and Safety at Work Act 2015. Currently the bylaw prohibits any “work in a cemetery including constructing or altering a memorial”, without the expressed authorisation of Council<sup>10</sup>. In some cases the installation of memorials by persons other than qualified monumental masons has not been to a satisfactory safety standard and requests to meet the safety standard is often met with some resistance. Grave decorations have gone beyond plantings on the grave to include the building of structures.

The 2013 Law Commission report noted that the survey of local authorities revealed a growing public interest in natural burials. Typically a natural burial involves the burial of an un-embalmed body in a biodegradable casket or shroud in a relatively shallow plot to promote rapid aerobic decomposition<sup>11</sup>. Natural burials are currently not specified in legislation but a number of local authorities, including Palmerston North, have taken a proactive approach to accommodating this practice. Under the bylaw natural burials are permitted in a natural cemetery only<sup>12</sup>, and in practice natural burials are not taking place as Council is still in the process of acquiring suitable land to establish a natural burial cemetery.

Cremation surpasses body burials as the most preferred method of disposal in Palmerston North, and issues arise as to the disposal of ashes. The Cremation Regulations 1973 include provisions to ensure that ashes are handled respectfully by providing a process for keeping, and delivering ashes appropriately<sup>13</sup>. Where the ashes have not been claimed by family members, Council is required to retain the ashes in a columbarium or inter them in an ash burial plot. Other than the provisions mentioned, there are no other legislative provisions governing the disposal of ashes, including for scattering ashes. Some family members may choose to scatter the ashes of their relatives in a public place that was of significant to the deceased person. Such a practice can have an impact on other users of the public space, particularly if the ashes are left visible. In its report The Law Commission noted that the practice can be deeply offensive to tikanga Māori, and these concerns were clearly identified in consultation during the public meetings held throughout New Zealand<sup>14</sup>.

## Options analysis

The Council is required by S155 of the Local Government Act 2002 to determine whether a bylaw is the most appropriate way of addressing the perceived problems. To comply with this requirement, it is necessary to analyse the reasonably practicable alternatives to a bylaw to address the perceived problems. There are two potentially practical alternatives to a bylaw that may regulate the management of cemeteries and crematoria relying on other existing legislation or regulation, and education.

<sup>10</sup> Clause 13.1

<sup>11</sup> NZLC R134 – Death Burial and Cremation

<sup>12</sup> Clause 9A

<sup>13</sup> Section 8

<sup>14</sup> NZLC R134 – Death Burial and Cremation



### *1. Rely on existing legal frameworks*

#### Burial and Cremation Act 1964

The Act prohibits the burial of human remains in any place (unless there are exceptional circumstances) other than a "cemetery or a denominational burial ground or a private burial ground or a Māori burial ground if there is a cemetery or any such burial ground within 32 kilometres of the place where the death has occurred".

The main purpose of the Act is to provide a legal framework within which local authorities and others in control of cemeteries or burial grounds must work in order to protect key public interests, including:

- a) ensuring human burial takes place in a timely and dignified manner and does not pose either immediate or long-term health risks, or cause offence to individuals or communities;
- b) ensuring the deaths are properly certified and where necessary investigated before burial or cremation;
- c) providing a mechanism by which religious convictions can be accommodated within a secular framework; and
- d) ensuring land which has been used for human burials is appropriately managed and protected in perpetuity.

#### Cremation Regulations 1973

These were created under the Burial and Cremation Act 1964. The regulations describe the obligations on those operating crematoria, including the certification and approval regime that must be complied with before cremation can take place. These regulations also cover the disposal of human ashes.

#### Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967

The objective of these regulations is to ensure authorities follow a suitably open process and, in particular, that appropriate efforts are made to notify interested parties, including the relatives of anyone whose grave may be affected by removal work.

#### Crimes Act 1961

This act makes misconduct in respect of human remains an offence.

#### Health Act 1956

The Act establishes the duty of local authorities to arrange and carry out disposal of a body where the manner in which a person has died is a threat to public health (for example infectious diseases).

#### Health (Burial) Regulations 1946

These regulations were created under the Health Act 1920 for the purpose of requiring registration by funeral directors and prescribing the process. It also contains hygiene standards for mortuaries, and for the handling and transportation of dead bodies.



### Discussion

- The Burial and Cremation Act 1964 coupled with the Local Government Act<sup>15</sup> provides wide powers for the Council to carry out its function to manage and maintain cemeteries in their control.
- In terms of maintaining the solemn nature of the cemeteries, existing legislation does have solutions, particularly for behaviour that falls under the ambit of the Crimes Act 1961, which would cover behaviour causing damage to graves, headstones and other property at the cemetery. However, in terms of behaviour or actions that may cause a nuisance, there are fewer available sanctions in current legislation that provide Council with viable options to protect the solemn nature of cemeteries.
- Current legislation does not clarify the nature of rights to interment that the public can purchase from the Council. The Burial and Cremation Act 1964 states that Councils have the ability to sell exclusive rights to burial, however it does not specify whether it is a right in perpetuity or according to a limited term.
- Relying on legislation to ensure that Councils are being pragmatic, but also accommodating for different cultural and religious practices, is only helpful to the extent that it requires Council take both elements into consideration. These issues are better dealt with through education, to ensure the public is aware of the elements Council is weighing up when making a decision.
- Local Government Act<sup>16</sup> 2002 makes it mandatory for council to fix any fees through a bylaw.

#### *2. Education (non-regulatory approach)*

Education is used to inform members of the public about policies and practices to encourage voluntary compliance. The public is mostly unaware of the management issues that Council is faced with, particularly in striking a balance between being pragmatic on the one hand and being sensitive to different cultural or religious practices on the other. Education would be an appropriate approach to raise awareness around these matters, including the level of resources required to meet the expectations of the public.

Families of those who are buried in Council cemeteries may be confused as to the nature of their rights in relation to their cemetery plots which may explain the extensive decorations on graves that include building structures. Purchase of a cemetery plot only entitles plot holders to an exclusive right to burial. Education will be a better approach to informing people what an exclusive right to burial means. This could include providing pamphlets and brochures to funeral directors and monumental masons to pass on to their clients, as well as providing information packs for those members who decide to bypass funeral directors and deal directly with Council.

However education will not be the best approach when trying to clarify whether the exclusive right to burial is in perpetuity or according to a set time. This needs to be clarified through a bylaw to ensure there is no ambiguity. In terms of maintaining the solemn nature of cemeteries, education

<sup>15</sup> Section 12(2) of the Local Government Act 2002 gives local authorities full general powers to perform their role, subject to any statutory limitations.

<sup>16</sup> Section 150 LGA



will only work to an extent, and Council will need the ability to enforce against behaviour that may unreasonably impinge on burial and cremation activity that takes priority.

Education can be an effective non-regulatory approach, however reliance on it alone is unlikely to be fully effective, as these measures may not reach everyone, nor may they provide an effective deterrent to everyone. In these circumstances, the activities have an effect on the general public, property and the environment which means it is necessary for the Council to have a greater ability to enforce its policies and practices.

### 3. Use existing bylaw

The current Cemeteries and Crematorium Bylaw was adopted in 2008, and amended in 2013. It is prescriptive and includes provisions relating to how Council carries out its functions, for example the inclusion of opening hours and the minimum depth of the graves. This approach makes it difficult to respond to the changing needs of the community in a timely matter and hinders Council's ability to carry out its functions in managing cemeteries in its control. These provisions would be better in an administration manual referred to in the bylaw that can be changed through resolution of council.

## Overall analysis of options

The table below summarises the advantages and disadvantages of the options available to address the perceived problems, compared with the bylaw option:

Table 1: Analysis of Options

Option	Advantages	Disadvantages
<b>1. Rely on existing legal frameworks</b>	<p>Wide powers for Council to carry out its functions.</p> <p>Able to protect the solemn nature of cemeteries, particularly for behaviour and activity that constitutes a crime under the Crimes Act.</p>	<p>Requires that a bylaw is needed to fix fees.</p> <p>Does not set a default position in terms of the nature of a person's interest when they purchase an exclusive right to interment (whether in perpetuity or a limited period), which makes the transaction ambiguous.</p> <p>Does not provide provisions that help to strike a balance between managing the cemeteries in a pragmatic way and accommodating cultural and religious practices.</p> <p>Does not provide guidance for emerging trends in burial and cremation practices, such as natural burials and scattering ashes.</p>
<b>2. Education</b>	<p>Informs purchasers that an exclusive right to interment is a licence to occupy, not ownership, and therefore Council is able to set conditions.</p>	<p>Does not meet the statutory requirements for fixing fees.</p> <p>Does not provide clear way to enforce</p>



Option	Advantages	Disadvantages
	<p>Raises awareness of the management issues Council must weigh up to provide cemeteries and a crematorium that meet the need of the community, particularly the implications on resource allocation.</p> <p>Raises awareness around scattering of ashes and what this practice may mean for various cultures or religions.</p>	<p>against behaviour or activity that may be infringing on the solemn nature of cemeteries.</p>
<b>3. Bylaw (recommended option)</b>	<p>Provides clarity in regard to the nature of a person's interest when purchasing an exclusive right to interment (either in perpetuity or a limited time).</p> <p>Satisfies the statutory requirements for fixing fees.</p> <p>Provides a clear way to enforce against behaviour or activity that may be infringing on the solemn nature of cemeteries.</p> <p>Provides rules around natural burials.</p>	<p>Rules around memorialisation may be considered unnecessarily restrictive and therefore enforcement of the rules may be seen as an insensitive response.</p> <p>Risk of having few restrictions around memorialisation may see a rise in resources for maintenance and could lead to less affordable burial options for the public.</p>

Overall it is considered that a regulatory response, through the review of the existing bylaw, will be more effective than placing reliance on existing legislation or education.

### The form of the bylaw

Section 155(2) of the Local Government Act 2002 requires that the Council determine whether the proposed bylaw is the most appropriate form of bylaw.

There are principally two forms of bylaw – stand-alone, or combined. A combined bylaw brings together a range of different subjects and issues as a series of chapters within a single document. A stand-alone bylaw exists independently of other bylaws, and generally relates only to one subject or activity. Councils typically opt for one form or the other, although a few Councils do have both forms of bylaw.

An example of a “combined” or consolidated form of bylaw is Manawātū District Council's bylaw, which includes various chapters addressing such diverse subjects as animal control, cemeteries, and trade waste. The key advantages of this approach are that it provides a single document for people to refer to when looking for Council's bylaws, and it aids consistency across different subjects for



matters such as defined terms and administrative processes. The disadvantages are that it can create a large document that may be difficult to navigate through if looking for information about a specific subject. Also, subsequent amendments and reviews can become difficult to manage for a combined bylaw. If many bylaw subjects were made into a single bylaw, then all those subjects are required to be reviewed at the same time. If all Council's bylaws were incorporated into a single bylaw then whenever the Council is required to review its bylaws (five years initially, then every 10 years) it would effectively bring all bylaws under review at the same time.

Palmerston North City Council's current bylaws are "stand-alone" bylaws. The key advantages of stand-alone bylaws are that they enable subjects to be treated with more detail than it might be given if the bylaws were incorporated into a single bylaw, and allow for a staggered review of bylaws when required. This last point can also help the community during consultation. A combined bylaw under review puts a large number of subjects before the community for consideration at the same time, whereas stand-alone bylaws reviewed in a staggered fashion allow for distinct issues to be considered separately, with appropriate time for each. Stand-alone bylaws also have the advantage of being subject-specific, making it simpler for a person to find the bylaw that relates specifically to the subject in which they are interested. The disadvantages of the stand-alone form of bylaw are that bylaws can potentially become inconsistent with each other, which can be exacerbated by the development of new bylaws several years after earlier bylaws.

Having regard for the advantages and disadvantages of both forms of bylaw, the recommended form of bylaw is the stand-alone form as exists now. It is expected that the existing 2008 Cemeteries and Crematorium Bylaw provides the structure that will form the basis for the review.

### New Zealand Bill of Rights Act

Section 155(2) of the Local Government Act 2002 also requires that the Council determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

This aspect cannot be fully considered until a bylaw has been drafted for consideration by Council. At that stage, a report will be made as to any concerns that the draft bylaw may create for the NZBORA. However, a preliminary assessment can be made as to whether a bylaw that regulates matters relating to management of cemeteries and crematoria in Palmerston North may give rise to implications under the NZBORA.

NZBORA sets out specific rights and freedoms which are protected by legislation. According to section 5 of the Act, the rights and freedoms covered by NZBORA "may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". This means that no rights are absolute, and section 5 is the tool for assessing whether limitations on rights and freedoms under NZBORA are justified. The rights and freedoms that are relevant here are:

***Manifestation of religion and belief*** - Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.



**Rights of minorities** - *Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.*

Cultural and religious or spiritual convictions influence the way death is approached by different groups in society. In some cases these beliefs can give rise to obligations that have equal moral weight for the followers of these belief systems, as would duties imposed by legal rules. For some, failure to comply with certain rituals or practices can be thought to result in harm not only to the deceased but also to their surviving relatives<sup>17</sup>. The need to respect cultural diversity must be balanced against the need for access to affordable burial options for the whole community and the need to ensure practices associated with death and final disposal do not cause offence or create a public health risk.

### Conclusion

This report concludes that a bylaw is the most appropriate way of addressing the perceived problems relating to the management of Council controlled cemeteries and crematoria in Palmerston North. While other options such as education programmes or reliance on existing legislation can be useful, these alternatives are unlikely to be effective without an enforceable bylaw that addresses local issues.

The form of the bylaw is a choice between a “stand-alone” style and a combined style of bylaw. This report recommends that the stand-alone form of bylaw is the most appropriate form.

At this early stage of the process, this report does not anticipate that a revised bylaw would give rise to implications under the NZBORA. A full assessment of any implications will take place when a draft bylaw is brought to the Council for approval for consultation.

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<sup>17</sup> Schwass, M. (2005). *Last Words: Approaches to Death in New Zealand's Cultures and Faiths*. Wellington, New Zealand: Bridget Williams Books Limited







## REPORT

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017

**TITLE:** Draft Traffic and Parking Bylaw 2018 - approval for consultation

**DATE:** 17 October 2017

**AUTHOR/S:** Peter Ridge, Policy Analyst, City Future

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### RECOMMENDATIONS TO PLANNING AND STRATEGY COMMITTEE

1. That the Consultation Document (including the draft Traffic and Parking Bylaw 2018 and Administration Manual), as shown in attachment 1 be approved for consultation.
2. That delegated authority is given to the Chairperson and the Deputy Chairperson of the Planning and Strategy Committee for the approval of any minor amendments to the consultation document prior to publication.



# **SUMMARY OF OPTIONS ANALYSIS FOR DRAFT TRAFFIC AND PARKING BYLAW 2018 – APPROVAL FOR CONSULTATION**

<b>Problem or Opportunity</b>	The current Traffic and Parking Bylaw 2011 is due for review. If the Bylaw is not replaced before 29 June 2018, it will be automatically revoked. Therefore, the Council is proposing to adopt this new Traffic and Parking Bylaw and is consulting with the community.
<b>OPTION 1:</b>	<b>Consult on the draft Traffic and Parking Bylaw as presented in the Consultation Document (attachment 1)</b>
Community Views	No community views have been sought as yet. If the Committee approves the draft Traffic and Parking Bylaw for consultation, then community views will be sought through the consultation process.
Benefits	Engaging with the community provides an opportunity for those with a particular interest to give feedback to the Council on the draft Bylaw. Consultation can lead to improvements to the Council's proposal.
Risks	If the consultation cannot be concluded in the time provided, then the current Bylaw may be automatically revoked before a new bylaw is adopted.
Financial	There are no particular financial impacts. The costs of consultation can be met within current budgets.
<b>OPTION 2:</b>	<b>Do not consult on the draft Traffic and Parking Bylaw</b>
Community Views	No community views have been sought as yet. If the Committee does not approve the draft Traffic and Parking Bylaw for consultation, then community views on the proposed Bylaw will not be known.
Benefits	There are no particular benefits to this option.
Risks	If the Committee does not approve the draft Bylaw for consultation, then the current Bylaw is unlikely to be able to be replaced before it is automatically revoked on 29 June 2018. This would render the Council unable to enforce most of its traffic or parking restrictions.
Financial	If the current bylaw is automatically revoked on 29 June 2018 without a replacement Bylaw, and Council is unable to enforce its traffic and parking restrictions, this could have tangible financial impacts, for instance through loss of revenue from enforcement of parking breaches.
<b>Contribution of Recommended Option to Council's Strategic Direction</b>	The draft Traffic and Parking Bylaw contributes to the draft City Development Strategy, specifically through the draft Strategic Transport Plan's objectives to provide infrastructure to enable growth and a transport system that links people and opportunities, provides amenity, safety, interconnectivity, accessibility, resilience and reliability. In particular, the draft Bylaw ensures that traffic and parking resources are used efficiently for the benefit of different road users.



## **RATIONALE FOR THE RECOMMENDATIONS**

### **1. OVERVIEW OF THE PROBLEM OR OPPORTUNITY**

- 1.1 The current Traffic and Parking Bylaw was adopted on 29 June 2011, and was required to be reviewed within five years. If it is not replaced within two years of the last date by which it should have been reviewed then it is automatically revoked. This means that the current Bylaw will be automatically revoked on 29 June 2018 unless it is replaced before then.
- 1.2 The draft Traffic and Parking Bylaw 2018 is proposed to replace the current Bylaw. The replacement process offers an opportunity to refine and improve the current Bylaw. The draft Bylaw attached to this report, therefore, is substantially revised and streamlined, and in keeping with other recently reviewed Bylaws includes an Administration Manual to record the administrative and technical elements that would otherwise be included in the Bylaw.

### **2. BACKGROUND AND PREVIOUS COUNCIL DECISIONS**

- 2.1 The current Traffic and Parking Bylaw was adopted by the Council on 29 June 2011. It was amended in 2013 as part of an “omnibus” process following the boundary change with Manawātū District Council. However, a full review of the current Bylaw was not undertaken within the required five-year review period.
- 2.2 The Planning and Policy Committee (as it was then known) received a pre-review report on 7 September 2015 that assessed the scope of the bylaw review process. The current Bylaw was made under both the Local Government Act 2002 and the Land Transport Act 1998, but the 2015 pre-review report noted that it would be more correct for the Bylaw to be made solely under section 22AB of the Land Transport Act 1998. This section provides specific bylaw-making powers relating to traffic and parking matters, whereas the Local Government Act 2002 does not provide any specific powers to regulate traffic or parking matters. Consequently, the Council is not required to make determinations under section 155 of the Local Government Act 2002. Additionally, the review requirements of that Act do not apply either. This means that once a new Traffic and Parking Bylaw is adopted, the Council will be able to determine when it should next review the Bylaw.

### **3. DESCRIPTION OF OPTIONS**

- 3.1 The first option is to consult on the draft Traffic and Parking Bylaw. This option gives the community an opportunity to provide feedback to the Council on the draft Bylaw, and suggest changes or improvements.
  - 3.1.1 The draft Bylaw proposed for consultation substantially revises the current Bylaw. In general terms, the Bylaw has been rewritten to more closely align with the enabling provisions of section 22AB of the Land Transport Act 1998. The Bylaw retains the



same overall structure, with Part 2 relating to parking restrictions, and Part 3 addressing general traffic management matters including one-way roads, heavy vehicle restrictions, stock driving, and turning restrictions. New sections added include a clause relating to parking trials (clause 7), engine braking (clause 14) and access to unformed legal roads (clause 15).

- 3.1.2 Another notable change is the creation of an Administration Manual for the proposed Bylaw. This aligns with all recently reviewed Bylaws, and provides a way to transparently record the specific restrictions, terms and conditions that apply under the Bylaw. The draft Administration Manual includes in Part 2 the terms and conditions for parking which were previously included in the Bylaw. It also adds the conditions for vehicles parked for the purposes of sale, which are currently included in the Signs and Use of Public Places Bylaw. It is considered that these conditions are more appropriately a parking issue, than a public place issue, and therefore belong in the Traffic and Parking Bylaw Administration Manual.
- 3.2 The second option is to not consult on the draft Traffic and Parking Bylaw. This would end the current process, and the current bylaw would be automatically revoked on 29 June 2018 unless a new bylaw was adopted before then.

#### 4. ANALYSIS OF OPTIONS

- 4.1 Consulting on the draft Bylaw (option one) will give the community an opportunity to provide feedback to the Council. This is the preferred option because consultation is an effective way of improving the proposed Bylaw, drawing on the knowledge and experience of the community to suggest ways of making the Bylaw more effective. There are also a number of new elements in the draft Bylaw on which it would be useful to have the views of the community. The new clause on parking trials, for instance, is intended to clarify the process by which the Council may institute new parking trials. These trials can be an effective way of identifying better arrangements for parking restrictions.
- 4.2 It is notable that the draft Bylaw more clearly defines a system for creating and revising traffic and parking restrictions. The current Bylaw includes details of some restrictions, but not all, and can be confusing as to whether the restrictions are approved by the Council directly or by officers acting under delegated authority. The proposed Bylaw attempts to clarify this by stipulating in clause 16.4 that an authorised delegate (i.e. a Council officer with delegated authority) may “establish any restriction, limitation, or condition under this Bylaw.” Furthermore, the definition of “Council” for the purposes of this Bylaw includes an authorised delegate. This recognises that many of the restrictions that are imposed under this Bylaw are particularly technical or operational in nature (for instance, the setting of no stopping lines, marked parking areas, loading zones) and would not be appropriate for Council meetings to be determining on a regular basis.



# ITEM 9

- 4.3 While Council could choose to not approve the draft Bylaw for consultation (option two), this carries substantial risk that the current Bylaw would be automatically revoked if a new Bylaw was not adopted before 29 June 2018. The Council may choose this option if it is not satisfied with the details of the proposed draft Bylaw. In that event, officers may be able to re-draft the proposed Bylaw to have regard to specific areas of concern that Council may have. However, the time remaining before the current Bylaw is automatically revoked may make it difficult to complete the drafting and consultation process in time. An alternative may be to simply consult on adopting the current Bylaw without change (i.e. “rolling over” the current Bylaw). While this approach would not be preferred, it would allow the current traffic and parking restrictions and conditions to be continued for as long as is necessary to complete a re-drafting of the new Bylaw.

## 5. CONCLUSION

- 5.1 Option one (consulting on the draft Bylaw) is the recommended course of action. The revisions that the draft Bylaw proposes are intended to make the Bylaw clearer and more transparent about the traffic and parking restrictions it creates, and consultation on the proposed Bylaw will give the community the opportunity to provide feedback on how well the Bylaw delivers on that goal.

## 6. NEXT ACTIONS

- 6.1 If the Committee approves the draft Bylaw for consultation, then officers will begin public consultation as described in the next section.

## 7. OUTLINE OF COMMUNITY ENGAGEMENT PROCESS

- 7.1 While section 22AD of the Land Transport Act 1998 states that a Bylaw made under that Act must follow the same consultation process as for a Bylaw made under the Local Government Act 2002, the special consultative procedure is not required to be used. However, the proposed community engagement exercise will follow a similar process.
- 7.2 A written document (the Consultation Document) will be published to the Council’s website and will be available in hard copy at the Customer Services Centre and the central and branch libraries. The period for written submissions will run from 18 November to 20 December 2017. Hearings for oral submissions will be scheduled for February 2018, with deliberations on those submissions to follow in April.
- 7.3 The consultation process will be promoted through a mix of traditional and online media. A story will appear in the Square Circular, along with a press release outlining the scope of changes proposed. Posts will appear on social media promoting the opportunity to make a submission. An online submission form will be available on the Council website.



7.4 In addition to consulting with the public generally, there are a number of specific stakeholders who are likely to have an interest in this draft Bylaw who will be contacted directly and invited to make a submission. These stakeholders include:

- NZ Police
- New Zealand Transport Agency (NZTA)
- Automobile Association (AA)
- Road Transport Association
- CCS Disability Action Group
- Enable NZ

#### **COMPLIANCE AND ADMINISTRATION**

Does the Committee have delegated authority to decide?	<b>Yes</b>
If Yes quote relevant clause(s) from Delegations Manual. Clause 168	
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council's policies or plans?	<b>No</b>

#### **ATTACHMENTS**

1. Consultation Document Draft Traffic and Parking Bylaw 2018 [↓](#) 

Peter Ridge  
Policy Analyst





**Palmerston North City Council**  
**Draft Traffic and Parking Bylaw 2018**  
**Consultation Document**





## Introduction

This consultation document proposes to replace the current Traffic and Parking Bylaw with the new Traffic and Parking Bylaw 2018, with a consequent minor amendment to the Signs and Use of Public Places Bylaw 2015. The current Traffic and Parking Bylaw was adopted in June 2011 and was due to be reviewed by June 2016. If a new bylaw is not adopted within two years of that review date, the current Bylaw will be automatically revoked. The purpose of this consultation document is to outline the new Bylaw and describe how it differs from the current Bylaw.

## The Proposal

The main proposal is to adopt a new Traffic and Parking Bylaw. This Bylaw provides the power for Council to set and enforce parking restrictions and other uses of roads and footpaths within Palmerston North. The current Bylaw will be automatically revoked if it is not replaced before 29 June 2018.

The draft Bylaw substantially revises the current Bylaw. In general terms, the Bylaw has been rewritten to more closely align with the enabling provisions of section 22AB of the Land Transport Act 1998. The Bylaw retains the same overall structure, with Part 2 relating to parking restrictions, and Part 3 addressing general traffic management matters including one-way roads, heavy vehicle restrictions, stock droving, and turning restrictions. New sections added include a clause relating to parking trials (clause 7), engine braking (clause 14) and access to unformed legal roads (clause 15).

Another notable change is the creation of an Administration Manual for the proposed Bylaw. This aligns with all recently reviewed Bylaws, and provides a way to transparently recording the specific restrictions, terms and conditions that apply under the Bylaw. The draft Administration Manual includes in Part 2 the terms and conditions for parking which were previously included in the Bylaw. It also adds the conditions for vehicles parked for the purposes of sale, which are currently included in the Signs and Use of Public Places Bylaw. It is considered that these conditions are more appropriately a parking issue, than a public place issue, and therefore belong in the Traffic and Parking Bylaw Administration Manual. This requires a consequent amendment to the Signs and Use of Public Places Bylaw and Administration Manual to delete those provisions relating to vehicles parked for the purposes of sale.

## Reason for the Proposal

The main reason for the proposal is to replace the current Traffic and Parking Bylaw which will be automatically revoked on 29 June 2018. However, in the process of drafting a replacement Bylaw the opportunity has been taken to improve and refine the provisions which govern the setting of traffic and parking restrictions in Palmerston North. To that end, the structure of the Bylaw has been revised to more closely align with the enabling provisions of section 22AB of the Land Transport Act 1998. As a result, some new powers have been added to the Bylaw relating to



restricting engine braking and access to unformed legal roads. While no specific restrictions have yet been identified, the inclusion of these powers in the Bylaw gives Council the ability to respond to issues as they arise in the future.

The new clause relating to setting parking trials is included to make clearer how Council will create any new parking trials. In particular, the Bylaw ensures that appropriate consultation is conducted before any new parking trials are created, giving those affected an opportunity to provide input into the decision-making process. It also restricts parking trials to a maximum 12-month duration, though they can be extended by repeating the initial process.

The reason for adopting the Administration Manual model is to ensure consistency with other recently reviewed bylaws. The Administration Manual provides a clear and transparent way for the community to see the terms, conditions, and other restrictions imposed through the Bylaw, along with any other technical or operational elements required through the Bylaw.



## Consultation Process

Anyone can make a submission about the proposal described in this document. We encourage anyone with an interest in the issues raised in this proposal to make a submission.

This consultation document and the submission form can be found at:

- Palmerston North City Council website  
<https://www.pncc.govt.nz/yourcouncil/consultations/>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and
- Ashhurst Services Delivery Centre, 122 Cambridge Avenue, Ashhurst.

You are welcome to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at the Planning and Strategy Committee meeting, scheduled for February 2018. The date and time for hearings will be confirmed in the letter acknowledging your submission, and will also be advertised in the Tribune newspaper.

To get your submission to us, either:

Mail to: Draft Traffic and Parking Bylaw 2018 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

Email to: [submission@pncc.govt.nz](mailto:submission@pncc.govt.nz) (write "Draft Traffic and Parking Bylaw 2018 Submissions" in the subject)

Phone: 06 356 8199 Fax: 06 355 4115

**The submission period runs from 18 November  
until 4pm on Wednesday 20 December 2017**

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media and on the Council's website, unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at [info@pncc.govt.nz](mailto:info@pncc.govt.nz).





**PALMERSTON NORTH CITY**

**PALMERSTON NORTH  
TRAFFIC AND PARKING  
BYLAW 2018**



## CONTENTS

<b>PART ONE - INTRODUCTION .....</b>	<b>3</b>
1. TITLE .....	3
2. PURPOSE .....	3
3. COMMENCEMENT .....	3
4. REPEAL .....	3
5. DEFINITIONS .....	3
<b>PART TWO - PARKING .....</b>	<b>9</b>
6. PARKING RESTRICTIONS .....	9
7. PARKING TRIALS .....	10
<b>PART THREE - FOOTPATHS AND ROADS.....</b>	<b>11</b>
8. USE OF FOOTPATHS FOR DELIVERY .....	11
9. ONE-WAY ROADS .....	11
10. HEAVY VEHICLE PROHIBITIONS.....	11
11. TRANSPORTING AND DROVING STOCK.....	11
12. TURNING RESTRICTIONS.....	11
13. SPECIAL VEHICLE LANES.....	12
14. ENGINE BRAKING.....	12
15. ACCESS TO UNFORMED LEGAL ROADS .....	12
<b>PART FOUR – ADMINISTRATION .....</b>	<b>13</b>
16. ADMINISTRATION MANUAL AND DELEGATIONS .....	13
17. PERMITS.....	14
18. FEES FOR PERMITS.....	14
19. WAIVER OF FEES .....	14
20. TRANSITIONAL PROVISIONS .....	15
<b>PART FIVE - ENFORCEMENT .....</b>	<b>16</b>
21. OFFENCES AND PENALTIES .....	16
22. DEFENCES .....	16
23. EXEMPTED VEHICLES .....	16



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

**Palmerston North Traffic and Parking Bylaw 2018****PART ONE - INTRODUCTION****1. TITLE**

- 1.1. The title of this Bylaw is the "Palmerston North City Council Traffic and Parking Bylaw 2018".

**2. PURPOSE**

- 2.1. This Palmerston North City Council Traffic and Parking Bylaw 2018 (the Bylaw) is made pursuant to section 22AB of the Land Transport Act 1998.
- 2.2. The purpose of this Bylaw is to place controls on and specify the method of signifying controls on the use, stopping, standing and parking of vehicles on roads and Council controlled places in Palmerston North for the convenience of the public and to achieve the safe, equitable and efficient allocation of public parking.

**3. COMMENCEMENT**

- 3.1. This Bylaw commences on 25 June 2018.

**4. REPEAL**

- 4.1. The Palmerston North Traffic and Parking Bylaw 2011 is repealed when this Bylaw commences.

**5. DEFINITIONS**

- 5.1. In this Bylaw:

**Authorised delegate**

Means a person given delegated authority by the Council to perform duties and functions under this Bylaw.

**Berm and Grass Verge**

Means any grassed area on a road separated from the roadway by channelling or kerbing, but does not include a grassed area immediately adjoining the roadway.

**Council**

Means the Palmerston North City Council and includes any person with delegated authority and authorised to act on its behalf.



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

<b>District</b>	Means the area within the territorial boundaries of the Palmerston North City Council.
<b>Eligible Resident</b>	Means a person who resides in a dwelling, apartment or other building which has its only or principal access to the road that forms part of a resident's parking area or which has access in the immediate vicinity of that road.
<b>Footpath</b>	Means as much of any road or Council controlled place that is laid out or constructed by the Council for pedestrian use, and includes footways and walkways.
<b>Heavy Motor Vehicle</b>	Means a motor vehicle with a gross vehicle mass exceeding 3,500 kilograms but it excludes passenger service vehicles.
<b>Mobility Parking Permit</b>	Means a permit or concession card issued by CCS Disability Action or Sommerville Disability Support Services to a person with a physical disability.
<b>Mobility Parking Space</b>	Means a parking space set aside by signs or markings by the Council for exclusive use by holders of a mobility parking permit.
<b>Network Utility Operator</b>	Means a person who— <ul style="list-style-type: none"> <li>(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or</li> <li>(b) operates or proposes to operate a network for the purpose of—               <ul style="list-style-type: none"> <li>(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or</li> <li>(ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or</li> </ul> </li> </ul>



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system; or
- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—

and the words network utility operation have a corresponding meaning.

**Parking**

Means, -

- (a) In relation to a portion of a road where parking is for the time being governed by the location of parking machines, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes.
- (b) In relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and



	entitled to do so) on that portion of the road.
	(c) For enforcement purposes, once a vehicle has parked in accordance with the above requirements, it shall be deemed as remaining parked until the vehicle has been fully removed from the parking space.
<b>Parking Fee</b>	Means the fee payable for use of a parking space for a period of time at the rate specified by the parking meter controlling the parking space.
<b>Parking Place</b>	Means a place (including a building) where vehicles, or any class of vehicles, may park.
<b>Parking Space</b>	Means a space or section of a parking place, road or other public place marked out and defined by painted lines for the accommodation of a vehicle.
<b>Passenger Service Vehicle</b>	Means a vehicle used or available for use in a passenger service for the carriage of passengers.
<b>Residents' Exemption Area</b>	Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area in which eligible residents may park contrary to time restrictions of that area in accordance with this Bylaw.
<b>Residents' Only Area</b>	Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area reserved for parking by eligible residents in accordance with this Bylaw.
<b>Residents' Parking Area</b>	Means a residents' exemption area or a residents' only area.
<b>Residents' Parking Permit</b>	Means a permit issued by the Council under this Bylaw for parking in a residents' parking area.
<b>Road</b>	Includes—  (a) A street; and



PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- (b) A motorway; and
- (c) A beach; and
- (d) A place to which the public have access, whether as of right or not; and
- (e) All bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) All sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

**Roadway**

Means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

**Special Vehicle Lane**

Means a lane defined by signs or markings and restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light-rail vehicle lane.

**Urban Area**

Means any land zoned residential in the District Plan.

**Vehicle**

means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include—

- (a) a perambulator or pushchair;
- (b) a shopping or sporting trundler not propelled by mechanical power;
- (c) a wheelbarrow or hand-trolley;
- (d) a pedestrian-controlled lawnmower;
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power;
- (f) an article of furniture;



**PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018**

- (g) a wheelchair not propelled by mechanical power;
- (h) any other contrivance specified by rules made under the Land Transport Act 1998 not to be a vehicle for the purposes of this definition;
- (i) any rail vehicle.

- 5.2. Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Land Transport Act 1998 unless the context plainly requires a different meaning. The Interpretation Act 1999 applies to the interpretation of this Bylaw as if it was an enactment.



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

## PART TWO - PARKING

## 6. PARKING RESTRICTIONS

## 6.1. The Council may:

- (a) Prohibit or restrict the stopping, standing or parking of vehicles on any road.
- (b) Limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description of vehicle.
- (c) Limit the period of time that vehicles may park on any part of the road where parking is limited to such vehicles.
- (d) Provide that a vehicle used for a specified purpose be treated for the purpose of this Bylaw to be of another specified purpose or class of vehicle.
- (e) Prohibit or restrict the parking of heavy motor vehicles, or any specific class or description of heavy motor vehicle, on any specified road during specified hours for a period that exceeds a specified period.

## 6.2. In respect of any parking place or transport station, the Council may:

- (a) Specify the vehicles or classes of vehicle that may be entitled to use any parking place or transport station;
- (b) Reserve any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in section 2 of the Disabled Person Community Welfare Act 1975;
- (c) Reserve specified parking places or transport stations for use by persons who hold a Residents' Parking Permit for that area, either generally or at specified times;
- (d) Prohibit or restrict parking on specified roads or parts of roads in residential areas by specified classes of vehicles, either generally or at specified times where the Council believes the parking is likely to cause a nuisance or danger;
- (e) Prescribe the conditions under which any parking place or transport station may be used;
- (f) Prescribe the charges to be paid for the use of any parking place or transport station, as measured by parking meters or by way of a fee for a permit to use the parking place or transport station, or by any other prescribed method of time measurement or payment.



**PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018**

- 6.3. Where required by the Land Transport Act 1998 or any regulations or rules made under that Act the Council will identify parking restrictions by erecting the prescribed signs or making the prescribed road markings.
- 6.4. Every person who stops, stands or parks a vehicle on a road, or uses a parking place or transport station must comply with the terms and conditions contained in the Administration Manual.

**7. PARKING TRIALS**

- 7.1. The Council may establish new parking restrictions, suspend specific existing parking restrictions, or otherwise amend or alter specific existing parking restrictions, including any parking fees or charges, as a parking trial for a specified period of time.
- 7.2. Before making any such decision under clause 7.1, the Council must consult appropriately with any person or organisation it reasonably believes may have an interest in the proposed parking trial, and have regard to any views submitted to it as a result of that consultation.
- 7.3. The maximum duration of any parking trial established under clause 7.1 is 12 months. A parking trial may be renewed by repeating the process required by clauses 7.1 and 7.2, provided that the renewed parking trial shall have a maximum duration of 12 months.
- 7.4. For the duration of the parking trial created under clause 7.1, any parking restrictions, fees or charges that are contradicted by the parking trial are suspended and have no effect until the parking trial ends.



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

**PART THREE - FOOTPATHS AND ROADS****8. USE OF FOOTPATHS FOR DELIVERY**

- 8.1. No person may drive a motor vehicle, including a moped or motorcycle, along the footpath to deliver newspapers, mail or printed material to letter boxes unless the Council has issued a permit authorising the activity to that person or to the organisation employing that person.

**9. ONE-WAY ROADS**

- 9.1. The Council may identify roads where, subject to the erection of the prescribed signs, vehicles must travel in one specified direction only.
- 9.2. No person may drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a "one-way road" in Part 3 of the Administration Manual, other than in the direction specified.

**10. HEAVY VEHICLE PROHIBITIONS**

- 10.1. The Council may prohibit or restrict, absolutely or conditionally, any specified class of traffic or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.

**11. TRANSPORTING AND DROVING STOCK**

- 11.1. No person may drive stock along or across any road in the urban area of the district.
- 11.2. Notwithstanding clause 11.1, stock may be driven along or across any road in any other part of the district only if the person driving the stock holds a permit issued by the Council, and complies with the conditions of that permit.
- 11.3. No stock may be transported in heavy motor vehicles over the routes specified in part 4 of the Administration Manual.
- 11.4. A person driving a vehicle transporting stock must not allow effluent to discharge from the vehicle onto the roadway.

**12. TURNING RESTRICTIONS**

- 12.1. The Council may prohibit, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (commonly known as a "u-turn"), or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left.
- 12.2. No person may drive a vehicle in contravention of a turning restriction made under clause 12.1 of this Bylaw.



**PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018****13. SPECIAL VEHICLE LANES**

- 13.1. The Council may prescribe, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by buses, taxis, or other passenger service vehicles, or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants.
- 13.2. No person may drive a vehicle in contravention of a special vehicle lane restriction made under clause 13.1 of this Bylaw.

**14. ENGINE BRAKING**

- 14.1. The Council may prohibit or restrict, subject to the erection of the prescribed signs, engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour.
- 14.2. No person may use a vehicle in contravention of an engine braking restriction made under clause 14.1 of this Bylaw.

**15. ACCESS TO UNFORMED LEGAL ROADS**

- 15.1. The Council may restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- 15.2. No person may use a motor vehicle on an unformed legal road in contravention of a restriction made under clause 15.1 of this Bylaw



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

**PART FOUR – ADMINISTRATION****16. ADMINISTRATION MANUAL AND DELEGATIONS**

- 16.1. The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. The Administration Manual records the restrictions and conditions established under this Bylaw, and will be updated from time to time as those restrictions and conditions are amended.
- 16.2. The Council may 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.
- 16.3. The following people are authorised delegates under this Bylaw:
- (a) The Chief Executive of the Council;
  - (b) The person holding the office identified in the Council's Delegations Manual as responsible for the administration of this Bylaw;
  - (c) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 16.4. An authorised delegate 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 including the following:
- (a) Amend the Administration Manual;
  - (b) Establish any restriction, limitation or condition under this Bylaw;
  - (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 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 decisions regarding suspension, withdrawal or removal of a permit.
- 16.5. Notwithstanding clause 16.4, an authorised delegate may not:
- (a) Prescribe, alter or repeal any fees or charges that might be set under this Bylaw;
  - (b) Approve any parking trial created under clause 7 which alters or repeals any parking fees or charges set under this Bylaw for the duration or purposes of the trial.
- 16.6. 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.



## PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

### 17. PERMITS

- 17.1. Where a person requires a permit from the Council under this Bylaw, the person seeking a permit must:
  - (a) Complete the required application form.
  - (b) Pay the applicable fee.
  - (c) Comply with any requirements set as conditions of that permit.
- 17.2. A permit may include, in addition to conditions incorporated in this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw; and minimise the risk of nuisance.
- 17.3. For the avoidance of doubt and only in exceptional circumstances, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 17.4. A permit is personal to the applicant and is not transferable.
- 17.5. An authorised delegate may limit the number of residents' parking permits issued to a single household under this Bylaw to ensure that the allocation of on-street parking in a residents' parking area is equitable for all residents covered by that residents' parking area.
- 17.6. The Council 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 Council may consider appropriate in the circumstances to protect public health and safety, to minimise nuisance, or to avoid offensive behaviour.

### 18. FEES FOR PERMITS

- 18.1. The Council may charge a fee for receiving and processing an application and issuing a permit.
- 18.2. The Council must prescribe a fee for any permit issued under this Bylaw in accordance with the Local Government Act 2002.
- 18.3. A permit may be cancelled by the Council at any time.

### 19. WAIVER OF FEES

- 19.1. Pursuant to section 150 of the Local Government Act 2002 the Council may by resolution determine situations when fees may be remitted, refunded or waived under this Bylaw.



**PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018**

**20. TRANSITIONAL PROVISIONS**

- 20.1. Every prohibition, restriction, limitation, condition or permit in existence at the time of the commencement of this Bylaw and that comply with this Bylaw's requirements for signage and marking will continue to apply as if made under this Bylaw.
- 20.2. Every fee or charge that applies at the commencement of this Bylaw will continue to apply as if made under this Bylaw until changed in accordance with this Bylaw.



## PART FIVE - ENFORCEMENT

### 21. OFFENCES AND PENALTIES

- 21.1. A breach of any prohibition, restriction, limitation, or condition made under this bylaw is an offence and is subject to the penalty set out in the Land Transport (Offences and Penalties) Regulations 1999 or any such equivalent regulations that may replace it.
- 21.2. Notwithstanding anything in this clause, the Council may remove vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of this Bylaw, and require the payment of the reasonable cost of such removal.

### 22. DEFENCES

- 22.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:
- (a) Complied with the directions of an enforcement officer, a parking warden or a traffic control device; or
  - (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

### 23. EXEMPTED VEHICLES

- 23.1. No restriction in this Bylaw applies to emergency vehicles being used when their use is necessary in the execution of the driver's duty.
- 23.2. The restrictions of Part 2 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.





PALMERSTON NORTH CITY

# **PALMERSTON NORTH TRAFFIC AND PARKING BYLAW**

**2018**

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## **Administration Manual**



## **CONTENTS**

<b>PART ONE – INTRODUCTION .....</b>	<b>4</b>
<b>PART TWO – PARKING TERMS AND CONDITIONS .....</b>	<b>5</b>
1. OCCUPANCY .....	5
2. SAFETY .....	5
3. DURATION.....	5
4. PARKING FEES.....	5
5. CURRENCY .....	6
6. INTERFERENCE WITH PARKING METERS .....	6
7. MOBILITY PARKING.....	6
8. RESIDENTS' PARKING .....	6
9. VEHICLES PARKED FOR SALE.....	7
<b>PART THREE – ONE WAY ROADS.....</b>	<b>8</b>
<b>PART FOUR – HEAVY TRAFFIC PROHIBITIONS FOR THE CBD .....</b>	<b>9</b>

DRAFT FOR CONSULTATION



**Document Control**

Version No.	Reason for Amendment	Date

**Authorisation**

	Name	Signature	Date
Prepared By			
Reviewed By			
Authorised By			



## PART ONE – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Traffic and Parking Bylaw. It identifies specific terms and conditions relating to parking restrictions, and identifies specific controls and restrictions such as one-way roads and heavy traffic prohibitions. It may also include administrative tools such as permit application forms.

The Administration Manual is made under the Traffic and Parking Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document and will be made available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up-to-date and reflects current practice. Amendments to this document will be authorised either by the General Manager for City Networks or the Roading Manager.



## PART TWO – PARKING TERMS AND CONDITIONS

The following terms and conditions apply to any person who stops, stands or parks a vehicle on a road, or uses a parking place or transport station.

### 1. OCCUPANCY

- 1.1. A parked vehicle must occupy only one parking space unless it is necessary for a vehicle to extend onto an adjoining and unoccupied parking space by reason of the size of the vehicle. In such a case the requirements for use of each parking space must be met.
- 1.2. No person may park any vehicle in a parking space that is already occupied by another vehicle. However more than one motorcycle (but no other vehicle) may occupy any parking space at the same time provided that:
  - 1.2.1. All motorcycles in that parking space are parked at right angles to the kerb.
  - 1.2.2. Any fee payable for the use of that parking space has been paid for the duration that any motorcycle continues to occupy that parking space.

### 2. SAFETY

- 2.1. Except with the prior written permission of the Council no person shall park a vehicle on a road or Council-controlled place for any period exceeding seven days, if that vehicle cannot be moved on at the request of the Council.
- 2.2. No person may park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required.
  - 2.2.1. This condition does not apply to containers that are used solely for the purpose of a domestic refuse or recycling collection service and which are placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.
- 2.3. No person may repair, alter or add to a vehicle which the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 2.4. No person may stop, stand or park a vehicle on a berm or grass verge or any cultivated land adjacent to, or forming part of, a road in an urban traffic area.
- 2.5. No person may park a vehicle on or overhanging any footpath.
- 2.6. No person may park a vehicle in a parking space when a sign, meter hood or permit identifies it as a discontinued parking space.

### 3. DURATION

- 3.1. Every person who parks a vehicle in a parking space must comply with the time restrictions shown on the sign or the meter controlling the parking space.

### 4. PARKING FEES



- 4.1. Where a parking space is controlled by a parking meter, a vehicle must not be allowed to remain in, or occupy, that parking space unless:
  - 4.1.1. The required fee is paid for the period the parking space is to be occupied; and
  - 4.1.2. The parking meter controlling the parking space is activated in accordance with the instructions on the parking meter or signs.
  - 4.1.3. The vehicle displays a valid permit issued under the Bylaw that exempts the user of that vehicle from paying the applicable parking fee.
- 4.2. If a parking meter or sign controlling a parking space requires the user of that parking place to display a receipt or other document on the dashboard of the vehicle parked in the parking place, then the receipt or other document must be prominently displayed on the dashboard at the front of the vehicle in a manner that enables the date and expiry time or date to be seen from outside the vehicle.

## **5. CURRENCY**

- 5.1. Only New Zealand legal tender currency may be used to pay parking fees.

## **6. INTERFERENCE WITH PARKING METERS**

- 6.1. No person may interfere, tamper or attempt to tamper with any parking meter.
- 6.2. No person may, without Council permission, affix or attempt to affix anything, or paint or write upon, or disfigure any parking meter.

## **7. MOBILITY PARKING**

- 7.1. Every person who parks in a parking space which has been designated and marked as a mobility parking space must prominently display a mobility parking permit at the front of the vehicle in a manner which will allow the permit to be seen from outside the vehicle.
- 7.2. A mobility parking permit may only be displayed on a vehicle if the vehicle is being used by the permit holder, either as a driver of or passenger in that vehicle.

## **8. RESIDENTS' PARKING**

- 8.1. Only eligible residents displaying a valid residents' parking permit may park their vehicle in a residents' exemption area for a longer period than the posted time restriction for that area.
- 8.2. No person may park a vehicle in a residents' only area except for:
  - 8.2.1. Eligible residents displaying a valid residents' parking permit;
  - 8.2.2. Vehicles operated by the Council or for the Council and being used in the conduct of Council business.
  - 8.2.3. Vehicles operated by network utility operators if necessary for the provision of, or maintenance of, a network utility operation;
  - 8.2.4. Vehicles used to pick up or deliver goods to, or in connection with maintenance of, the property of an eligible resident.



- 8.3. Where a residents' parking permit is required to be displayed for parking in a residents' exemption area or a residents' only area:
- 8.3.1. The permit must be prominently displayed so as to be seen from outside the vehicle;
  - 8.3.2. The permit must identify the vehicle to which it relates and is only valid to be used for that vehicle;
  - 8.3.3. The vehicle is in the residents' parking area referred to in the permit and is valid only during the time period specified on the permit.
  - 8.3.4. The permit must be returned to the Council immediately after the resident ceases to be an eligible resident.

## 9. VEHICLES PARKED FOR SALE

- 9.1. No person may park a motor vehicle in a public place for the purpose of sale without a permit from the Council.
- 9.2. For the purposes of this section, "**the purpose of sale**" means a vehicle that contains advertising or other messages designed to solicit offers to purchase the vehicle, and which are displayed in such a way that the vehicle is not capable of being legally or safely driven without first remove that advertising. Vehicles which are advertised for sale incidental to their day-to-day use, and which contain minimal advertising that does not substantially obscure any of the vehicle's windows, are not considered under this section to be parked for the purpose of sale.
- 9.3. The Council has set aside a section of the carpark of Memorial Park as an appropriate place for the private sale of motor vehicles. Council may issue permits to park vehicles for sale in this location, and reserves the right to decline applications for permit to park vehicles for sale in any other location.



### PART THREE – ONE WAY ROADS

Road	Section/Part	Permitted direction of travel
Coleman Place	All	East to west, from intersection with The Square to intersection with George Street.
King Street	All	East to west, from intersection with Princess Street to intersection with Rangitikei Street.
Berrymans Lane	All	From Princess Street entry to "T" junction  From "T" junction to exit on Broadway Avenue.  From "T" junction to exit on Main Street
Palm Drive	All	From north-east intersection with Victoria Esplanade Drive to west intersection with Victoria Esplanade Drive  Bicycles are permitted to travel in either direction on Palm Drive



## PART FOUR – HEAVY TRAFFIC PROHIBITIONS FOR THE CBD

Subject to the provisions of clause 11 of the Bylaw, the following roads are prohibited to heavy vehicles transporting livestock at all times:

Andrew Young Street  
 Ashley Street  
 Broadway Avenue between Rangitikei Street and Princess Street  
 Campbell Street between Walding Street and Cuba Street  
 Church Street between Pitt Street and Princess Street  
 Coleman Place  
 Cross Street  
 Cuba Street between Pitt Street and Rangitikei Street  
 Donnington Street  
 Fitzherbert Avenue between The Square and Ferguson Street  
 George Street  
 King Street  
 Linton Street between Church and Ferguson Street  
 Lombard Street between Walding Street and Cuba Street  
 Main Street between The Square and Pitt Street  
 Main Street between The Square and Princess Street  
 Queen Street  
 Rangitikei Street between Grey Street and Broadway Avenue  
 Taonui Street between Walding Street and Cuba Street  
 The Square perimeter

For additional clarity, the roads listed above are all within the area bounded by the ring road:  
 Princess Street-Ferguson Street-Pitt Street-Bourke Street-Walding Street-Grey Street





PALMERSTON NORTH CITY

# **PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015**

**(incorporating amendments as at 6 November 2017)**



Contents

1. TITLE.....3

2. PURPOSE .....3

3. COMMENCEMENT AND APPLICATION.....3

4. REPEAL .....3

5. INTERPRETATION.....3

**PART 1 – SIGNS.....7**

6. GENERAL CONTROL ON SIGNS .....7

7. SIGNS AND FLAGS ON FOOTPATHS.....8

8. SIGNS ADVERTISING COMMERCIAL SEXUAL SERVICES.....9

9. REAL ESTATE SIGNS AND FLAGS.....9

10. SIGN PARKS .....11

11. ELECTION SIGNS .....11

**PART 2 – USE OF FOOTPATHS AND PUBLIC PLACES.....12**

12. OBJECTS ON FOOTPATHS.....12

13. DRAWING ON FOOTPATHS .....12

14. USE OF PUBLIC PLACES .....12

15. SECURITY FENCES.....12

**PART 3 – STOCK ON ROAD RESERVES .....13**

16. ROADSIDE GRAZING .....13

**PART 4 – TRADING IN PUBLIC PLACES .....14**

17. MOBILE TRADING PERMITS .....14

**PART 5 – ADMINISTRATION .....15**

18. FEES AND CHARGES.....15

19. DELEGATIONS.....15

20. PERMITS .....16

**PART 6 – ENFORCEMENT.....17**

21. OFFENCES AND PENALTIES.....17



## Palmerston North Signs and Use of Public Places Bylaw 2015

### 1. TITLE

- 1.1. The title of this Bylaw is "THE PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015".

### 2. PURPOSE

- 2.1. This Bylaw is made under the Local Government Act 2002, the Prostitution Reform Act 2003, the Land Transport Act 1998 and the Health Act 1956. The purpose of the Bylaw (in conjunction with the methods contained in the Palmerston North District Plan) is to:
- (a) Protect the public from nuisance and maintain the amenity of Palmerston North City
  - (b) Protect, promote, and maintain public health and safety
  - (c) Regulate trading in public places
  - (d) Regulate, control, or prohibit signs in public places and signs advertising commercial sexual services.

### 3. COMMENCEMENT AND APPLICATION

- 3.1. This Bylaw comes into force on 1 October 2015.

### 4. REPEAL

- 4.1. The Palmerston North Signs and Use of Public Places Bylaw 2010 is repealed at midnight 30 September 2015.

### 5. INTERPRETATION

- 5.1. In this Bylaw:

**Administration Manual**

means the Administration Manual for the Palmerston North Signs and Use of Public Places Bylaw 2015, as approved by the Council when the Palmerston North Signs and Use of Public Places Bylaw 2015 came into force and as amended from time to time by delegated authority under this Bylaw.

**Advertising**

means using words or any pictorial or other representation to notify the availability of or to promote the sale of an object, a product, a service or a business.

**Authorised Officer**

means a person appointed or authorised in writing by the Council to act on its behalf in relation to this Bylaw.



<b>Commercial Sexual Services</b>	means sexual services that – (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person)
<b>Council</b>	means the Palmerston North City Council.
<b>Display</b>	means to place, erect, construct or fix.
<b>District Plan</b>	means the operative Palmerston North City District Plan and includes the operative parts of the Manawātū District Plan that apply to land that is now part of Palmerston North City until such time as that land is incorporated into the Palmerston North City District Plan via a Plan Change.
<b>Election</b>	means an election under the Electoral Act 1993 or the Local Electoral Act 2001.
<b>Election Sign</b>	means a sign or any part of a sign (including the frame and supporting structure) for a public referendum, election, or by-election, that encourages or persuades or appears to encourage or persuade voters to vote for a person or a party or to vote in a particular way on a referendum or election.
<b>Flag Sign</b>	means a flag with advertising on it.
<b>Footpath</b>	means a path or way under the control of the Council and principally designed for, and used by, pedestrians, and includes a footbridge.
<b>Footpath sign</b>	means a sign containing advertising displayed on a footpath but does not include a flag sign.
<b>General Authorisation</b>	means permission granted by the Council and recorded in the Administration Manual, permitting the activities specified in the General Authorisation by all persons, provided the conditions identified in the General Authorisation are complied with at all times.



<b>Mobile sign</b>	means a sign or signs attached to a vehicle (including trailer).
<b>Mobile trading</b>	means the sale of goods or services in a public place from premises which are not fixed to the public place.
<b>Permit</b>	means any approval or consent required or given by the Council under this Bylaw and includes any approval whether or not on a prescribed form including by electronic communication.
<b>Public Place</b>	means an area that is open to or used by the public and that is under the control of the Palmerston North City Council, or one of its Council Controlled Organisations.
<b>Real Estate</b>	means land, and buildings on land.
<b>Real estate flag</b>	means a flag advertising real estate or a licensed real estate agency.
<b>Real estate sign</b>	means a sign advertising the sale and purchase of real estate but does not include a real estate flag whether or not on the property to which it relates.
<b>Road</b>	Includes: <ul style="list-style-type: none"> <li>(a) Every road, street or public highway under Council's control;</li> <li>(b) Any land that is vested in Council for the purpose of a road as shown on a deposited survey plan;</li> <li>(c) Any land that is vested in Council as a road or street pursuant to any other enactment;</li> <li>(d) Any access way or service lane;</li> <li>(e) Every square or place intended for use of the public generally;</li> <li>(f) Every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;</li> <li>(g) Any state highway where the Council</li> </ul>



	has the necessary administrative powers to manage signs on that highway.
<b>Road Reserve</b>	means land vested in or controlled by the Council for the purpose of a road.
<b>Sign</b>	means words or any pictorial or other representation or notice on any material or object.
<b>Sign Parks</b>	means any space set out by the Council for the purpose of displaying signs in accordance with this Bylaw.
<b>Temporary Sign</b>	means a sign that is portable and not fixed to land or buildings.
<b>Vehicle</b>	Means: <ul style="list-style-type: none"> <li>(a) A contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and</li> <li>(b) Includes a hovercraft, a skateboard, in-line skates, and roller-skates; but</li> <li>(c) Does not include –               <ul style="list-style-type: none"> <li>i. A perambulator or pushchair</li> <li>ii. A shopping or sporting trundle not propelled by mechanical power</li> <li>iii. A wheelbarrow or hand-trolley</li> <li>iv. A pedestrian-controlled lawnmower</li> <li>v. A pedestrian-controlled agricultural machine not propelled by mechanical power</li> <li>vi. An article of furniture</li> <li>vii. A wheelchair not propelled by mechanical power</li> <li>viii. Any rail vehicle.</li> </ul> </li> </ul>



## PART 1 – SIGNS

### 6. GENERAL CONTROL ON SIGNS

- 6.1. No person may display a sign in a public place or on or overhanging any land or building owned by the Council without a permit from the Council, unless:
- (a) The display of the sign is authorised by this Bylaw or a permit issued under this Bylaw; or
  - (b) The display of the sign involves a temporary sign associated with a cultural, social, sporting or educational activity authorised by the Council and is removed after the activity ceases; or
  - (c) The display of the sign is expressly allowed by a resource consent under the Resource Management Act 1991 or a building consent.
- 6.2. No person may display a sign containing material that is offensive, objectionable, or indecent, that is visible from a public place or another person's private residence.
- 6.3. No person may display a mobile sign without a permit issued under this Bylaw unless it complies with the following conditions:
- (a) The mobile sign must be no larger than 3 square metres. If it is a panel with signs on both sides each can be up to 3 square metres.
  - (b) The mobile sign must not be placed on land zoned Residential or Village in the District Plan or on road reserve adjacent to land zoned Residential or Village in the District Plan.
  - (c) The mobile sign must not be placed outside a business deemed to be in competition with the business or activity advertised by the mobile sign.
  - (d) The top of the mobile sign is to be no more than 4 metres from the ground.
  - (e) The mobile sign must not extend outside the footprint of the vehicle to which it is attached.
  - (f) The mobile sign must be securely fastened to the vehicle.
  - (g) The vehicle must comply with all laws, rules, regulations, and bylaws regarding the position of the vehicle on a roadway, and must be no closer than 25 metres to any intersection.
  - (h) If the mobile sign is attached to a trailer, the tow bar of the trailer must be positioned away from the traffic flow, i.e. next to the curb



in angle parking. If the trailer is parked after dark it must display an illuminated red light to the rear on the side closest to the centre of the road, so that is easily seen by oncoming vehicles.

- (i) The vehicle must be parked so that no street/advisory signage is obscured and that there is clear line of sight for drivers.
- (j) The vehicle is not to be parked on raised or painted medians or any grass berms.

## 7. SIGNS AND FLAGS ON FOOTPATHS

- 7.1. No person may display a footpath sign on a footpath unless it complies with the following specifications:

Maximum height	1.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres.

- 7.2. No person may display a flag sign on a footpath unless it complies with the following specifications:

Maximum height	2.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres
Maximum flagpole height	3.0 metres

- 7.3. No person may display a footpath sign or flag sign on a footpath unless;

- (a) The sign advertises a business or relates to the business activity; and
- (b) The sign is located adjacent to the business to which it relates; and
- (c) The sign is removed when the business is not open to the public; and
- (d) There is not more than one footpath sign or flag sign for the business where the business is located in the area bounded by Ferguson Street, Pitt Street, Bourke Street, Walding Street, Grey



Street and Princess Street, and in all other cases not more than two footpath signs or flag signs for each business; and

- (e) There is a minimum width of footpath free of objects adjacent to the footpath sign or flag sign of 1.5 metres; and
- (f) The footpath sign or flag sign is placed immediately adjacent to the footpath kerb but must not impede access to car parks reserved for Mobility Parking Permit holders, bus stops, or access to existing amenities or infrastructure such as rubbish bins, traffic signals and crossing signals, road crossings, or other permanent features; and
- (g) The footpath sign or flag sign does not protrude on to a road; and
- (h) The footpath sign does not alone or with other footpath signs unreasonably impede safe and efficient pedestrian flow.

7.4. Despite clause 7.3, a flag sign may be fixed to a building if;

- (a) The sign relates to a business in that building;
- (b) The maximum height of the flag sign does not exceed 3 metres;
- (c) The flag sign does not protrude onto a road;
- (d) The flag sign does not protrude into any footpath more than 0.6 metres.
- (e) The lowest edge of the flag sign has a minimum overhead clearance of 2.1 metres.

## **8. SIGNS ADVERTISING COMMERCIAL SEXUAL SERVICES**

8.1. No person may display a sign advertising commercial sexual services unless the following conditions are met:

- (a) The sign is on the premises in which the commercial sexual services are provided; and
- (b) The sign is not located on land zoned Residential, Village, Rural or Institutional in the District Plan; and
- (c) The sign is not visible from a private residence on land zoned Residential, Village, Rural or Institutional zones in the District Plan, or any road adjacent to Residential or Village zoned land in the District Plan.

8.2. No person may distribute in a public place handbills that advertise commercial sexual services.

## **9. REAL ESTATE SIGNS AND FLAGS**

9.1. No person may display a real estate sign in the Residential or Village zone in the District Plan unless:

- (a) The sign has an area less than 1.1 metres<sup>2</sup>; and



- (b) All parts of the sign do not exceed a vertical height of 1.8 metres above ground level; and
  - (c) The number of signs does not exceed one per licensed real estate agency appointed in writing by the owner of the residential real estate being offered for sale; and
  - (d) The sign is on a property available for sale
  - (e) The total number of signs does not exceed three on any property; and
  - (f) The sign is removed within three weeks of the unconditional sale or lease of the real estate.
- 9.2. No person may display a real estate sign advertising real estate (other than real estate covered by clause 9.1) unless:
- (a) The sign has an area less than 2.9 metres<sup>2</sup>; and
  - (b) The number of signs does not exceed one per licensed real estate agency appointed in writing by the owner of the real estate being offered for sale; and
  - (c) The sign is on a property available for sale
  - (d) The total number of signs does not exceed three; and
  - (e) The sign is removed within three weeks of the unconditional sale or lease of the real estate.
- 9.3. No person may display a real estate flag unless:
- (a) The real estate flag is adjacent to the real estate to which it relates; and
  - (b) The dimensions of the real estate flag do not exceed 2 metres high x 0.6 metres wide; and
  - (c) The flag pole of the real estate flag does not have a vertical height measured from ground level exceeding 3 metres; and
  - (d) The base of the flagpole is positioned on the road not more than 0.5 metres from the face of the kerb, is located alongside and attached to the associated vehicle and is not a freestanding device.
  - (e) Is displayed only when a real estate agent is conducting open days for the public
- 9.4. Clauses 9.1, 9.2 and 9.3 do not apply to signs on the business premises of a licensed real estate agent or real estate agency.



## 10. SIGN PARKS

- 10.1. From time to time the Council (for the principal but not exclusive purpose of providing designated space for election signs) may:
- (a) Identify an area as a sign park.
  - (b) Prescribe fees for the use of the sign park.
- 10.2. No person may display a sign in a sign park without a permit from the Council.
- 10.3. No person may display in a sign park a sign greater than 2.9 metres<sup>2</sup>.

## 11. ELECTION SIGNS

- 11.1. This clause is subject to the Electoral Act 1993 and the Local Electoral Act 2001.

### Area

- 11.2. No person may display on any land that is zoned Residential or Village in the District Plan an election sign that is greater than 0.6 metres<sup>2</sup> in area.
- 11.3. No person may display on any land other than land zoned Residential or Village in the District Plan an election sign that is greater than 10 metres<sup>2</sup>.

### Height

- 11.4. No person may display any freestanding election sign that is greater in height than 1.8 metres.

### Number

- 11.5. No property or sign park may display more than one election sign per candidate.
- 11.6. No property or sign park may display more than one election sign per political party.

### Illumination and animation

- 11.7. No person may display in any place visible from a road an election sign that is animated or illuminated or made of any reflective material.



## PART 2 – USE OF FOOTPATHS AND PUBLIC PLACES

### 12. OBJECTS ON FOOTPATHS

- 12.1. No person may place objects on a footpath without a permit from the Council.
- 12.2. If the Council issues a permit to a person to leave tables, chairs or other objects on a footpath then the permit holder must comply with the standard conditions in the Administration Manual together with any other special conditions on the permit. Where the special conditions are inconsistent with the standard conditions, the special conditions prevail.
- 12.3. Clause 12.1 does not apply to any footpath in a locality, or to a type of object or objects, in respect of which the Council has issued a current general authorisation provided that the performance conditions attaching to the authorisation are met. Any authorisation may be revoked or amended by the Council at any time in its entirety, or specifically amended as to whom it applies, where it applies or the conditions to be met.

### 13. DRAWING ON FOOTPATHS

- 13.1. No person may mark any footpath or other public place, unless chalk is the only material applied and it is applied only to a footpath unless given written approval from the Palmerston North City Council.

### 14. USE OF PUBLIC PLACES REVOKED

- ~~14.1. No person may park a motor vehicle on a public place for the purpose of sale without a permit from the Council.~~

### 15. SECURITY FENCES

- 15.1. No person may erect or permit to be erected any barbed wire, razor wire or electrified wire within 1 metre of any boundary adjoining any public place at a height of less than 2 metres above the ground level of the public place unless the property is zoned rural in the District Plan.



### PART 3 – STOCK ON ROAD RESERVES

#### 16. ROADSIDE GRAZING

16.1. No person may graze animals on the grassed part of a road reserve unless the following conditions are met:

- (a) The grassed area is fenced by a temporary electric fence; and
- (b) The land adjacent to the road reserve is zoned rural in the District Plan; and
- (c) The animals belong to the owner of the allotment of land adjacent to the road reserve or the owner of the allotment of land adjacent to the road reserve has given consent to the owner of the animals for them to graze on that land; and
- (d) As soon as the grassed area has been grazed off, the stock and the electric fence are removed; and
- (e) The grassed area is not overgrazed or trampled into mud and all water channels and culverts are kept in good working order.



## **PART 4 – TRADING IN PUBLIC PLACES**

### **17. MOBILE TRADING PERMITS**

- 17.1. No person may engage in mobile trading in a public place without a permit from the Council. This clause does not apply to a person who has a mobile food business registered with the Council.
- 17.2. If the Council issues a permit to a person to engage in mobile trading in a public place then the permit holder must comply with the standard conditions in the Administration Manual together with any other special conditions on the permit. The special conditions prevail where inconsistent with the standard conditions.



## PART 5 – ADMINISTRATION

### 18. FEES AND CHARGES

- 18.1. The Council may set fees and charges for any permit granted under the Bylaw.

### 19. DELEGATIONS

- 19.1. The following 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 the Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.

- 19.2. Authorised delegated persons may exercise any power, function or duty under this Bylaw or carry out any act, other than those expressly required to be by Council resolution, in order to achieve its effective administration on behalf of the Council including, without limitation:

- (a) Grant permits;
- (b) Specify the special conditions that apply to a permit;
- (c) Declare General Authorisations;
- (d) Specify forms and procedures for the effective administration of the Bylaw;
- (e) Make any decision or determination required in this Bylaw in order to administer it;
- (f) Decisions regarding suspension, withdrawal or removal of a permit;

- 19.3. The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

- 19.4. All forms, specifications, standard conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw



called the Palmerston North Signs and Use of Public Places Bylaw Administration Manual, and shall be available to the public.

- 19.5. 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.

## **20. PERMITS**

- 20.1. 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;
  - (c) Comply with the conditions of that permit
- 20.2. 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.
- 20.3. The Council may grant a permit for any activity that would otherwise contravene this Bylaw.
- 20.4. A permit is personal to the applicant and is not transferable.
- 20.5. 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 officer may consider appropriate in the circumstances to protect Council property, public health and safety or to minimise nuisance.
- 20.6. An authorised officer may revoke any permit issued under this Bylaw where the conditions of that permit are not complied with.
- 20.7. All permits issued under clause 12.1 of the Palmerston North Signs and Use of Public Places Bylaw 2010 or its predecessors that are in effect at the time of the commencement of this Bylaw will expire on 1 May 2016.



## PART 6 – ENFORCEMENT

### 21. OFFENCES AND PENALTIES

21.1. Every person or permit holder who:

- (a) Fails to comply with any provision of this Bylaw; or
- (b) Breaches the conditions of any permit granted pursuant to this Bylaw

commits an offence under section 239 of the LGA 2002 and is liable to a fine as specified in section 242 of the LGA 2002.

21.2. 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 LGA 2002.





PALMERSTON NORTH CITY

# **PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015**

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## **Administration Manual**



## Document control

Version No.	Reason for amendment	Date
1	Adopted by Council	1 October 2015
2	Correct information requirements for permit application form	3 April 2017
3	Remove references to permits for vehicles parked for sale	6 November 2017

## Authorisation

	Name	Signature	Date
<b>Prepared by</b>	Peter Ridge		
<b>Reviewed by</b>	Graeme Gillespie		
<b>Authorised by</b>	Peter Eathorne		



**Contents**

PART ONE – INTRODUCTION.....4

PART TWO – FORMS .....5

PART THREE – STANDARD CONDITIONS FOR PERMITS.....10

PART FOUR – CURRENT GENERAL AUTHORISATIONS.....13

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## PART ONE – INTRODUCTION

The purpose of this Administration Manual is to support the administration of the Signs and Use of Public Places Bylaw 2015 (the Bylaw), to provide information to the public about making applications for permits under the Bylaw, and to identify the standard conditions that apply to the different activities for which permits may be issued.

The Administration Manual is made under the Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the Council's bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be authorised by the General Manager for the Customer Services Unit.



## PART TWO – FORMS

This section includes the form to be used when applying for a permit under the Signs and Use of Public Places Bylaw. This form applies to the following activities controlled by the bylaw and for which a permit may be issued:

- Displaying a sign in a public place (ref. clauses 6.1 and 6.3)
- Displaying a sign in a sign park (ref. clause 10.2)
- Placing objects on, or use of, the footpath (ref. clause 12.1)
- Mobile trading in a public place (ref. clause 17.1)
- Other (activities which would otherwise contravene the bylaw – ref. clause 20.3)

~~There is no standard form for a permit to park a motor vehicle in a public place for sale (ref. clause 14.1). Any person who wishes to obtain such a permit must apply in person at the Customer Service Centre on the Square.~~



# Signs and Public Places Permit Application Form



## APPLICANT DETAILS

Applicant Name: \_\_\_\_\_

Trading Name of Business (if applicable) : \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

After hours: \_\_\_\_\_ Mobile: \_\_\_\_\_

## ACTIVITY TYPE

Please indicate the type of activity permit for which you are applying

- ☐ Displaying a sign in a public place
 ☐ Displaying a sign in a sign park  
☐ Placing objects on or use of the footpath
 ☐ Mobile Trading in a Public Place  
☐ Other: \_\_\_\_\_

## PERMIT REQUIREMENTS

I confirm that:

- (a) I have included in this application the required information necessary to enable the Council to consider the application (see overleaf).  
 (b) I have paid the prescribed fee (if applicable)  
 (c) I agree to comply with the times, terms and conditions of the permit if a permit is issued.

Signature: \_\_\_\_\_ (applicant) Date: \_\_\_\_\_

### OFFICE USE ONLY

Application received on: \_\_\_\_\_

Recommendation: Approved/Declined (circle one)

Permit number: \_\_\_\_\_

Applicant advised: Yes/No (circle one)

Date: \_\_\_\_\_

Notes: \_\_\_\_\_



## PERMIT INFORMATION REQUIREMENTS

The following are the information requirements for each of the different permit activity types. Please ensure that you supply all the required information with your application to enable the Council to consider your application. A failure to supply the required information may delay your permit application.

### Displaying a sign in a public place (clause 6)

1. Identify the location where the sign will be located
2. Provide details of the sign content, and the size and construction of the sign (including whether it is a mobile sign).
3. Provide the date on which the sign is to be erected, and the date on which the sign is to be removed.

### Displaying a sign in a sign park (clause 10)

1. Identify in which sign park(s) the sign will be located:
  - a. Pioneer Highway – heading into the city, green area left hand side, past the Information Board and entrance to the Manawatū Trotting Track
  - b. Fitzherbert Avenue – heading out of the city prior to crossing the Manawatū River and bridge, green area on the left hand side.
2. Supply a sketch plan of the sign, including a description of the sign content, and the size and construction of the sign.
3. Provide the date on which the sign is to be erected, and the date on which the sign is to be removed.

### Placing objects on or use of the footpath (clause 12)

1. Describe the locality where objects are to be placed.
2. Supply a sketch plan that details the location of the objects to be placed on the footpath.
3. Identify the number and type of each object proposed to be placed on the footpath, and the times of the day and the days that the objects will be placed on the footpath.

### Mobile trading in a public place

1. Identify the nature of the mobile trade that will take place.
2. Clearly identify the exact location(s) where the mobile trading will take place. Each site will require a clear map for each proposed location.
3. The dates, times, frequency and duration the mobile trade will take place.



## PART THREE – STANDARD CONDITIONS FOR PERMITS

### All Permits

1. Permits are issued under the Palmerston North Signs and Use of Public Places Bylaw 2015.
2. The permit holder must present the permit if requested by any officer of the Palmerston North City Council.
3. The permit may be reviewed by the Council at any time and may be revoked on 48 hours written notice or earlier if necessary to prevent harm to any person or damage to any private or public property.
4. The permit is only valid if all applicable fees have been paid and funds have cleared.
5. Unless otherwise specified, a permit issued under this bylaw is valid for a maximum of three years. The Council may grant a renewal of the permit on application.

### Displaying a sign in a public place

1. The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
2. Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be removed, repaired or replaced within 24 hours of sustaining damage if there is a safety issue, and within 72 hours otherwise.
3. The sign must be removed by the date stated in the permit. If no date is stated, then the permit is deemed to terminate within 21 days of the date the permit was issued.
4. The permit holder is responsible for any damage to the public place or any other property of the Palmerston North City Council caused by the sign, the permit holder, the permit holder's contractors or the permit holder's employees.

### Displaying a sign in a sign park

1. The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
2. The sign must not be erected before a site inspection has been completed by a Council officer.
3. Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be repaired or replaced within 24 hours of sustaining damage.
4. The sign must not exceed 2.9m<sup>2</sup> in area and it must not exceed 1.6m above the ground inclusive of supports (posts).
5. The posts used to support the sign must fit in ground cylinders. The maximum width is 100mm<sup>2</sup> or 4"x4", and the maximum depth into the ground is 800mm.



6. The sign must be removed from the sign park by the date stated in the permit or before the end of eight weeks since the sign was erected, whichever is earlier.

#### Placing objects on or use of the footpath

1. Objects placed on the footpath must be placed outside the premises to which they relate.
2. Objects must not be placed outside adjoining premises without written permission from the adjoining premises.
3. Objects must be placed on the footpath only when the premises to which they relate are open to the public.
4. Pedestrians using the footpath must not be impeded by the objects placed on the footpath.
5. Objects placed on the footpath must be placed to ensure a minimum 1.5 metres continuous, straight-line width of the footpath remains clear for pedestrian access.
6. Objects other than tables and chairs may not occupy more than one quarter of the footpath width or 0.6 metres, whichever is the lesser.
7. Objects including but not limited to umbrellas, canopies or shades must be secured in such a way that they will not fall or be blown over.
8. The lower edge of the canopy of any umbrella or shade must be at least 2.1 metres above the footpath.
9. Access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture and bicycle stands must be kept clear at all times.
10. All braziers or heating devices must be securely fixed so as to not fall over.
11. A brazier or heating device must not present a danger to any pedestrian or building.
12. If alcohol is to be consumed in the area to be covered by this permit then it also needs to be licensed for alcohol consumption under the Sale and Supply of Alcohol Act 2012.
13. If tables, chairs, or other seating arrangements are placed on the footpath, then smokefree signage supplied by the Council must be displayed at all times the tables, chairs or other seating arrangements are placed on the footpath, so as to be prominently visible to persons using the tables, chairs or seating. No ashtrays or other devices intended for collecting ash may be placed on the tables or seating arrangements.
14. The permit holder must keep the footpath area where objects are placed clean from litter at all times.

#### Mobile trading in a public place

1. The permit holder must not impede the efficient flow of traffic or pedestrians.



2. The permit holder must not cause damage to the road reserve or any other property of the Palmerston North City Council.
3. The permit holder must cease trading when the permit expires or on revocation of the permit.

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## PART FOUR – CURRENT GENERAL AUTHORISATIONS

The following are General Authorisations made under clause 12.3 of the Bylaw, currently in effect:

### General Authorisation #1 - footpaths within the CBD and Local Business Zone

This authorisation, made in accordance with clause 12.3 of the Signs and Use of Public Places Bylaw 2015, authorises the placement of objects (excluding tables, chairs or other seating arrangements) on footpaths within the area bounded by (and including) the following streets: Pitt Street, Bourke Street, Walding Street, Grey Street, Princess Street, and Ferguson Street, and on any footpath adjoining land zoned Local Business in the Palmerston North City District Plan.

The placement of any objects under this general authorisation is subject to the following conditions:

- The person who places the object(s) is the owner or occupier of the premises adjacent to the section of footpath where the objects are to be placed.
- The objects must not impede pedestrians using the footpath.
- A minimum 1.5 metres of continuous, straight-line width of the footpath must remain clear for pedestrian access.
- The lower edge of any object overhanging the footpath must be at least 2.1 metres above the ground.
- The objects must not block access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture, or bicycle stands, at any time.

The Council may revoke or amend this general authorisation at any time, and any objects placed on the footpath must comply with any amended conditions or be removed from the footpath.

*Declared by PNCC on 1 October 2015*







## COMMITTEE WORK SCHEDULE

**TO:** Planning and Strategy Committee

**MEETING DATE:** 6 November 2017


**TITLE:** Committee Work Schedule

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### RECOMMENDATION(S) TO PLANNING AND STRATEGY COMMITTEE

1. That the Planning and Strategy Committee receive its Work Schedule dated November 2017.

### ATTACHMENTS

1. Committee Work Schedule - November 2017 [↓](#) 



## PLANNING & STRATEGY COMMITTEE

### COMMITTEE WORK SCHEDULE – NOVEMBER 2017

Item No.	Estimated Report Date	Subject	Officer Responsible	Current Position	Date of Instruction/ Point of Origin
1	November 2017	Draft Traffic and Parking Bylaw	General Manager, City Future	Subject to Councillor briefing	
2	<b>November December</b> 2017	Bikes in Schools report back on application for funding	General Manager, City Networks		20 February 2017 Clause 6-17
3	<b>November December</b> 2017	Sectional District Plan Review: Proposed Plan Change 22 Omnibus (Balance transportation, subdivision, hazards, general, monitoring, information requirements)	General Manager, City Future		
4	<b>November December</b> 2017	Draft Dog Control Policy Bylaw	General Manager, City Future		
5	<b>November December</b> 2017	Needs assessment and report on options to improve pedestrian safety	General Manager, City Networks		Planning and Strategy 21 November 2016 clause 76.2
6	December 2017	Cemetery Bylaw Review S155 Report	General Manager, City Future		
7	February 2018	Quarterly update on NZTA progress relating to pedestrian safety	General Manager, City Networks		Resolved at Committee meeting 7 March 2016
8	TBA	Flyers Line Results of investigation for long term remedial options	General Manager, City Networks		Resolution 102.3 Finance and Performance November 2015

Oasis # 762472 Work Schedule Planning and Strategy Committee



- 2 -

9	TBA	Sectional District Plan Review: Proposed Plan Change 23 Zoning Adjustments	General Manager, City Future	Working with landowners	
10	TBA	consideration of all former strategies under review)	General Manager, City Future	Subject to finalisation of goals	
11	TBA	Use of Public Land by Commercial Interest	General Manager, City Future		Finance & Performance 15 August 2016 Clause 54-16
12	TBA	Opportunities to address the issue of unsecured roaming dogs	General Manager, Customer Services		Planning & Strategy 4 September 2017 Clause 58.2