

WAIROA DISTRICT COUNCIL

CONSOLIDATED BYLAW



PART 10 – STORMWATER BYLAW 2022

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1.0 INTRODUCTION

1.1 TITLE

This bylaw is the Wairoa District Council Stormwater Bylaw 2022 and may be referred to in this or other bylaws as the Stormwater Bylaw.

1.2 COMMENCEMENT

This is a new bylaw and shall come into force on the (date) 2022.

1.3 APPLICATION OF BYLAW

This bylaw shall apply to the Wairoa township, Tuai and Mahia township.

1.4 PURPOSE

The purposes of this bylaw are to:

- a) protect the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse, or loss.
- b) manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for connections to the public stormwater network.
- c) ensure that discharges into the public stormwater network are appropriately managed at source, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and any water quality targets for receiving environments.

This bylaw will assist in achieving a holistic and integrated approach to three waters management in the district that is consistent with Council's District Plan, other Policies, Plans, Strategies and Objectives and also reflect the principles of Te Mana o Te Wai. The following overarching purposes have been set for all four water services bylaws (Water Supply, Stormwater, Wastewater and Trade Waste).

- 1. Meet Legislation Requirements.** Proactively meet all Council's statutory requirements relating to the provision of three waters services.
- 2. Te Mana o Te Wai.** Give effect to the fundamental concept of Te Mana o Te Wai as prescribed under the National Policy Statement for Freshwater Management 2020. This

states that the hierarchy of obligations in Te Mana o Te Wai prioritises first, the health and well-being of water bodies and freshwater ecosystems; second, the health needs of people; and third, the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

- 3. Tangata Whenua Status.** Recognise the status of tangata whenua as Treaty Partners of the Council, and Kaitiaki for the purposes of this bylaw.
- 4. Integrated Approach.** Adopt an integrated and holistic approach, ki uta ki tai, to the Three Waters (water supply, wastewater including trade waste and stormwater) that recognises the interconnections between each of the waters and promotes their sustainable management.
- 5. Environmental Responsibilities.** Facilitate environmentally responsible practices by raising awareness of how the three waters services interact and affect the district's natural environment. Additionally, ensure that Council meet its own responsibilities in terms of resource consent requirements set by the Hawke's Bay Regional Council.
- 6. Sustainable Practices.** Encourage and incentivise the community and businesses to adopt practices that lead to the enhancement of the environment and the sustainable management of water resources including water and product stewardship, rainwater harvesting, waste minimisation and cleaner production.
- 7. Support Sustainable Growth.** Support the sustainable provision of three waters infrastructure to enable future growth while minimising or eliminating impacts on the environment.
- 8. Durable Infrastructure.** Develop and maintain durable and resilient infrastructure that achieves Council's levels of service in an efficient and cost-effective manner.
- 9. Safety and Health.** Ensure the protection, safety and health of Council staff and the community when using or operating the water supply system, and the wastewater and stormwater networks.
- 10. Obligations.** Define the obligations of residential occupiers and businesses including trade waste occupiers and the public at large in relation to the Council's water supply, wastewater, and stormwater networks.
- 11. Discharge Controls.** Regulate wastewater and stormwater discharges, including trade waste, and hazardous substances, into the wastewater and stormwater networks.
- 12. Equitable Costs.** Provide a system for the equitable sharing of Council's water services costs between trade waste dischargers, other businesses, and domestic owner/occupier's.

1.5 OBJECTIVES

Further to the Overarching Purpose the specific objectives for this bylaw are:

- a) Avoid, or minimise and control the discharge of contaminants into the public stormwater drainage network in order to avoid or minimise the effect of any such discharge on the quality of the network discharges to the receiving environment and to protect human health.
- b) Manage the structures and infrastructure associated with the Council's stormwater drainage network.
- c) Enable the Council to meet relevant objectives, policies, standards, and resource consent conditions for discharges from the public stormwater drainage network to the receiving environment.
- d) Define the obligations of the Council, installers, occupiers, and the public in matters related to the discharge of stormwater and management of the public stormwater drainage network.

1.6 CONTEXT

Stormwater is discharged within the district to natural waterways, to public and private stormwater drainage systems, and to ground soakage. Council has responsibility for maintaining a number of drains, and the kerb and channel systems along many Council roads. Outside of Wairoa township, stormwater is generally managed as a roading activity.

Drains passing through or serving private land are generally considered private. The management and maintenance of private drains is the responsibility of the landowner, and each section of a private drain (including piped) is generally the responsibility of the owner of the land it passes through. This bylaw addresses urban stormwater discharges and not rural run-off.

This bylaw specifically relates to the stormwater drainage system for Wairoa township, where a network of open drains, piped drains, kerbs and channels direct stormwater to the Wairoa River, estuary, and coastal marine area by gravity flow. The Wairoa stormwater network consists of approximately 80 outlets into the Wairoa River and Awatere Stream, and as a result there are 80 individual catchments in this stormwater network. These catchments encompass a range of land uses and vary significantly in size. The only pumped connection is from Wairoa Athletic Football Club into the Rutherford Street drain, which runs into the Kitchener Street drain.

There are limited and informal stormwater networks in all other areas and settlements in the district, which again consist of drains, kerbs, and channels. However, there are few trades, businesses, commercial or industrial activities in these smaller areas, so there is less likelihood that any stormwater discharge will hold contaminants that could affect the receiving environment. In some instances, site-specific stormwater management plans are required.

1.7 DEFINITIONS

Reference should be made to Part 1 Introductory Bylaw and to the legislation referred to for any other definitions not included in this clause. For the purpose of this bylaw, unless inconsistent with the context, the definitions below apply. In the event that a term contained in this bylaw is unclear, NZS 4404: Land development and subdivision, NZS 9201 Model General Bylaws - introduction and legislation such as the Local Government Act 2002 may be used to clarify terms or phrases.

Annual Exceedance Probability (AEP) means the probability that a rainfall event of the given magnitude will be equalled or exceeded in any given year:

- (a) 1% AEP corresponds to a 1 in 100-year rainfall event.
- (b) 2% AEP corresponds to a 1 in 50-year rainfall event.
- (c) 10% AEP corresponds to a 1 in 10-year rainfall event.

Approved or **Approval** means approved in writing by the Council either by resolution of Council or by any authorised officer of Council.

As-Built Plan means a plan at scale 1:500 showing the appropriate services in the condition and position that they have been installed, and relevant property information.

Authorised Officer means any officer of the Council or other person authorised by the Council to administer and enforce its bylaws in accordance with the Local Government Act 2002.

Best Practicable Option means the best method for preventing or minimising the adverse effects of any stormwater discharge on the environment having regard to:

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications of an option compared with other options; and

- (c) the effects on the environment; and
- (d) the current state of technical knowledge and the likelihood that the option can be successfully applied.

Buried Services means Council owned assets and infrastructure that are located below ground.

Cleaner Production is also called pollution prevention, and means to continuously apply an integrated preventive strategy to processes, products, and services to increase overall efficiency and reduce risks to humans and the environment. For trade premises, the goal is to reduce or eliminate the quantity and toxicity of wastes.

Code of Practice means the Engineering Code adopted by the Council describing how stormwater systems are to be installed, operated, maintained, and renewed.

Conditional Stormwater Discharge means a discharge which has conditions placed upon the permit holder by the Council for stormwater that —

- (a) Requires compliance with discharge permit conditions;
- (b) May contain contaminants;
- (c) May require pre-treatment and/or a stormwater management plan;

Connection means the lawful and physical connection of a private stormwater pipeline to any Council stormwater drainage network.

Contaminant means any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; or as described or contained in the Resource Management Act 1991.

In stormwater these contaminants can be suspended sediments, oxygen demanding substances, pathogens, metals, hydrocarbons and oils, toxic trace organics and organic pesticides, nutrients, and litter.

Council means Wairoa District Council, or any officer authorised by Council or delegated to act on its behalf.

Customer means the owner, occupier, manager, or person who has obtained a permit to discharge stormwater from any premises to a public stormwater network.

Developer means a person undertaking development.

Development in relation to land, means altering the stormwater runoff characteristics of that land including by stormwater drainage works, building work, subdivision or change of use. Such development may also include a connection to the stormwater drainage network.

Disconnection means the physical cutting off or sealing of a private stormwater pipeline from any Council network.

Engineering Manager means the person employed as the manager of infrastructural assets by the Council or any person authorised to exercise the powers and duties of this person.

Ephemeral Flows are short lived flows of stormwater across land or in depressions, during rainfall events.

Fees and Charges means the list of items, terms and prices for services associated with stormwater disposal as adopted by the Council in accordance with the Local Government Act 2002.

Flood Plain means a low-lying area, normally adjacent to a catchment's main watercourses, which is expected or predicted to flood in a rainfall event usually described as a 1% AEP rainfall event or greater.

Flood Risk Area means an area which may be at risk of flooding in up to a 1% AEP rainfall event or greater.

Hazardous Substances and Materials means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any materials which

when mixed with the wastewater stream, are likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any person or harmful to the wastewater or stormwater network.

Hazardous Wastes or Hazardous Substances means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.

High Risk Facilities (HRF) means those facilities that, by reason of the activities being carried out, carry a higher risk of release of contaminants that may affect the downstream public stormwater network infrastructure or receiving environment. High risk activities will be as listed in Section 3 of the Hawke's Bay Waterways Guidelines, Industrial Stormwater Design 20090406, and as amended from time to time or as otherwise determined by the Engineering Manager. Such sites are required to have a stormwater permit from the Council and an approved Stormwater Management Plan. See Clause 5.6 for examples.

Infiltration means water entering a public or private wastewater network from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.

Inflow means water discharged into a private wastewater pipeline from noncomplying connections or other drain laying faults. It includes stormwater entering through illegal down pipe connections or from low gully traps.

Level of Service means the measurable performance standards by which Council undertakes to provide and manage stormwater disposal.

Manager means a person who controls or manages any premises, or any activity or event on any premises, or operates a part of the stormwater network on the premises, regardless of whether that person is the owner of those premises or that part of the stormwater drainage network.

Monitoring Equipment means any device or combination of devices considered appropriate by the Council to measure on site or remotely and record any characteristics of trade waste, stormwater, and wastewater.

Nuisance has the same meaning as Section 29 of the Health Act 1956 and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person; and in the context of this bylaw also includes but is not limited to:

- (a) danger to life; or
- (b) danger to public health; or
- (c) flooding of any premises floor or sub-floor, or public roadway; or
- (d) damage to property; or
- (e) damage to the stormwater network; or
- (f) erosion or subsidence of land; or
- (g) long- or short-term adverse effects on the environment;
- (h) adverse loss of riparian vegetation; or
- (i) wastewater overflow to land or water; or
- (j) anything that causes a breach of any stormwater discharge permit condition binding the Council, (including an accumulation of contaminants causing a breach).

Occupier means the person occupying premises connected to the stormwater system. This may be the owner of the premises, lessee, squatter, or any other person on or using the premises.

On-Site Stormwater Management System means a device, such as stormwater retention tank(s), stormwater planters, stormwater rain gardens or other facilities approved by the Council, which drain stormwater or retard the flow of stormwater from a property and may also provide for the improvement of the quality of the stormwater through the retention of suspended sediments and other contaminants (including low impact design mechanisms and treatment in accordance with the Hawke's Bay Regional Council Waterways Design Guidelines: Stormwater Management, May 2009).

Overland Flow Path means any secondary flow path; or the overland route taken by any concentration of, or significant sheet flow of stormwater on its way to a flood plain or public stormwater network.

Owner means the person who owns the premises from which stormwater originates or on which stormwater is located.

Permit means a permit in writing given by the Council and signed by an authorised officer authorising a person to discharge stormwater to the stormwater drainage network.

Permit Holder means a person occupying trade, business or industrial premises who has obtained a permit to discharge stormwater from any premises to the Council's stormwater drainage system, and includes any person who does any act on behalf or with the express or implied permission of the permit holder (whether for reward or not) and any licensee of the permit holder.

Person means any natural person, the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate.

Point of Discharge means the point which marks the boundary of responsibility between the owner/occupier of a premises and the Council. At this point the private line or open drain enters the public network of drains, kerbs, and channels. See Schedule 3 of this bylaw.

Premises include the following:

- (a) A property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a record of title is available; or
- (c) A building or dwelling house for which a separate supply of water and wastewater discharge is provided and may have a stormwater connection; or
- (e) Individual units in buildings which are separately leased or separately occupied, or
- (d) Land held in public ownership (e.g. reserve) for a particular purpose.

Pre-Treatment means any processing of stormwater designed to reduce or vary any detrimental characteristics before discharge to the stormwater drainage network, and in order to comply with a stormwater discharge permit.

Private Stormwater Drain or Private Stormwater Pipeline or Private Drain means that section of pipeline between the owner's premises and the point of discharge through which stormwater is conveyed from the premises to the stormwater drainage network. This section of pipeline is owned and maintained by the owner or occupiers.

Public Stormwater Drainage Network includes:

- (a) any pipe, drain, drainage channel, land drainage work or treatment facility, vested in or under the control of the Council, which serves more than one freehold lot; and
- (b) all drains, drainage channels, land drainage works or treatment facilities within legal road reserve or other public places; and
- (c) any drain, drainage channel, land drainage work or treatment facility over which the Council has exercised control for a period of 20 years or longer; and
- (d) any drain, drainage channel, land drainage work or treatment facility declared to be a public drain under section 462 of the Local Government Act 1974.

Public Notice is as defined in section 5 of the Local Government Act 2002.

Rainwater Tank means a storage tank that has the dual purpose of detaining water by temporarily storing stormwater runoff during a rainfall event that can then be re-used for, for example, hose taps. The water tank is used to collect and store rainwater runoff, typically from rooftops via pipes.

Record of Title means a record of title created under section 12 of the Land Transfer Act 2017.

Registered Drainlayer means a tradesperson certified by the Plumbers, Gasfitters, and Drainlayer's Board under the Plumbers, Gasfitters and Drainlayer's Act 2006 and regulations and holding such other certifications as the Council may require from time to time.

Restricted Works means building works which are carried out closer than the specified distance to a Council asset as specified in Clause 2.2.2.

Roading Authority in respect of local roads, means the Council, and in respect of State Highways, means Waka Kotahi NZ Transport Agency.

Significant Industry means the significant size of a given industry compared to the capacity of the stormwater drainage network which services that industry. Industry size relates to volume and/or loads discharging into the wastewater and/or stormwater system. Loads can be the conventional loadings of BOD5 and SS (Biochemical Oxygen Demand and Suspended Solids Concentration) or some other particular contaminant such as boron or chromium which will require pre-treatment.

Stormwater means all surface water run-off resulting from precipitation. This bylaw addresses urban stormwater discharges and not rural run-off.

Note: The definition of Stormwater in this bylaw differs from that used by Hawkes Bay Regional Council (HBRC). Discharges of stormwater may require a resource consent from HBRC.

Stormwater Management Device means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. Including, but not limited to:

- rain gardens,
- porous paving,
- infiltration trenches,
- sand filters,
- settlement traps, tanks,
- green roofs,
- wetlands,
- ponds,
- rainwater tanks,
- proprietary devices,
- stormwater detention and/or retention device.

Stormwater Retention Device means any device such as a holding tank or pond designed to retain stormwater on the premises and limit the volume of outflow from the premises into the stormwater drainage network. It may also be used to encourage on-site rainwater use.

Stormwater Management Plan (SMP) means the plan for management of operations on the premises from which trade wastes come, and may include provision for emergency management procedures, and any relevant industry code of practice. An example of a SMP is shown in Schedule 6.

Watercourse has the same meaning as section 2 of the Land Drainage Act 1908, which includes all rivers, streams, creeks, culverts, and channels through which stormwater commonly flows, whether continuously or not. This bylaw addresses urban stormwater discharges to drains and channels, and not rural run-off.

Zone of Influence means where a building or structure is located close to Council buried infrastructure and could affect the integrity of that infrastructure as detailed in Clause 2.2.3.

2.0 PROTECTION OF COUNCIL ASSETS

2.1 PROTECTION OF STORMWATER DRAINAGE NETWORK

2.1.1 No person may:

- (a) allow any material, hazardous substances, wastewater, trade waste, chemicals (including chlorine and detergents), rubbish, litter, hydrocarbons (from leaking vehicles or other sources) or other substance that causes or is likely to cause a nuisance, directly or indirectly, into the public stormwater drainage network unless it has first passed through an appropriate and approved pre-treatment device, or is approved by the Council; or
- (b) deposit or permit any material, hazardous substance, chemicals, rubbish, litter, or other substance, likely to cause a nuisance upon entering the public stormwater drainage network, to be located so that it is likely to enter the public stormwater drainage network (directly or indirectly) in any storm event; or
- (c) do anything that adversely affects or may affect the efficiency and safety of, or damages or is likely to cause damage to, the public stormwater network; or
- (d) obstruct, divert, alter, or interfere with any stormwater network, watercourse, overland flow path, or flood plain identified by Council in a manner that adversely affects or may affect the efficiency and safety of the stormwater drainage network; or
- (e) discharge stormwater into the public stormwater drainage network with characteristics that would exceed those allowed for or would result in adverse environmental effects that may lead to non-compliance with Council's stormwater discharge consents obtained from the Hawke's Bay Regional Council; or
- (f) do anything that damages or is likely to cause damage to any public stormwater drainage network; or
- (g) carry out any of the above so as to adversely affect land or premises including other land and premises on other land; or

- (h) remove vegetation from or damage vegetation in any wetland on a premises that the person owns, occupies, or manages, if the removal or damage is likely to adversely affect the ability of the wetland to contribute to the performance of the stormwater network, unless the Council approves or that person is expressly authorised by an operative resource consent.

Note: Without limiting the scope of these provisions, but for the avoidance of doubt, swimming or spa pool water arising from emptying or backwashing may not be discharged into the stormwater network. Disposal of such water is to the wastewater network as provided for in Council's Wastewater Bylaw.

2.1.2 All drains or drainage channels forming part of the public stormwater network shall be kept clear of any obstruction that impedes or is likely to impede the free flow of water, for a distance of at least 3 metres from the nearest margin of the drain or drainage channel. Any vegetation removed from this three-metre distance shall not cause or worsen erosion or sedimentation of the drain or drainage channel.

2.1.3 Access to system

No person, other than Council, its authorised agents and certified drainlayers, may make any connection to, or otherwise interfere with, any part of the stormwater drainage system without the written approval of the Council.

2.1.4 Spillages and adverse events

In the event of a spillage, or adverse event which has released or is likely to release hazardous substances or contaminants into the stormwater drainage network, the Council shall be advised of the details immediately.

2.2 PROTECTION OF BURIED SERVICES

2.2.1 Working around Buried Services

No person may carry out restricted works or works within the zone of influence except in accordance with an approval granted by Council, and any conditions attached to that approval. See Schedule 5 for an application form.

Note 1: The Council shall keep accurate permanent records (as-builts) of the location of its buried services, where these are known, on public or private land. This information is available for inspection. Costs may be charged to provide copies of this information.

Note 2: As-built plans held by Council are correct to the best of the Council’s knowledge and information received from external parties. Council takes no responsibility for inaccurate information or unknown infrastructure. Council will not be liable for any damages or loss whatsoever from the use of information held by Council.

2.2.2 Restricted Works

a) Restricted works are works of the following types which are carried out closer than the specified distance to the asset type set out in the following table, except for the work within the zone of influence as specified in Clause 2.2.3:

Type of Works	Type of water supply network	Specified distance from Council asset **
General excavation	Pipes 300mm in diameter and greater, including connected manholes and structures.	10 metres
	Pipes less than 300mm in diameter, including connected manholes and structures.	2 metres
Piling	Pipes 300mm in diameter and greater, including connected manholes and structures.	10 metres
	Pipes less than 300mm in diameter, including connected manholes and structures.	2 metres
Blasting	All pipes, including connected manholes and structures.	15 metres

**** Restricted works lie within these distances from the Council asset, and must take into account the Zone of Influence in Clause 2.2.3.**

- (c) Every person carrying out restricted works must, before commencing the works:
 - (i) Notify Council of their intention in writing at least ten (10) working days prior, and
 - (ii) Obtain written approval from Council for the works, which may include conditions Council considers appropriate to protect the stormwater network. The Council may charge for this service.

- (c) When excavating and working around Buried Services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated according to the Council Engineering Standards or other specifications advised in writing by Council. Excavation within road reserves also requires a permit process with the appropriate roading authority.
- (d) Council may, where appropriate, mark out to within ± 0.5 metres the location of its services.
- (e) A developer will meet the cost of diverting or sleeving the public pipe (including any ancillary structures) in accordance with Council standards unless approval to the contrary is provided by Council.
- (f) Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage will be required to reimburse the Council with all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

2.2.3 Building Work within Zone of Influence

- (a) No building or structure may be built over or near a public stormwater main, or other pipes, or within the Zone of Influence without specific Council approval and an agreed covenant in gross or encumbrance lodged on the property record of title, as detailed in Schedule 2.
- (b) If Council agrees to the building proposal over or near a Council pipeline, then a building consent can be applied for as required.
- (c) The Council will only give approval to construct a building/structure over or near infrastructure services if:
 - i. It is impractical to construct a new main or reposition the building, clear of the zone of influence; and
 - ii. The pipe runs approximately in a straight line both vertically and horizontally between manholes; and
 - iii. There are no connections under the building; and
 - iv. The pipe is sleeved, and additional inspection ports or manholes are installed as required by Council; and

- v. The condition of the pipe is checked by CCTV prior to construction and the pipe condition is approved as acceptable by the Council; and
- vi. The structure is designed to be self-supporting between foundations when the building/structure is constructed over the pipeline; and
- vii. The condition of the pipe is checked by CCTV again after construction has completed; and
- viii. Structures straddling or founded within the zone of influence are designed by a Chartered Professional Engineer as follows:
 - The structure must be designed so that there is no additional loading transmitted to the pipeline and no undermining or settlement of the structure occurs. This requires that no pile or footing of the structure may be closer than 1.0 metres from the outside of the pipe (measured horizontally).
 - Any pile or footing of the structure which is situated 1.0 metres from the outside of the pipe (measured horizontally) must be constructed to a depth greater than 300mm below the invert of the pipe.
 - Any pile or footing of the structure which is situated greater than 1.0 metres from the outside of the pipe (measured horizontally) must be constructed to a depth greater than 300mm below a 45° line projected from a point 1.0 metres horizontally outside of the pipe at the pipe invert and projected up to the footing.

- (d) A covenant in gross or encumbrance must be registered on the property record of title at the time of Building Consent, indemnifying the Wairoa District Council against any claims for damage caused by the presence, maintenance, replacement, or upgrade of the pipeline. The owner must acknowledge and bear all risks associated with building over or near the pipeline. They will also meet the cost of preparing and registering the covenant in gross or encumbrance, along with any engineering and surveying costs. See Schedule 2 for further details.

Note: Please refer to Section 451 of the Local Government Act 1974 for works regarding Council infrastructure.

2.2.4 Building Works and Flooding

No building or structure shall obstruct a known stormwater overland flow path, or decrease the stormwater storage in a known ponding area such that the risk of flooding in that location is exacerbated. Any such works must be designed to avoid or mitigate for stormwater disposal and be specifically approved by Council.

2.2.5 Loading or Material over Public Water Pipes

- (a) No person may cause the crushing load imposed on a public pipeline 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).
- b) No person may place any additional material over or near a public pipeline without approval.
- (c) Service openings and other ancillary structures shall not be obstructed in any way. Removal of any obstructing material or adjustment of the structures shall be at the property owner's expense.

3.0 TYPES OF STORMWATER DISCHARGE

3.1 DISCHARGE OF CONTAMINATED STORMWATER ALLOWED IN CERTAIN CIRCUMSTANCES

- 3.1.1** There is no entitlement for any person to discharge contaminated stormwater to the stormwater drainage network, and the Council is not obliged to accept all stormwater.
- 3.1.2** All trade, business and industrial premises and activities must apply to Council for a Stormwater Permit. Following this application:
 - a) For uncontaminated stormwater, Council may waive this permit requirement, or
 - b) Council may issue a permit for a permitted stormwater discharge, or
 - c) Council may issue a conditional permit for stormwater discharge.

3.1.3 No person shall discharge any contaminant or have the potential to discharge a contaminant into the stormwater drainage network, without an approved permit from the Council. See Clause 4.0.

3.2 PERMITTED STORMWATER DISCHARGE

- a) Uncontaminated stormwater may be discharged from any premises to the Council's stormwater drainage network. This network consists of open drains, piped drains, and roading kerbs and channels.
- b) Such discharge shall be directly to the public network and shall not be through or over another property unless this constitutes an approved overland flow path or an approved or Council owned drainage channel or pipe.

Note: Stormwater detention or retention may be required to store and/or delay the discharge of stormwater from premises, and will generally be detailed in a resource consent.

3.3 CONDITIONAL STORMWATER DISCHARGE

- a) An occupier/manager of any trade, business or industrial premises discharging contaminated or potentially contaminated stormwater into the public stormwater drainage network will be required to apply for a permit, including a a stormwater management plan which describes any pre-treatment being applied to the stormwater.
- (b) Premises (including domestic) generating trade waste containing contaminants and where there is a reasonable probability that accidents or other events may take place where contaminants could enter the public stormwater drainage network and have the potential to breach the provisions of this bylaw, will be required to apply for a permit, and provide a stormwater management plan.
- (c) Where there are ephemeral flow paths present within a premises that have the potential to breach the provisions of this bylaw in terms of contaminant discharges to the public stormwater drainage network, then the owner or occupier or manager will be required to apply for a permit, and provide a stormwater management plan.

3.4 PROHIBITED STORMWATER DISCHARGE

A prohibited stormwater discharge contains or is likely to contain contaminants such as suspended sediments, oxygen demanding substances, pathogens, metals, hydrocarbons and oils, toxic trace organics and organic pesticides, nutrients, and litter.

- a) A person shall not discharge prohibited stormwater into the public stormwater drainage network.
- b) A stormwater discharge from High-Risk Facilities is prohibited unless it complies with a stormwater permit from Council and includes an approved stormwater management plan.

4.0 CONDITIONS OF STORMWATER DISCHARGE

4.1 APPLICATION FOR A STORMWATER DISCHARGE PERMIT

General

4.1.1 Any stormwater discharge connection shall be carried out by a certified drainlayer who has been approved by Council.

4.1.2 An approved application for discharge which has not been actioned within six months of the date of application will lapse unless otherwise approved. Any refund will be at the discretion of the Council.

4.1.3 The applicant must be the owner, or have written evidence of authority to act on behalf of the owner of the premises for which the discharge is sought and shall produce written evidence of this if required.

4.1.4 Domestic connection

Any person intending to discharge stormwater from domestic premises to the public stormwater drainage network shall apply to the Council on the prescribed form in the Schedule for a stormwater service connection. The application must be accompanied by payment of the application fees.

4.1.5 Trade, business, or industrial premises connection

An application to obtain the approval of the Council for a stormwater service connection must be:

- a) made on the prescribed form in Schedule 4; and
- b) accompanied by:
 - (i) payment of the application and processing fees; and
 - (ii) a proposed stormwater management plan or verification by an independent third party of information provided by the applicant, if required by Council;
 - (iii) such further supporting information as is reasonably necessary to determine whether to grant approval to a connection. For an existing permit, further information may include an analysis of the stormwater discharge.
 - (iv) A separate application is required for each point of discharge within a trade or business premises.

4.1.6 On considering the application in accordance with Clause 4.2, the Council may:

- a) grant the application for a stormwater permit, in whole or in part, and issue a permit;
or
- b) decline the application.

4.1.7 If the Council grants the application, it may issue the permit subject to conditions.

4.1.8 When the Council declines the application it will inform the applicant of its decision and reasons in writing.

4.1.9 For a new application from a trade, business or industrial premises, a person should apply at least 2 months in advance of the stormwater discharge.

4.1.10 A new application may be required each time:

- i. a new trade or business premises or activity is established;
- ii. an existing trade or business premises or activity is operating without a permit or a waiver;

- iii. the holder of a permit changes; or
- iv. the owner of the premise's changes; or
- v. the characteristics of the stormwater contaminants that is being discharged in accordance with an existing permit change; or
- vi. there is a significant change to the method or means of pre-treatment for the stormwater discharge under an existing permit; or
- vii. the discharge of stormwater is from more than one trade premises or area.

4.1.11 An application for the stormwater discharge will not be approved when the stormwater discharge contains, or is likely to contain, contaminants as defined in this bylaw, or the site is considered to have potential for stormwater contamination and/or a stormwater contamination event has occurred from the site, unless the Council approves pre-treatment and a stormwater management plan as part of a stormwater permit.

Note: Council aims to decide on an application within 20 working days of receipt unless further information is required in order to make the decision.

4.2 CONSIDERATION OF APPLICATION FOR A PERMIT

4.2.1 When considering an application for a stormwater discharge permit, and any conditions, the Council may take into account any of the following:

- a) Consistency with the purposes of the bylaw; and
- b) Any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network; and
- c) The characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network; and
- d) Consistency with any catchment management plan and/or integrated management plan for the catchment; and
- e) Compliance with any relevant control, for example a pre-treatment, confirmed by Council prior to the application for permit; and

- f) The extent to which the permit will impact on Council's compliance with any network discharge resource consent; and
- g) Any operational policy, guidance document, or management practice approved by the Council; and
- h) Any potential cumulative harmful effect which may arise over time or in combination with other effects due to permits granted by the Council in the affected sub-catchment as evidenced by Council's stormwater sampling; and
- i) The complexity of the issue and the cost required to suitably resolve it; and
- j) The availability of cleaner production techniques and waste minimisation practices; and
- k) Whether any other approvals are held in relation to the activity requiring approval, such as resource consents; and
- l) Compliance with any relevant industry best-practice guidelines, including the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998); and
- m) Stormwater management plans and pollution prevention plans; and
- n) Any other reasonable considerations the Council considers appropriate, including the consideration of the best practicable option.

4.2.2 The Council may agree to a trade/business premises stormwater discharge subject to an appropriate pre-treatment system to reduce or vary any characteristic of the stormwater, to enable the stormwater to comply with this bylaw.

4.2.3 The Council will require pre-treatment and a stormwater management plan for the stormwater discharges from high-risk facilities. See Clause 5.6.

4.3 CONDITIONS OF TRADE/BUSINESS STORMWATER PERMIT

4.3.1 An approved trade /business stormwater discharge shall be into an already approved stormwater connection.

4.3.2 The Council may include conditions in a stormwater discharge permit relating to:

- a) the provision and implementation of a stormwater management plan;
- b) the provision of appropriate screens, filters, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network.
- c) the frequency with which any equipment required by the permit must be maintained and cleaned;
- d) the location, design, and specifications, of the work or activity;
- e) construction and maintenance requirements for the work or activity;
- f) the design, location, and specification of, and any material alteration to, the private stormwater system, including equipment and devices;
- g) waste minimisation and management, and cleaner production techniques;
- h) the specific approved point(s) of service connection into which the stormwater must be discharged;
- i) monitoring, sampling, analysis, and testing (including by a specified third party);
- j) records and reporting;
- k) disposal of pre-treatment by-products;
- l) recording the presence of any on-site stormwater management device for the premise;
and
- m) any other reasonable conditions the Council considers appropriate.

4.3.3 Impervious yard run-off

- a) For premises with large impervious areas, such as, but not limited to vehicle washing facilities, the provision of the Council's Engineering Code of Practice will apply, and a permanent barrier shall be constructed which prevents water from outside the confines of the facility from entering the wastewater or stormwater networks.

- b) Where it is impractical to cover a large impervious area, consideration will be given to a system which detains run-off from the first foul flush for ultimate disposal to the wastewater network, with subsequent run-off disposal as uncontaminated stormwater into the Council's stormwater network.

4.4 CONSTRUCTION AND MAINTENANCE REQUIREMENTS

- 4.4.1** The owner, occupier, or manager of a premises on which work occurs for which the Council has given permission must comply with all conditions of the stormwater permit.
- 4.4.2** Maintain the stormwater infrastructure and devices on the premises in accordance with the manufacturer's instructions and design provisions.
- 4.4.3** The Council may inspect the work at suitable intervals and notify the owner, occupier, or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the Council.
- 4.4.4** The costs associated with the inspection by the Council and maintenance required by the Council under this clause must be borne by the owner or manager of a premises, unless required otherwise by the Council.

4.5 TECHNICAL REVIEW AND VARIATION OF A PERMIT TO DISCHARGE TO PUBLIC STORMWATER NETWORK

- 4.5.1** Council may at any time, by written notice to the owner or occupier (following a reasonable period of consultation), review the stormwater permit.
- 4.5.2** The Council may vary the conditions of a trade/business stormwater permit at any time it considers appropriate, having regard to:
- (a) the level of compliance with the conditions of the permit, including any accidents, spills, or process mishaps;
 - (b) the Council's legal obligations, including those under the Resource Management Act 1991;
 - (c) the Council's environmental policies and the intended objectives and outcomes;

- (d) new control and treatment technologies and processes that are implemented by the Council;
- (e) any of the considerations relevant to the decision on the application for a permit outlined in the Clauses 4.2 and 4.3 above;
- (f) any new information relating to the contaminant discharge having been made available.

4.5.3 A permit holder may apply to the Council for a variation of a permit condition at any time. The standard application form shall be used and all the required evidence provided to support the application.

4.5.4 The Council will notify the permit holder in writing of the decision on the variation of the permit condition.

4.5.5 Council may require changes to a stormwater management plan as part of a decision.

Note: Council aims to decide on an application for a variation of conditions within 20 working days of receipt of an application, or subsequent request for further information. The decision will include reasons for any refusal.

4.6 COUNCIL MAY CANCEL OR SUSPEND RIGHT TO DISCHARGE

4.6.1 The Council may suspend or cancel any trade /business stormwater discharge permit or right to discharge under this bylaw if it is satisfied that:

- a) The owner, occupier or manager has failed to comply with any condition of the discharge permit (including an up-to-date management plan) or requirement of this bylaw; or
- b) The owner, occupier or manager has failed to maintain effective control over any stormwater discharge; or
- c) The occupier or manager has failed to pay the required fees and charges; or
- d) Circumstances exist which make it necessary in the public interest to cancel the stormwater permit or right to discharge; or
- e) Any negligence of the occupier causes potential adverse effects on:

- (i) The integrity of the stormwater drainage network and compliance with any resource consent conditions; or
- (ii) The environment; or
- (iii) The health or safety of any person.

4.6.2 Council may require an occupier at their expense, to disconnect the trade premises from the public stormwater system where the Council suspends or cancels a stormwater permit or right to discharge under this clause. Stormwater holding tanks will be required to fully contain any stormwater, and subsequent disposal to an appropriate facility.

4.6.3 If an occupier or owner fails to comply with a disconnection notice within the notice period, Council may carry out the works and recover the associated costs in accordance with Section 186 of the Local Government Act 2002.

5.0 SITE DEVELOPMENT AND MANAGEMENT

5.1 ON-SITE STORMWATER MANAGEMENT

5.1.1 As part of the development of a property and approval to connect to a public stormwater network, Council may require, at the owner's or occupier's expense, the installation or construction of a private on-site stormwater management system to retard the flow of stormwater and/or provide for the pre-treatment of the stormwater, together with an approved maintenance plan for the system, to Council's satisfaction.

5.1.2 After construction and approval by Council, the design of the on-site stormwater management system shall not be altered from that approved by Council.

Note: On-site stormwater management systems are generally required where the receiving public stormwater network has limited capacity and/or where the improvement of the water quality of the stormwater from a property is necessary prior to it being discharged to the public stormwater network.

5.2 GROUND SOAKAGE

The Council may, from time-to-time, designate areas within which stormwater disposal shall be by ground soakage (rather than by connection to a public stormwater network), unless the site conditions prevent this.

- A building consent shall be required for construction or alteration of any stormwater disposal system using ground soakage.
- A resource consent from Hawkes Bay Regional Council may be required for any discharge to land.

5.3 OPERATION AND MAINTENANCE OF ON-SITE MANAGEMENT SYSTEMS AND SOAKAGE SYSTEMS

- a) Any on-site management system and/or private soakage system shall be operated and maintained at the owner or occupier's expense in accordance with any design, maintenance and stormwater management plan approved by Council.
- b) All trade/business/industrial premises with on-site stormwater management systems will require a stormwater permit and stormwater management plan (SMP). An example of an SMP can be found in Schedule 6.

5.4 SUBDIVISION OR DEVELOPMENT

Where a new public stormwater line is required as part of a subdivision or development, the developer shall provide all the drainage works subject to approval by the Council of the design and construction of the works. These will be addressed by way of the Resource Management Act and the rules in the Wairoa District Plan.

5.5 PRE-TREATMENT

- 5.5.1** The pre-treatment system shall be installed, operated, and maintained by the person discharging the stormwater at their own expense. All pre-treatment equipment must be maintained in accordance with the manufacturer's instructions to ensure it operates effectively, efficiently, and as specified in the stormwater permit and stormwater management plan.

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

Note: The type of stormwater pre-treatment system will depend on the nature of the discharge.

Typical types of pre-treatments include:

- pH correction (acidity/alkalinity);
- Screening;
- Dissolved air flotation (DAF);
- Filter bags;
- Grease removal systems;
- Oil and grit interceptors.

5.6 HIGH RISK FACILITIES

5.6.1 High-Risk Facilities include but are not limited to:

- Service station;
- Vehicle wash facility;
- Significant industry;
- Industrial premises with large yards;
- Timber treatment industry;
- Car wrecker;
- Any other premises as determined by the Council’s Manager Community Assets and Services and with reference to Section 3 of the Hawkes Bay Waterway Guidelines for Industrial Stormwater Design 20090406.

5.6.2 Operators of High-Risk Facilities (HRF) shall, upon the request of the Council’s Manager Community Assets and Services, prepare and submit to the Manager for approval a stormwater discharge application including a site-specific stormwater management plan. The plan must be submitted within 6 months of being requested, or at such later date as agreed with the Manager.

5.7 STORMWATER MANAGEMENT PLANS

5.7.1 A stormwater management plan shall include:

- (a) a site assessment identifying all actual and potential sources of stormwater pollution;
- (b) suitably scaled plans showing the site layout, boundaries, all stormwater and sewer drainage, and relevant premises and outdoor spaces (including identification of their use);
- (c) identification and installation requirements of the best practicable options proposed to ensure that potential contamination of stormwater discharges is minimised. The application of other current nationally accepted standards will be taken into account by Council when assessing a stormwater management plan;
- (d) site specific spill prevention and spill response procedures; and
- (e) a description of the maintenance procedures proposed, any actions to be taken and/or infrastructure to be developed.

5.7.2 Within 6 months of the stormwater management plan being approved by the Council, or such later date as Council might agree, the operator shall be fully compliant with the requirements of the approved stormwater management plan.

5.8 REVIEW OF STORMWATER MANAGEMENT PLANS

Any stormwater management plan shall be reviewed by the operator of:

- The High-Risk Facility no less than three years after implementation and thereafter at three-yearly intervals.
- Any trade/business/industrial premises where Council considers that there have been significant changes in the facility concerned or its operational procedures.

6.0 APPROVAL TO CONNECT

6.1 POINT OF STORMWATER DISCHARGE

6.1.1 The point of discharge from a premises shall be the point on the public stormwater network, which marks the boundary of responsibility between the owner and the Council, irrespective of property boundaries. See the Schedule 3 diagrams.

6.1.2 Unless otherwise approved there shall be one point of discharge only for each premises.

6.1.3 Where a private pipeline connects to a public stormwater network on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public stormwater network.

Note: Generally, this point of discharge to the public stormwater network is at the street drain or kerb where available. See the Schedule 3 diagrams.

6.1.4 Multiple ownership premises

a) The point of discharge for the different forms of multiple ownership of premises and/ or land shall be as follows:

- i. For company share/block scheme (body corporate), as for single ownership;
- ii. For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate):
 - Where practicable each owner shall have an individual private drain with the point of discharge 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. In specific cases other arrangements will be acceptable subject to individual approval.

b) The physical drainage layout at a point of discharge must be as per the New Zealand Building Code, the New Zealand Standard NZS4404:2010 and the Council's Engineering Code of Practice, and approved in writing by Council.

6.2 PUMP STATIONS

Some premises may not be able to achieve a gravity flow to the public stormwater drainage network. A private stormwater pump station is the responsibility of the owner, and may be required as part of a building consent or resource consent process. See the stormwater application form in Schedule 4.

6.3 MONITORING OF STORMWATER DISCHARGES

6.3.1 Council may require the permit holder, at their expense, to monitor, sample, and analyse the stormwater discharge under the terms and conditions of the permit.

6.3.2 Council may independently monitor, sample, and analyse stormwater discharges into the public stormwater network and recover costs from the property owner or occupier, where failure to comply with an approval to connect to the public stormwater network, or a Stormwater Management Plan, is evidenced and Council deems there is a potential risk to the stormwater network.

6.4 AS-BUILT PLAN

a) For connections to Council's stormwater drainage network, an As-Built Plan showing the connection shall be provided to the Council, no greater than 7 working days from installation, showing the connection. As-Built Plans shall show the location, dimensions, and lengths of all pipes from the nearest downstream manhole or kerb to (and including) any new piping installed.

b) As-Built Plans must be supplied in a format that is compatible with the Council's GIS mapping system.

6.5 DISCONNECTION

6.5.1 The demolition or removal of a premises connected to the stormwater network shall not commence until the premises has been disconnected from the stormwater network and inspected by the Council. An owner or permit holder shall give seven (7) working days' notice in writing to the Council of their intention to demolish or remove such premises.

6.5.2 All disconnections will be undertaken by a contractor to the Council. Any lateral will be disconnected and capped to the approved standard.

6.5.3 If the relaying of a private drain is required, the owner or holder of a stormwater permit must give Council two (2) working days written notice of their requirement to disconnect their stormwater discharge connection.

7.0 PAYMENT

7.1 FEES AND CHARGES

- (a) Owners shall pay all fees and charges associated with connection and disconnection of their premises to the public stormwater network, permits, inspections, and any other fees and charges set by the Council.
- (b) In addition to the fees and charges prescribed in accordance with Clause 7.1(a), charges for a new connection may include:
 - (i) A development contribution charge determined in accordance with the Local Government Act 2002, and/or
 - (ii) A financial contribution charge determined in accordance with the Resource Management Act 1991.

7.2 TRANSFER OF RIGHTS AND RESPONSIBILITIES

The owner shall not transfer to any other party or person the rights and responsibilities provided for under a permit for stormwater discharge they hold and as set out in this bylaw.

7.3 CHANGE OF OWNERSHIP

In the event of a premises changing ownership the Council will automatically record the new owner as being the owner at that premises.

8.0 OWNER RESPONSIBILITY

8.1 OWNER'S DRAINAGE SYSTEM

8.1.1 The owner shall own, maintain, and repair the private drain and any associated fittings on the owner's side of the point of discharge, irrespective of property boundaries.

8.1.2 The owner's drainage system is governed by the Building Act 2004 from inside the premises to the point of discharge. The Council may not impose anything on the owner, which is more onerous than is contained in the New Zealand Building Act 2004 and the Building Code.

8.1.3 The owner's drainage system shall be designed, installed, and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

8.1.4 The contents of swimming and spa pools shall not be discharged to the public stormwater network. See Clause 6.3 of the Wastewater Bylaw.

8.2 PREVENTION OF INFLOW AND INFILTRATION

8.2.1 The owner/occupier/manager of a premises must take all reasonable steps to prevent any stormwater or groundwater entering the wastewater system (including from roof downpipes, surface water run-off, overland flow path, and sub-surface drainage). Reasonable steps include, but are not limited to, ensuring that:

- a) There is no direct connection of any stormwater pipe or drain to the wastewater system;
- b) Gully trap surrounds are sealed and set above stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
- c) Inspection covers are in place and are appropriately sealed;
- d) Private wastewater drains are kept and maintained in a state which is free from cracks and other defects which may allow Infiltration.

8.2.2 For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made for a permanent barrier which will prevent water from outside the confines

of the facility from entering the wastewater or stormwater system. This could be by way of a nib wall, speed humps, or appropriately graded surrounds.

8.3 BLOCKAGES

8.3.1 Any damage or blockage to any private or public stormwater pipe affecting or likely to affect the efficient operation of the stormwater network shall be reported to the Council immediately:

8.3.2 Any person who causes a blockage in a public stormwater pipe, by discharging non-acceptable water, or by forcing a blockage downstream into the public stormwater line in the course of clearing a private drain is liable for the cost of unblocking the public stormwater line.

8.3.3 If the blockage is within the owner/occupier's private drain the owner/occupier shall be charged in accordance with the Council current schedule of rates and charges. If the blockage is found to be within the public stormwater network, then provided that the blockage has not been forced downstream into the public stormwater system in an act of clearing it from the private drain, or that the owner/occupier has not been negligent in discharging contaminated stormwater, then the Council shall cover all costs. If otherwise, the Council shall recover the costs of the unblocking work from the owner/occupier.

8.4 TREES

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to a public stormwater network, the Council shall follow the property entry procedure set out in sections 171 to 173 of the Local Government Act 2002.

Note: This bylaw does not differentiate between a stormwater drain on private or public land. The occupier or owner shall cut down or removes the tree at their expense with no compensation payable.

9.0 COUNCIL RESPONSIBILITY

9.1 LEVEL OF SERVICE

9.1.1 The Council will endeavour to provide stormwater services in accordance with the level of service contained in the Council's Long-Term Plan 2021-2031, more specifically with the following provisions:

(a) Clause 3.2.1:

- Provide protection from flood events of up to 2% AEP using a system of primary and secondary flow paths;
- Provide protection from flood events of up to 10% AEP using a system of primary flow paths;
- Prevent ingress into the reticulated sewer in all but the 2% event.

(b) Clause 3.3.4:

- The primary network shall not surcharge onto the road in the 5-year event.

9.1.2 For those periods where the level of service is not compliant with the Council's Engineering Code of Practice, Council will make every reasonable attempt to achieve the specified level of service.

9.2 MAINTENANCE AND REPAIR

9.2.1 Subject to the provisions of the Local Government Act 2002, the owner or occupier shall allow Council, with or without equipment, access to any area of the premises for the purposes of carrying out any work on the public stormwater network, including inspection and survey, and for determining compliance with the requirements of this bylaw.

9.2.2 Wherever practical, Council shall make every reasonable attempt to notify the owner or occupier of any scheduled work on the public stormwater network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice.

10.0 BREACHES

10.1 NON-COMPLIANCE

Note: In referring to owners, occupiers, and manager it is the person most able to ensure compliance with the bylaw that will be considered responsible under the bylaw.

10.1.1 Every person who breaches this bylaw or fails to comply with a notice served under this bylaw commits an offence and is liable upon conviction to a fine as provided for under the Local Government Act 2002 and may be liable to penalties under other legislation.

10.1.2 The Council may apply to the District Court under Section 162 of the Local Government Act 2002 for an injunction restraining the person from committing a breach of this bylaw.

10.1.3 In addition to any legal penalties arising from any breach, offence, or dispute Council may seek to recover all costs arising from and associated with any such breach, offence, or dispute.

10.1.4 In the event of a breach of this bylaw, Council may serve a written notice on the owner/occupier/manager advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the owner/occupier/manager has not remedied the breach, Council may charge a re-inspection fee.

10.1.5 The following are deemed breaches of the conditions of stormwater discharge:

- (a) An incorrect application for stormwater discharge on a basis which fundamentally affects the conditions of discharge attached in granting a permit;
- (b) Failure by the owner/occupier/manager to meet and comply with the conditions of discharge;
- (c) Failure to meet any obligation placed on the owner/occupier/manager under any enactment or legislation;
- (d) Frustration of the Council's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to:
 - i. Failure to pay the appropriate charges by the due date;

- ii. Failing to comply with stormwater discharge restrictions or prohibitions introduced by the Council for any specified purpose.

10.2 REMEDIAL WORKS AND COST RECOVERY

The Council may:

- a) Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw;
and
- b) Recover the costs of removal or alteration from the person who committed the breach.

10.3 LIABILITY

Council shall endeavour to meet the level of service requirements of Clause 9.1 but shall not be liable for any loss, damage, or inconvenience, which the person may sustain as a result of deficiencies in the public stormwater drainage network.

11.0 BYLAW APPROVAL DATE

The Common Seal of the Wairoa District Council was attached, under Resolution passed at a meeting of the Council held on **date 2022** and will come into force **date 2022**.

THE COMMON SEAL of THE WAIROA DISTRICT COUNCIL

was affixed this **date** 2022 in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

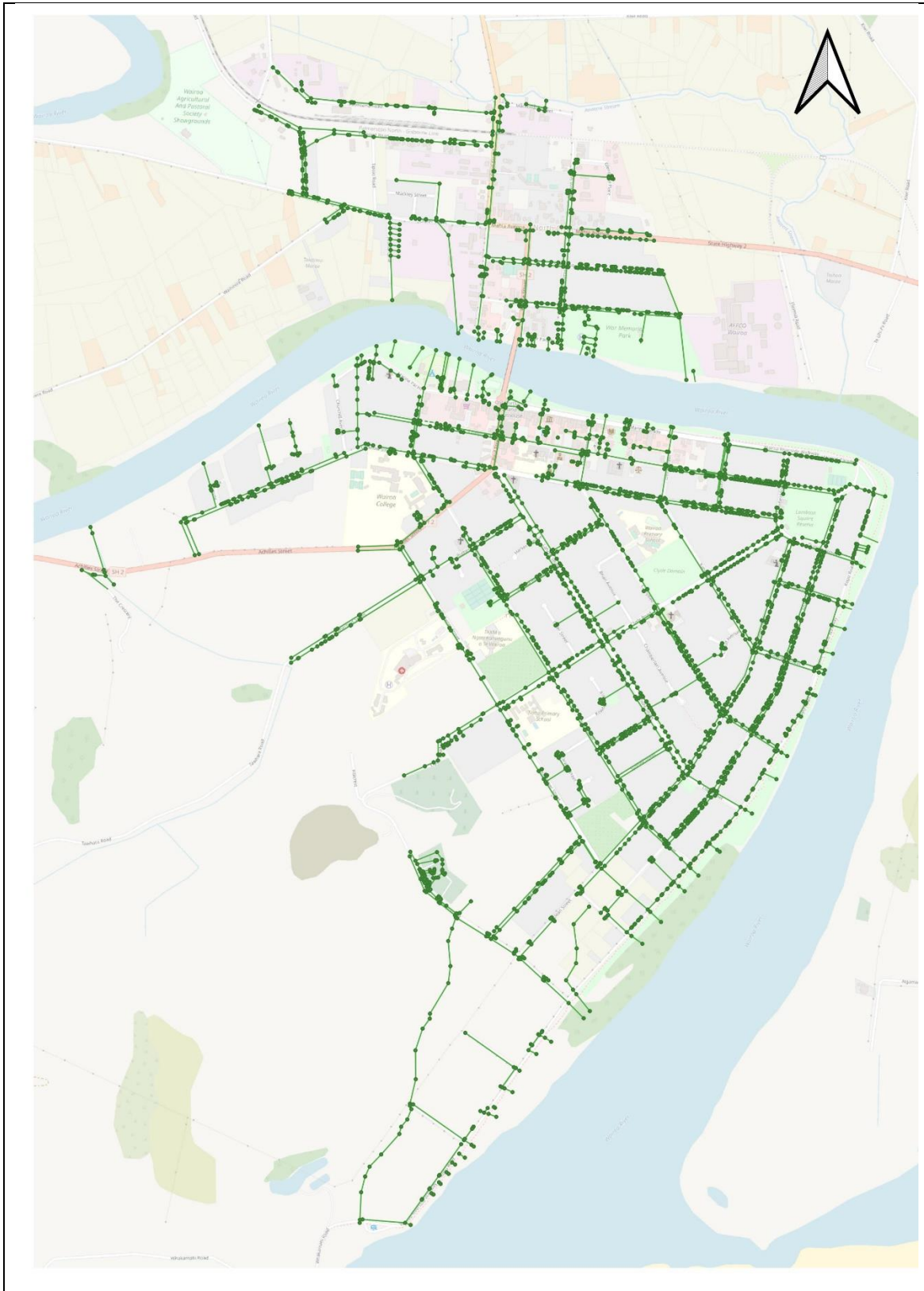
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SCHEDULE 1 - STORMWATER NETWORK AREA

Wairoa township

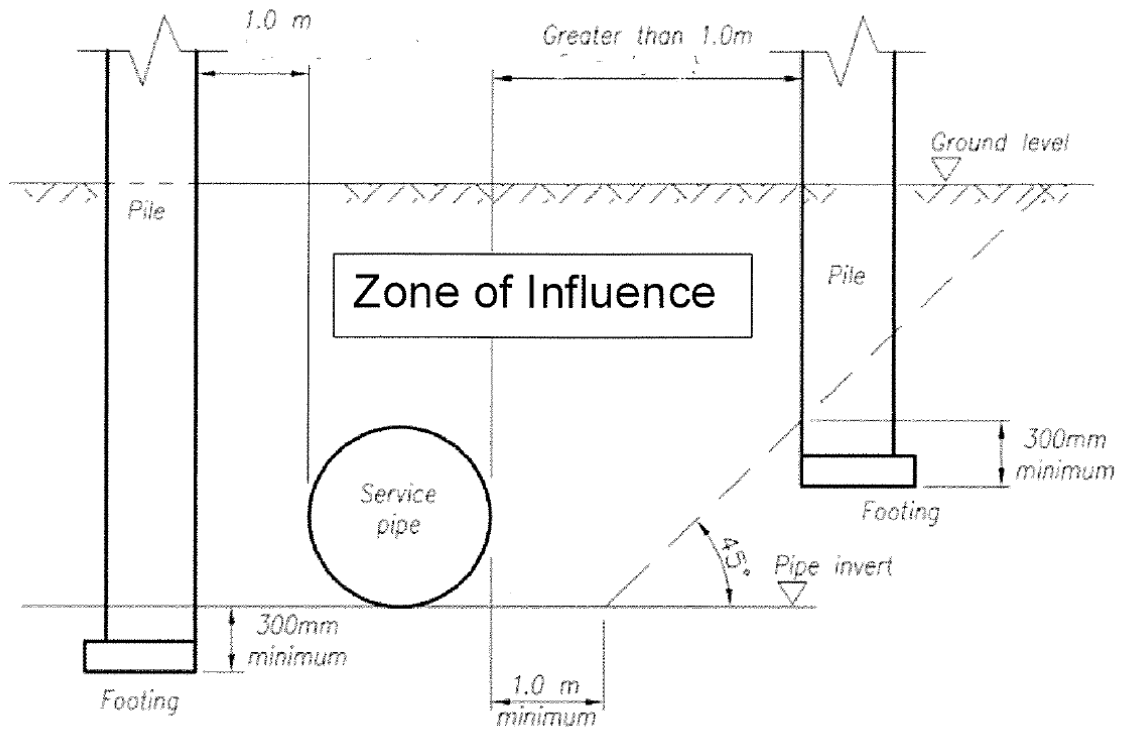


DISCLAIMER:

Wairoa District Council has prepared this map using the best information available. However, Council cannot guarantee that the data shown in this map is 100% accurate. Users of the information displayed in this map are strongly cautioned to verify all information with Council before making any decisions.

SCHEDULE 2 – ZONE OF INFLUENCE

Buried Services



The Zone of Influence is where a building or structure is located close to Council buried infrastructure and could affect the integrity of that infrastructure.

SCHEDULE 2 – COVENANT IN GROSS OR ENCUMBRANCE

Buried Services

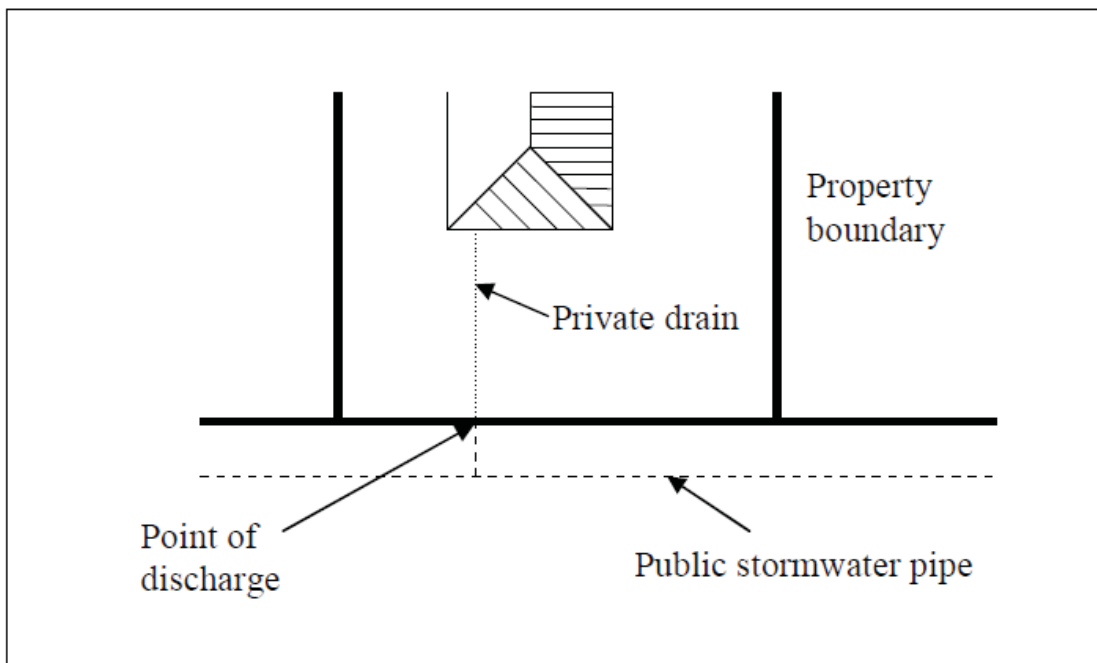
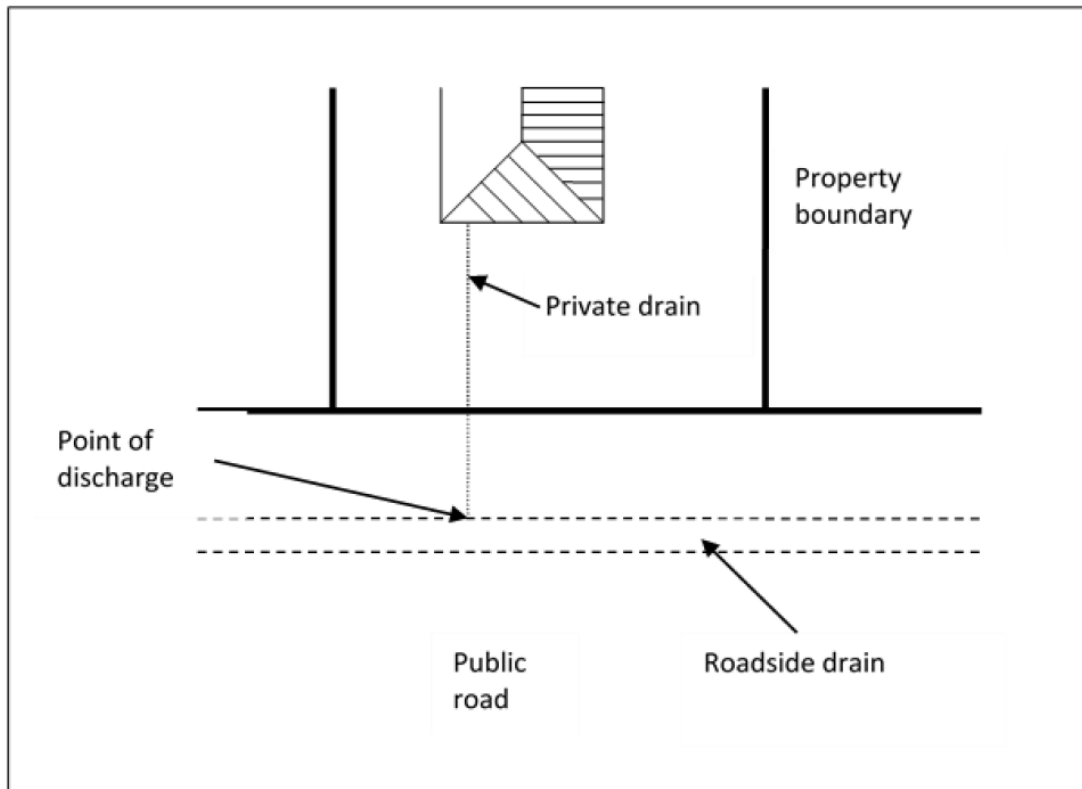
A covenant in gross or encumbrance must be registered on the property record of title at the time of Building Consent, indemnifying the Wairoa District Council against any claims for damage caused by the presence, maintenance, replacement, or upgrade of the pipeline. The owner must acknowledge and bear all risks associated with building over the pipeline. They will also meet the cost of preparing and registering the covenant in gross or encumbrance, along with any engineering and surveying costs. See Clause 2.2 for further details.

The covenant in gross or encumbrance will:

- (i) Set out the background to the application.
- (ii) Detail the engineering requirements Council has imposed.
- (iii) State that Council will be able to go on to the land to carry out work on the pipeline, in accordance with its statutory obligations.
- (iv) State that Council will not be liable for any damage or loss incurred to the property as a result of any subsidence associated with the pipeline, or by any maintenance or replacement work connected with the pipeline, provided Council carries out that work and carries it out to appropriate standards of workmanship.
- (v) State that Council will recover from the landowner, or from any subsequent landowner, any extra maintenance or replacement costs resulting from the building's encroachment over/near the pipeline, as well as, if necessary, the cost of enforcing this provision.

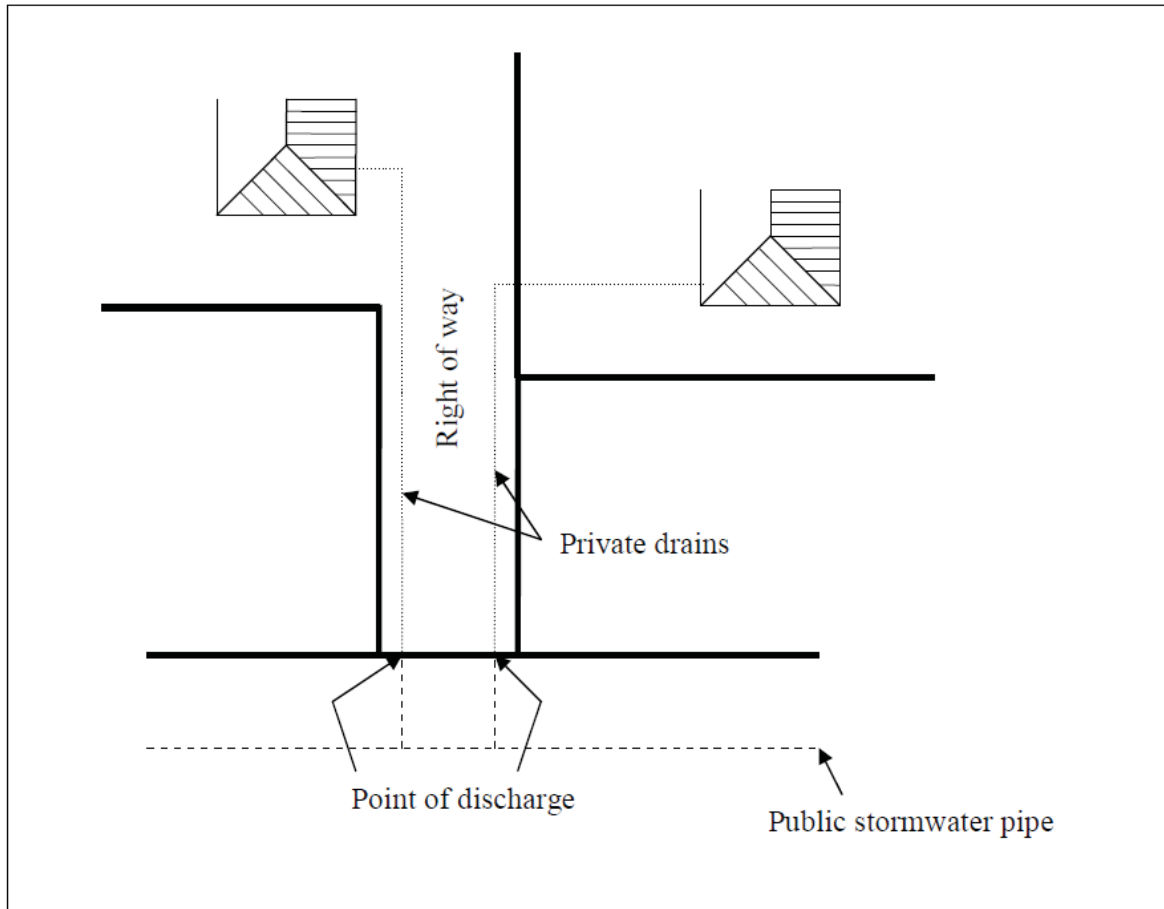
SCHEDULE 3 - POINT OF DISCHARGE

Single Ownership Premises



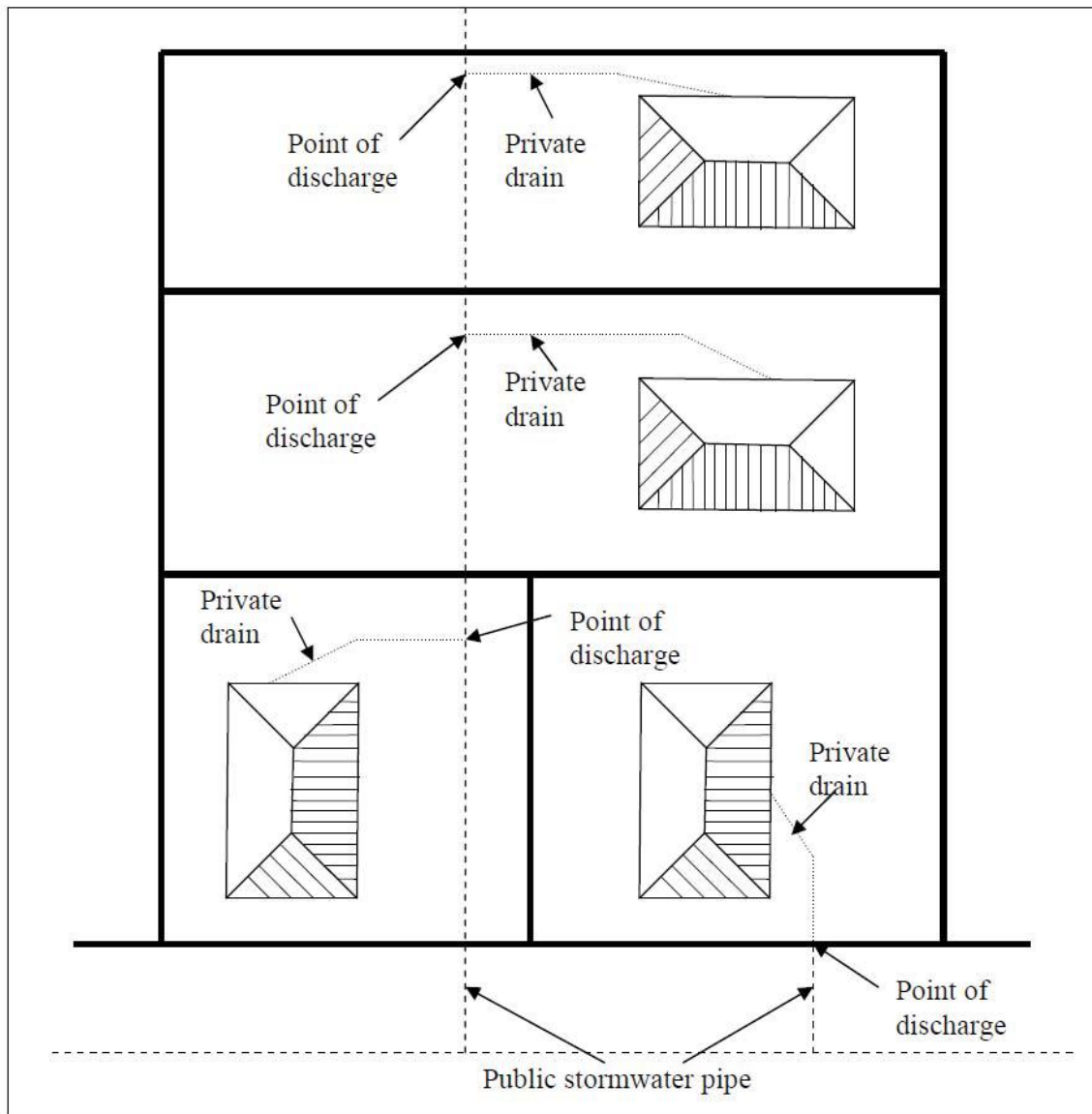
SCHEDULE 3 - POINT OF DISCHARGE

Single Ownership Premises



SCHEDULE 3 - POINT OF DISCHARGE

Single Ownership Premises - public stormwater pipe on private land





APPLICATION FOR SERVICE CONNECTION WATER / SEWER / STORMWATER

Application made by: Name Address of Premises Postal Address of Owner / Agent Phone Email <input type="checkbox"/> Owner <input type="checkbox"/> Authorised Agent (Please state your connection with the development – eg. surveyor, builder, drainlayer, etc.)	
Description (eg. House, flats, business, trade premises) Location Plan With detailed measurements <input type="checkbox"/> Attached	Building Consent No. or RM# (if applicable) Valuation Number Customer Number
Application is in conjunction with: <input type="checkbox"/> Subdivision <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Connections Required and Number <input type="checkbox"/> Water x <input type="checkbox"/> Fire Protection x <input type="checkbox"/> Sewer x <input type="checkbox"/> Stormwater x	Terms and Conditions Application fee can be found on the Fees and Charges page at: https://www.wairoadc.govt.nz/our-council/fees-and-charges/ The Council's contractor will send the quote directly to the applicant's postal address. The applicant must then correspond directly with the contractor for the installation of the connection. This application does not guarantee a service connection. /...../..... Signature of Applicant Date

Contractor please install the following connections:

<input type="checkbox"/> Water At property boundary	Connection size: mm (internal ϕ) Toby Type Meter ID
<input type="checkbox"/> Fire Protection At property boundary	Connection size: mm (internal ϕ) Toby Type Meter ID
<input type="checkbox"/> Sewer	Connection size: mm To manhole <input type="checkbox"/> To main sewer <input type="checkbox"/> To branch drain <input type="checkbox"/>
<input type="checkbox"/> Stormwater	Connection size: mm To manhole <input type="checkbox"/> To kerb and channel <input type="checkbox"/> To piped drain <input type="checkbox"/> To open drain <input type="checkbox"/>

Instruction to Contractor RFS # on / /

Due date for completion / /

Inspection required

Cost of new connection to be charged directly to the applicant by the contractor.

Further Instructions

.....
.....

Approval to make connection given by: Date / /
(3 Waters Department)

Receipt No.

Page 2 of 2

BUILDING OVER OR NEAR A COUNCIL PIPE OR DRAIN

Please use this form if you wish to apply to build over, build near or relocate Council infrastructure services within your land. All applications will be checked for completeness prior to being accepted. Please ensure you have compiled your documents completely to avoid delays. No application processing will occur until all the required information is provided. See Clause 2.2 for more details.

Application made by:

Name

Address of Premises

Postal Address of Owner / Agent

Phone **Email**

Owner

Authorised Agent

(Please state your connection with the development – eg. surveyor, builder, drainlayer, etc.)

Address For Service for Further Enquiries Concerning this Application

Name:

Address:

Phone: **Email:**

Description of Development or Structure that is too close to Council Infrastructure

Building Consent No. or RM# (if applicable)

Valuation Number

Application is in conjunction with:

- Subdivision
- Residential
- Commercial
- Industrial

Customer Number

Terms and Conditions

This application does not guarantee that your development/structure will be approved.

Which Council Infrastructure is there a conflict with?

- Water Supply Line
- Sewer Line
- Stormwater Line
- Manhole

.....
Signature of Applicant

...../...../.....
Date

BUILDING OVER OR NEAR A COUNCIL PIPE OR DRAIN - cont

Are you doing **Restricted Works as per Clause 2.2.2 of this bylaw?** Yes No

Are you building within the Zone of Influence as per Clause 2.2.3 of this bylaw? Yes No

No building or structure may be built over or near a public rising main, trunk main or other pipes, or within the Zone of Influence without specific Council approval and an agreed covenant in gross or encumbrance lodged on the property record of title, as shown in Schedule 2.

Explain why you want to develop/build over / near / relocate a Council pipe or drain.

.....
.....

Location Plan With detailed measurements Location plan attached

Please show:

- Distance between the proposed building/structure and all legal boundaries, and
- Distance between the proposed building/structure and any existing buildings, and
- Distance from public drains, manhole (centres), pipelines and all legal boundaries, and
- Location of any Council drains and pipes within the site, and
- Easement boundaries,
- Depth of the burries services/pipelines,
- Dimensions and location of the proposed building/structure including foundation/pile design.

Pipe Condition

Provide the results or a copy of a CCTV survey. Attached

Note: The pipe must be resurveyed after the completion of the work.

Fees

There is no standard application fee. However, all costs associated with the application will be the responsibility of the applicant. This includes all direct and indirect costs in Council processing the application, infrastructure changes, legal fees, changes to titles or easements or covenant in gross or encumbrance, CCTV surveys, etc.

Approval given by: Date / /

(3 Waters Department)

Receipt No.

Page 2 of 2

STORMWATER MANAGEMENT PLAN

This Stormwater Management Plan (SMP) is submitted to Wairoa District Council to satisfy the requirement of the Stormwater Bylaw 2022.

General Description

Company	
Site Address	
Discharge Point	
Key Contacts	
Principle Operations	

Stormwater Discharge

1. All conditions and discharge limits to be met as specified in:
 - The Stormwater Bylaw 2022, and
 - the Stormwater Permit once issued and signed by Wairoa District Council.

2. This Stormwater Management Plan includes:
 - (a) A suitably scaled drawing showing the site layout, boundaries, all private stormwater drainage and wastewater connections including the point or points of connection to both the public wastewater and stormwater drainage networks or discharge from the site, relevant buildings and outdoor spaces (including their use);
 - (b) A site assessment identifying all actual and potential sources of stormwater contamination;
 - (c) Methods in place to prevent contamination of the public stormwater drainage network and the stormwater receiving environment;
 - (e) A description of the maintenance procedures in place and proposed;
 - (f) Spill prevention and spill response procedures;

- (g) Cleaner production, pollution prevention, application of innovative solutions and waste minimisation procedures to be adopted including comment on whether the proposed procedures are considered to be a best practicable option and/or innovative solution.
- (h) Stormwater management devices and stormwater detention devices used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge;
- (i) A comment on how the stormwater management plan meets the purpose and intentions of this bylaw;
- (j) Other matters that Council may decide are required in respect to other features of the site in question.

Pre-Treatment Systems Prior to Stormwater Discharge

Control for	System	Maintenance
Name of contaminant.	All drains to the stormwater network are screened with:	Monthly inspection and cleaning.

Note: Pre-treatment systems treat the stormwater prior to discharge to the stormwater drainage network. They may include filters, screens, oil/grit interceptors, grease traps, sedimentation tanks and ponds, pH dosing systems, balance tanks, DAFs, pH control to precipitate out heavy metals, etc. Please provide specific details of each system that is in use at the site.

Monitoring and Reporting

We will meet all monitoring and reporting requirements as prescribed by Council and in the Stormwater bylaw.

Include any systems that monitor and/or log the discharge eg. flow, temperature, pH. Also include details of regular monitoring activities completed on the stormwater treatment system.

Risks and Controls

The table below identifies the on-site risks that could lead to a discharge of non-compliant stormwater to the network. The control measures taken to eliminate, isolate or minimise these risks are shown.

Risk	Control
Failure of pre-treatment system.	Contact Wairoa District Council
Spill of stored chemicals, or fuel oil from machinery.	All chemicals are stored in an area which is isolated from the stormwater system. Spill kits are available on site and all staff are trained in our spill response procedure (see Appendix A).
Power failure.	A complete check of the interceptor system will be undertaken

This section should include all risks at the site as well as the controls in place to prevent noncompliant discharge, as per this application. It must at least include the risks for flow rate and volume exceeding the limits, failure of a pre-treatment system, non-complaint solids, spills, and power failure.

Internal Notification Procedure

- All staff are trained to notify the Operations Manager if an incident occurs that will affect the discharge to the stormwater drainage network. Within 60 minutes of the incident occurring the most appropriately qualified role will attend to the incident.
- The Operations Manager will report the incident to Wairoa District council through the process outlined in the external notification procedure below.
- Authority will be delegated in the event any role is absent or not available.
- On-call numbers are identified on the staff board in the administration building.
- All incidents will be discussed at our monthly operations meeting. Remedial work will also be monitored and reported at this meeting. Any changes to existing protocols and this plan are reported at this meeting.

Any incident will be attended to within 60 minutes.

External Notification Procedure

In the event of a potential or actual breach of any of the discharge limits of the stormwater discharge permit, the following will occur:

- As soon as practicable after becoming aware of the potential or actual breach, we will notify Wairoa Distract council by calling ☎ 06 838 7309.
- Within two working days, we will provide Wairoa District Council with written details of the potential or actual breach, and work undertaken to remedy or mitigate any adverse effects to the Wairoa District Council network arising from the breach;

- Within five working days, we will provide Wairoa District Council with written details of investigations into the cause of the breach, and implement measures (management plan) to avoid a similar breach occurring in the future.

Review of this plan

The Council may require a review of this plan if stormwater management is not being adequately achieved, there has been a change in stormwater discharge, or development at the site requires a new plan.

Appendices

Appendix A

Schematic and photos of each pre-treatment stormwater discharge system.

Include photos of each pre-treatment system discussed in this application. If schematics or diagrams of the pre-treatment systems are available, provide a copy as well.

Appendix B

Photos of site operations and open areas draining to the stormwater drainage network.

Appendix C

Emergency spill response procedure.

1. *Be Prepared*
 - Evaluate any chemicals stored on site and ensure they are clearly identified and labelled.
 - Ensure chemicals and materials are stored and handled correctly and that the storage area is tidy.
 - If required, ensure the availability of Material Safety Data Sheets (MSDS).
2. *Be Safe*
 - If it's an emergency, evacuate the area and call emergency services.
 - Identify the spill, what is it?
 - Put on appropriate protective clothing, gloves, etc.
3. *Protect the Stormwater Drainage Network*
 - Ensure the spilt materials are not washed down any nearby drains.
4. *Notify*
 - Tell the site manager.
 - If the stormwater drainage network may be affected, as soon as practicable, contact Wairoa District Council.
5. *Clean Up*
 - Where necessary, neutralise hazardous substances.
 - Clean up and dispose of spilt materials as per manufacturer's instructions or material safety data sheets.
 - Assess the cause and take the necessary steps to prevent reoccurrence.
 - Complete any necessary forms and communicate the lessons learned.

If this procedure forms part of another document, then provide a copy of the relevant section from the other document.



STORMWATER PERMIT

To Discharge Stormwater to the Public Stormwater Drainage Network

Pursuant to the Wairoa District Council Stormwater Bylaw 2022

To:
(Permit holder trade name)

Address:
(Street address of trade premises)

Phone: Email:

Name:
(Contact name)

Address:
(Address for charging and service of documents)

Customer Number,

Trade activity

.....
In response to, and in terms of, the information declared in your application of(date) to discharge stormwater from the above premises, the permission of the Council is hereby given for the term and subject to the conditions set out below:

1. That this permit relates to a:
 - Proposed new discharge.
 - Existing non-permitted discharge.
 - Renewal of a permit.
 - Variation to an existing permit.
2. That the provisions of the Wairoa District Council Stormwater Bylaw 2022 are complied with at all times.
3. That this permit is valid for a period of..... years and will expire on
4. That the stormwater discharged under this permit shall consist only of wastes from the following processes:
.....

5. That this permit is for a:
 - Permitted stormwater discharge, or
 - Conditional stormwater discharge and subject to the specific conditions set out in the **Schedule** attached.

For and on behalf of the Wairoa District Council

Authorised Officer:

Name:

Signature:

Date:

FOR OFFICE USE ONLY

Permit No:.....

Application No:.....

File No:.....



WAIVER OF STORMWATER PERMIT

To Discharge Stormwater to the Stormwater Drainage Network

Pursuant to the Wairoa District Council Stormwater Bylaw 2022

To:

(Permit holder trade name)

Address:

(Street address of trade premises)

Phone:Email:

Name:

(Contact name)

Address:

(Address for charging and service of documents)

Customer Number,.....

Trade activity

.....

In terms of the information declared on this form to discharge uncontaminated stormwater from the above premises, the permission of the Council is hereby given subject to the conditions set out below:

1. That this permit relates to a:
 - Proposed new discharge.
 - Existing non-permitted discharge.
 - Renewal of a permit.
 - Variation to an existing permit.

2. That the provisions of Wairoa District Council Stormwater Bylaw 2022 are complied with at all times.

3. That only uncontaminated stormwater is discharged to the Council stormwater drainage network from the premises under this permit waiver.

4. That any change in this discharge will require a new application for a Stormwater Permit.

For and on behalf of the Wairoa District Council

Authorised Officer:

Name:

Signature:

Date:

FOR OFFICE USE ONLY

Permit No:.....

Application No:.....

File No:.....