



On-site Wastewater Disposal Systems Bylaw

Governing body of the Far North District Council

Resolution in Council 24 February 2022.

Under section 146 of the Local Government Act 2002, the Governing Body of the Far North District Council made the following bylaw about the control of on-site wastewater disposal systems.

The bylaw is due for review by 24 February 2027.

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1 Title

This bylaw is the On-site Wastewater Disposal Systems Bylaw.

2 Related information boxes

Boxes headed “Related information” in this policy are for information purposes only, and –

- (a) they do not form part of this policy; and
- (b) cannot be considered in the interpretation or application of a provision of this policy; and
- (c) may be inserted, amended or removed without any formality.

3 Commencement

This bylaw comes into force four days after the date it is made.

Related information

This bylaw is due for review by 24 February 2027.

4 Application

This policy applies to the district of the Far North District Council.

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to protect public health and prevent nuisance by prescribing requirements for the maintenance of on-site wastewater disposal systems.

Related information

The design and installation of on-site wastewater disposal systems are regulated under the Building Act 2004, Resource Management Act 1991, and Plumbers Gasfitters and Drainlayers Act 2006.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, -

alternative system means an on-site wastewater disposal system that separates all, or some of, the grey water from toilet wastewater for treatment, including waterless toilet systems such as composting toilets, and vermiculture systems, peat bed treatment systems, and powerless systems

commercial has the same meaning as in schedule 1 of the Building Regulations 1992

council means the governing body of the Far North District Council, or any person delegated to act on its behalf.

industrial has the same meaning as in schedule 1 of the Building Regulations 1992.

Related information

As at 1 January 2017, the definition is: “Applies to a building or use in which any natural resources, goods, services or money are either developed, sold, exchanged or stored. Examples: an amusement park, auction room, bank, car-park, catering facility, coffee bar, computer centre, fire station, funeral parlour, hairdresser, library, office (commercial or government), Police station, post office, public laundry, radio station, restaurant, service station, shop, showroom, storage facility, television station or transport terminal.”

council means the governing body of the Far North District Council, or any person delegated to act on its behalf.

industrial has the same meaning as in schedule 1 of the Building Regulations 1992.

Related information

As at 1 January 2017, the definition is: "Applies to a building or use where people use material and physical effort to:

- (a) extract or convert natural resources,
- (b) produce goods or energy from natural or converted resources,
- (c) repair goods, or
- (d) store goods (ensuing from the industrial process).

Examples: an agricultural building, agricultural processing facility, aircraft hangar, factory, power station, sewage treatment works, warehouse or utility."

mechanical system means a system designed for the disposal of wastewater that operates in a mechanical way, and is driven by a power source, and is not a conventional septic tank, or similar type system.

occupier means any person, other than the owner, who has a right to occupy the property, by virtue of a tenancy granted by lease, licence or other authority.

on-site wastewater disposal system means:

- (a) any system for the reception and disposal of wastewater, including any septic tank, grease trap, mechanical system, alternative system, cesspit, drainage or soakage pit or bore; and,
- (b) the field tiles, scoria, or stone contained therein; and,
- (c) distribution bore, discharge field or soakage field that is a part of, or is connected to, any such system.

owner has the same meaning as in section 2(1) of the Local Government Act 1974

Related information

As at 22 October 2019, the definition is: "... in relation to any property, means the person entitled to receive the rack rent thereof, or who would be so entitled if the property were let to a tenant at a rack rent."

suitably qualified person means any person recognised by the Council as being suitably qualified to prepare appropriate reports and assessments for On-Site Wastewater Disposal Systems.

Related information

The current list of approved suitably qualified persons for assessment and effluent removal can be found on the Council's website under Onsite Wastewater disposal. Person(s) seeking Council approval as suitably qualified for Onsite Wastewater disposal services can apply on the Council's website under Onsite Wastewater disposal.

Examples of suitably qualified persons are:

- installers of the on-site wastewater disposal system; and
 - industry service technicians; and
 - persons recommended by the manufacturer of the on-site wastewater disposal system;
- and
- appropriately trained, experienced professional maintenance contractors

(2) The Interpretation Act 1999 applies to this bylaw.

Part 2: Maintenance Requirements

Related information

If the council is satisfied an on-site wastewater disposal system is injurious to health or not sanitary, the council can use its powers under sections 29, 30 and 34 of the Health Act 1956 by including issuing a notice of offence or to enter a premise and abate the nuisance without notice to the owner or occupier.

Related information

As part of the consenting processes all on-site wastewater disposal systems are required to have a manufacturers maintenance and operation manual which the owner or occupier of a property or their agent is required to follow. Further resources on on-site wastewater disposal systems can be obtained from Northland Regional Council.

7 Owner or Occupier is responsible for maintenance

- (1) The owner or occupier of the land where an on-site wastewater disposal system is located must:
 - (a) operate, clean and maintain the system to ensure the system does not cause a nuisance or endanger public health; and
 - (b) comply with clause 8.
- (2) The owner or occupier of land, on which an on-site wastewater disposal system is installed, must provide evidence to the council that a suitably qualified person has certified the on-site wastewater system is functioning in accordance with the manufacturer's maintenance and operation manuals or the suitably qualified person verifies the system is functioning correctly. The owner or occupier will supply this evidence within 28 days of the system being assessed.

8 Maintenance of systems

- (1) Except as provided in subclauses (2) and (3), an on-site wastewater disposal system must be assessed by a suitably qualified person at least every five years.
- (2) Except as provided in subclause (3), if an on-site wastewater disposal system is installed on a commercial or industrial property, the system must be assessed and maintained by a suitably qualified person –
 - (a) in accordance with the manufacturer's maintenance and operation manual; or
 - (b) at least every three years.
- (3) If an on-site wastewater disposal system is –
 - (a) a mechanical system; or
 - (b) an alternative system –the assessment and maintenance must be carried out by a suitably qualified person at least once every year in accordance with the manufacturer's maintenance and operation manual.
- (4) If an assessment under this clause determines any physical work is required to ensure the onsite wastewater system is functioning correctly, that work must be undertaken within 28 days of the assessment.
- (5) Council may inspect on-site wastewater disposal system to protect public health or prevent nuisance -
 - (a) If the council has not received the certificate required in clause 7(2), the council may send a written notice to the owner or occupier requiring the owner or occupier to provide evidence that the required maintenance work has been carried out and giving the owner or occupier 28 working days to comply;
 - (b) If the owner or occupier does not comply with subclause (a), the council may inspect the

on-site wastewater disposal system under section 172 of the Local Government Act 2002 to determine whether this bylaw has been complied with;

- (c) If an inspection under subclause (b) provides evidence the on-site wastewater disposal system has not been maintained, the council may, by written notice, require the owner or occupier to carry out work specified in the notice and give the owner or occupier 28 working days to comply;
- (d) If the owner or occupier does not comply with a notice given under subclause (c), the council may carry out the work required and recover any costs incurred under section 186 of the Local Government Act 2002.

Related information

If the council is satisfied an on-site wastewater disposal system is dangerous, affected or insanitary, the council can use its powers under section 124 of the Building Act 2004, including issuing a notice requiring work to be carried out.

Part 3: Offences and penalties

9 Offences

Any person who breaches this bylaw commits an offence under section 239 of the Local Government Act 2002.

Related information

Examples of breaches of this bylaw include:

- failing to provide Council with an on-site wastewater system maintenance certificate within the specified timeframe(s) at clause 7; or
- failing to perform necessary repair work identified by a suitably qualified person during the maintenance assessment of the on-site wastewater system; or
- failing to comply with Council notices to remedy, repair and/or maintain the on-site wastewater system.

10 Penalties

A person who is convicted of an offence of breaching this bylaw is liable to a fine of up to \$20,000 under section 242 (4) of the Local Government Act 2002.