



PART 21

DRAFT Storm Water BYLAW

Superseding CHBDC: Part 21: 2018

Draft February 2021

Together we Thrive! E ora ngātahi ana!

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INTRODUCTION

Overarching Purpose

To achieve 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 the 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)

- a) **Meet Legislation Requirements**
Proactively meet all Council's statutory requirements relating to the provision of three waters services.
- b) **Integrated Approach**
Adopt an integrated and holistic approach 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.
- c) **Environmental Responsibilities**
Facilitate environmentally responsible practices by raising awareness of how the three waters interact and effect 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.
- d) **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.
- e) **Support Sustainable Growth**
Support the sustainable provision of three waters infrastructure to enable future growth while minimising impacts on the Environment.
- f) **Achieve Project Thrive Values**
Develop and implement the Three Waters Bylaws to give effect to 'Project Thrive' values in particular trust, honesty, respect, innovation, and valuing people.
- g) **Te Mana o te Wai**
Recognise the fundamental concept of Te Mana o te Wai as prescribed under the National Policy Statement for Freshwater Management 2020 and in particular the need to restore and preserve the balance between the water, the wider Environment, and the community.
- h) **Tangata Whenua Status**
Recognise the status of tangata whenua status as Kaitiaki.
- i) **Durable Infrastructure**
Develop and maintain durable and resilient infrastructure that achieves Council's levels of service in an efficient and cost-effective manner.
- j) **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.
- k) **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.
- l) **Discharge Controls**
Regulate wastewater and stormwater discharges, including trade waste, and hazardous substances, into the wastewater and stormwater networks.
- m) **Equitable Costs**
Provide a system for the equitable share of Council's water services costs between trade waste dischargers, other businesses, and domestic customers.

OBJECTIVES

Further to the Overarching Purpose the specific objectives for this part of the Bylaw are as follows:

- a) Minimise and control the discharge of Contaminants into the Public Stormwater Drainage Network.
- b) Minimise the effects of discharges from the Public Stormwater Drainage Network on the downstream receiving Environment. The effects might include:
 - i. The effects of Contaminants within the discharge.
 - ii. The effects of increased peak flow rates, especially in extreme events.
 - iii. The increase in volumes of discharge, particularly in more regular events.
- c) Manage the Public Stormwater Drainage Network, and the land, structures and infrastructure associated with that network, so as to protect the public from Nuisance and promote and maintain public health and safety.
- d) Enable the Council to meet relevant objectives, policies, standards and resource consents for discharges from the Public Stormwater Drainage Network to the receiving Environment.
- e) Protect the land, structures and natural features that make up the Public Stormwater Drainage Network.
- f) Prevent the unauthorised discharge of Stormwater into the Public Stormwater Drainage Network and ensure that Private Stormwater Drainage Systems are not causing a Nuisance or harm to the Council's networks infrastructure.
- g) 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 and the administration of equitable costs and charges.

CONTEXT

Stormwater is discharged within the District by public and Private Stormwater Drainage Systems (e.g. open Watercourses and pipes), and ground soakage. This Bylaw controls the management and discharge of Stormwater from public and private systems.

Council has responsibility for maintaining a limited number of drains, as shown in Council's policy documents. Watercourses passing through or serving private land are generally considered private. The management and maintenance of private drains are the responsibility of the Owner of the land they serve, and each section of a private Watercourse (including a privately piped Watercourse) is generally the responsibility of the Owner of the land it passes through.

The Central Hawke's Bay District Plan contains rules for use of land subject to flooding. These rules must be complied with (or a resource consent must be obtained if they are not complied with) for any activity or development in a Flood Risk Area.

Consent may also be required from the Hawke's Bay Regional Council for any work in or near a Watercourse or for the discharge of Stormwater to ground or to a Watercourse. Advice should be sought if in doubt.

PART 21 - STORMWATER

1. TITLE

This Bylaw shall be known as the Central Hawke's Bay District Council Stormwater Bylaw 2021.

2. COMMENCEMENT

This Bylaw shall come into force on the **(DATE)**

3. REPEAL

From the day this Bylaw comes into force, any previous Stormwater bylaw or parts of any Stormwater bylaw and their amendments in force in the Central Hawke's Bay District shall be repealed.

4. APPLICATION OF BYLAW

This Bylaw shall apply to the Central Hawke's Bay District.

5. DEFINITIONS

Part 1 *Introductory Bylaw* and the legislation referred to under the Referenced Documents section above, may provide definitions not included in this Part.

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

Annual Exceedance Probability (AEP)	means the probability that an event (rainfall or runoff) will be equalled or exceeded in any one year: (a) 1% AEP storm corresponds to what would sometimes be known as a 1 in 100-year return period storm. (b) 2% AEP storm corresponds to what would sometimes be known as a 1 in 50-year return period storm. (c) 10% storm AEP corresponds to a what would sometimes be known as 1 in 10-year return period storm.
Approved or Approval	Approved in writing either by resolution of Council or by any Authorised Officer of Council.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Best Practicable Option	The same meaning as in the Resource Management Act 1991
Catchment	Means the area of land within which Stormwater flows (whether by gravity, pumping, piping, or otherwise) to a given point.
Catchment Management Plan	Means a plan prepared by or for Council for the understanding, controlling and management of Stormwater and Stormwater related hazards or effects within a Catchment, for consenting purposes.
Cleaner Production	Means a plan prepared by or for Council for the understanding, controlling and management of Stormwater and Stormwater related hazards or effects within a Catchment, for consenting purposes.
Contaminants	The same meaning as in the Resource Management Act 1991.
Council	Central Hawke's Bay District Council or any officer authorised or delegated to act on its behalf.

Customer	A person who uses or has obtained the right to use or direct the manner of use of water supplied by Council to any Premises.
Development	Means in relation to any land means altering the Stormwater runoff characteristics of that land including by Stormwater drainage works, building works, subdivision or changes of use.
Environment	the same meaning as in the Resource Management Act 1991.
Ephemeral Flows	Means short lived flows of Stormwater across land or in depressions, during rainfall events.
Fees and Charges	The list of items, terms, and prices for services associated with the supply of water as adopted by Council in accordance with the Local Government Act 2002 and the Local Government (Rating) 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 storm event. This is usually in the context of a 1% AEP event.
Flood Risk Area	Means an area which may be at risk of flooding in a 1% AEP or lesser storm, taking into account the consequence of blockage especially at culverts.
Hazardous Substance	The same meaning as in the District Plan.
Level of Service	The measurable performance standards on which Council undertakes to supply water to its customers.
Nuisance	<p>Has the same meaning as Section 29 of the Health Act 1956 and includes a Person, thing, or circumstance causing distress, annoyance or unreasonable interference with the peace, comfort or convenience of another Person</p> <p>In this bylaw this includes but is not limited to:</p> <ul style="list-style-type: none"> (a) danger to life; or (b) danger to public health; or (c) flooding of any building 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 consent condition binding the Council, (including an accumulation of chemicals causing a breach).
Occupier	Means the Person who occupies the Premises. This may be the Owner of the Premises, a lessee, squatter or any other Person on or using the Premises.
Overland Flow Path	Means any secondary flow path illustrated in a Catchment Management Plan or the overland route taken by any concentration of, or significant sheet flow of, Stormwater on its way to a Flood Plain or second Stormwater drainage network.

Owner	Means the Person who owns the Premises.
Person	A natural person, corporation sole or a body of persons whether corporate or otherwise.
Point of Discharge	The point where the Stormwater discharges leading from the Premises connect into the Public Stormwater Drainage Network, which marks the boundary of responsibility between the Owner and Council, irrespective of property boundaries.
Premises	<p>Either:</p> <p>(a) A property or allotment which:</p> <p style="margin-left: 40px;">(i) is held under a separate certificate of title, or</p> <p style="margin-left: 40px;">(ii) for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;</p> <p>or</p> <p>(b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or</p> <p>(c) Land held in public ownership (e.g. reserve) for a particular purpose.</p>
Pre-treatment	Means any processing of Stormwater that is designed to reduce any detrimental characteristics of Stormwater before discharge to the Stormwater Drainage Network.
Private Stormwater Drainage System	Means any component of the Stormwater network that drains water from Premises on private land to a receiving Environment or up to the point of service connection with the Public Stormwater Drainage Network and includes pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, and any stormwater management device or redundant stormwater system.
Public Notice	As defined in section 5 of the Local Government Act 2002.
Public Stormwater Drainage Network	<p>Includes:</p> <p>(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;</p> <p>(b) all drains, drainage channels, land drainage works or treatment facilities within legal road reserve or other public places;</p> <p>(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</p> <p>(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.</p>
Rain Water Tank	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 rain water runoff, typically from rooftops via pipes.
Registered Drainlayer	Means a trades Person certified by the Plumbers, Gasfitters, and Drainlayer's Board under the Plumbers, Gasfitters, and Drainlayer's Act 1976 and

regulations, and holding such other certifications as the Council may require from time to time.

Roading Authority	Means a territorial authority or NZ Transport Agency.
Storage Tank	Any tank having a free water surface.
Stormwater	Means surface water run-off resulting from rainfall.
Stormwater Detention Device	Means areas as shown on Council's stormwater maps that are serviced by Council's Public Stormwater Drainage Networks. From time to time it will be necessary for Council to adjust the boundaries and rules affecting the Stormwater Areas.
Stormwater Detention Device	Means any device such as holding tank or pond designed to detain stormwater on the Premises and limit its outflow from the Premises into the stormwater drainage network.
Stormwater Drainage Network	Means a set of facilities and devices, either natural or man-made, which, in relation to stormwater, are used to convey run off, or reduce the risk of flooding, or to improve water quality. This includes but is not limited to open drains and Watercourses, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices. The Stormwater Drainage Network may be either a public or private network.
Stormwater Drainage Policies	Means the policies contained in Council's District Plan and any other relevant Council documentation.
Stormwater Drainage Protection Plan	Means a plan which relates to a specific site and/or activity being carried out on the site and addresses the specific stormwater management approach for that site and/or activity.
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: <ul style="list-style-type: none">• rain gardens• porous paving• infiltration trenches• sand filters• settlement traps, tanks and ponds• green roofs• wetlands• ponds• rainwater tanks• proprietary devices• Stormwater Detention and/or Retention Device
Stormwater Retention Device	Means any device such as 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.
Supply Pipe	The section of pipe between the point of supply and the customer's Premises through which water is conveyed to the Premises.
Watercourse	The meaning given in 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. Watercourses passing through private land are generally considered private and are the responsibility of the Owner of the land they pass through. This also includes for piped water courses.

Note: *For the avoidance of doubt, a Watercourse includes any Watercourse or drainage network over private or public land.*

6. PROTECTION OF PUBLIC STORMWATER DRAINAGE NETWORKS, PERSONNEL AND THE ENVIRONMENT

6.1. PROTECTION OF NETWORK AND THE ENVIRONMENT

6.1.1 No Person may:

- (a) allow any material, Hazardous Substances, wastewater (including trade waste), chemical (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 otherwise Approved by the Council; or
- (b) deposit or permit any material, Hazardous Substance, chemical, 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) obstruct, divert, alter or interfere with any 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
- (d) 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 operative stormwater discharge consents obtained from the Hawke's Bay Regional Council; or
- (e) do anything that damages or is likely to cause damage to any Public Stormwater Drainage Network.

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 Drainage Network as provided for in Council's Wastewater Bylaw.*

In reference to Council's operative stormwater discharge consents that commenced on 1st November 2017 and expire on 31 May 2037 general Condition 3, relating to the Resource Management Act Section 107 matters apply. That condition takes into account the effects in the receiving water after reasonable mixing as per the provisions in the consents and covers discharge characteristics including:

- *Conspicuous oil or grease films, scums or foams, or floatable or suspended material;*
- *Any conspicuous change in the colour or visual clarity;*
- *Any emission of objectionable odour;*
- *The rendering of fresh water unsuitable for consumption by farm animals;*
- *Any significant adverse effects on aquatic life.*

Stormwater discharges from Premises which at any time are likely to have the characteristics listed above will be managed through the preparation and Approval of Stormwater Drainage Protection Plans (refer clause 7).

6.2. RESTRICTIONS WITHOUT PRIOR APPROVAL OF COUNCIL

6.2.1 No Person may, without the prior written consent of Council:

- (a) erect any barrier within the Stormwater Drainage Network; or
- (b) stop, obstruct, alter, interfere with or divert any stormwater drain, or any part of the Public Stormwater Drainage Network; or
- (c) erect any defence against water in any stormwater drain, Flood Plain, Flood Risk Area or Overland Flow Path; or

- (d) carry out any of the above so as to adversely affect land or buildings including other land and buildings on other land; or
- (e) remove vegetation from within any stormwater drain or any part of the Public Stormwater Drainage Network; or
- (f) impede the free flow of water in an open stormwater drain, within a distance of at least three (3) metres from the nearest margin of that stormwater drain, with the exception of Approved vehicle crossings.

6.3. STORAGE OF HAZARDOUS SUBSTANCES

6.3.1 No Person may store raw material, or products or waste containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any other Hazardous Substance or material which, when mixed with Stormwater in the Public Stormwater Drainage Network, may:

- (a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities,
- (b) damage the Public Stormwater Drainage Network,
- (c) damage the Environment or adversely affect the health and safety of Council staff and the public in a manner or location such that there is a more than minor risk of that material entering the Public Stormwater Drainage Network.

6.4. WORKING AROUND BURIED SERVICES

6.4.1 Any person proposing to carry out excavation work must view the as-built information held by Council to establish whether Council services are located in the vicinity.

6.4.2 At least five (5) working days notice in writing must be given to Council of an intention to excavate in the vicinity of its services.

6.4.3 Any Person causing damage or disruption to the Stormwater Drainage Network is liable for the cost of repairs and any other costs incurred as a result of the damage or disruption.

6.4.4 No Person may make any connection to, or otherwise interfere with, any part of the Stormwater Drainage Network except with the written approval of Council.

6.4.5 Any damage or disruption to the Stormwater Drainage Network must be reported to the Council immediately.

6.4.6 No Person may undertake any excavation work within the distance specified within the table below for of any part of the Stormwater Drainage Network, except with the prior written approval of the Council.

6.4.7 When granting approval for excavation work near the Stormwater Drainage Network, the Council may impose such conditions as it considers necessary.

Type of Works	Type of Council Water Supply, Wastewater or Stormwater asset	Specified distance from 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 more, including connected manholes and structures	10 metres
	pipes less than 300 mm in diameter, including connected manholes and structures	2 metres
Blasting	pipes 300mm diameter and more, including connected manholes and structures	15 metres
	pipes less than 300mm in diameter, including connected manholes and structures	15 metres

Note: Excavation within roadways is also subject to the permit process of the appropriate Roading Authority.

6.5. LOADING OR STORAGE OF MATERIAL OVER PUBLIC STORMWATER PIPES

- 6.5.1 No person may cause the crushing load imposed on a public stormwater pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by the New Zealand Transport Agency (Waka Kotahi) Bridge Manual). No person may cover or obscure a public stormwater pipe, manhole, catchpit or other ancillary structure without the prior approval of the Council.
- 6.5.3 Removal of any covering or obstructing material or adjustment of the structures will be at the property owner's expense.

7. STORMWATER DRAINAGE PROTECTION PLANS

7.1. REQUIREMENT FOR A STORMWATER DRAINAGE PROTECTION PLAN

- 7.1.1 The Council may require the Owner or Occupier of a premise to submit to the Council for Approval a Stormwater Drainage Protection Plan for that Premises where, in the opinion of the Council:
- (a) the Premises generates trade waste containing Contaminants and 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; or
 - (b) for any reason the Council considers there is a reasonable probability of a Contaminant discharge entering the Public Stormwater Drainage Network from that Premises that could cause a breach the provisions of this Bylaw; or
 - (c) there are Ephemeral Flow Paths present within the Premises that have the potential to breach the provisions of this Bylaw in terms of contaminant discharges to the Public Stormwater Drainage Network.
- 7.1.2 The Owner or Occupier of the Premises must provide a Stormwater Drainage Protection Plan to Council for review and Approval within three (3) months of a request from the Council.

7.2. CONTENTS OF A STORMWATER DRAINAGE PROTECTION PLAN

- 7.2.1 Any Stormwater Drainage Protection Plan required to be submitted to the Council by clause 7.1 must be in accordance with the Stormwater Drainage Protection Plans CHBDC guidance document and include:
- (a) A suitably scaled drawing showing the site layout, boundaries, all private stormwater and wastewater drainage including the point or points of connection to the Public Stormwater Drainage Network 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;
 - (d) Methods and timeframes proposed to control 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 Drainage Protection Plan meets the Overarching 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.

7.3. APPROVAL OF A STORMWATER DRAINAGE PROTECTION PLAN

- 7.3.1 The Council must approve a Stormwater Drainage Protection Plan if it is satisfied that the measures contained in the Stormwater Drainage Protection Plan are adequate to prevent adversely affecting the health and safety of Council staff, or its agents, and the public, as well as preventing damage to the network and the receiving Environment.

7.4. COMPLIANCE WITH A STORMWATER DRAINAGE PROTECTION PLAN

- 7.4.1 If a Stormwater Drainage Protection Plan has been Approved by the Council, the Owner and Occupier must comply with all provisions, including any timeframes specified in the Stormwater Drainage Protection Plan.

7.4.2 If any existing Premises discharges Contaminants to the Public Stormwater Drainage Network in a manner that may cause damage to the network, the receiving environment or adversely affect the health and safety of Council staff or its agents and the public, the Occupier must advise the Council immediately and follow such notification up in writing as soon as practically possible and undertake all practical means to stop the discharge as soon as is possible.

7.5. REVIEW OR UPDATE OF A STORMWATER DRAINAGE PROTECTION PLAN

7.5.1 The Council may require that any Stormwater Drainage Protection Plan be revised to the satisfaction of the Council at any time where, in the opinion of the Council, there have been significant changes in the facilities or operational procedures present at the Premises which have the potential to affect the ability of the Premises to comply with this bylaw.

7.5.2 An Owner or Occupier of a Premises subject to an Approved Stormwater Drainage Protection Plan may, at any time submit to the Council a request to update the Stormwater Drainage Protection Plan to remedy this and submit to Council for their consideration.

8. SITE DEVELOPMENT AND SITE MANAGEMENT

8.1. PROPOSED WORKS

8.1.1 No Person shall carry out stormwater works without:

- (a) prior written Approval from Council, and
- (b) a building consent and/or resource consent as required.

8.1.2 Every application to carry out stormwater works shall include drawings and specifications for the proposed works. The drawings shall show, to the satisfaction of Council, the proposed works and their effects on the subject site and surrounding land.

8.1.3 All proposed stormwater works shall be designed, constructed and operated:

- (a) so that Stormwater discharges from a Premises are in compliance with any relevant Council Catchment Management Plan and/or Council's discharge consent issued by Hawke's Bay Regional Council under the Resource Management Act 1991, including its recommendations or conditions for the area concerned; and
- (b) in compliance with Council's standards for corresponding public drainage works where they serve or may serve land or buildings in different Ownership; and
- (c) in compliance with Council's Stormwater Drainage Policies; and
- (d) to minimise sediment discharge to any Stormwater Drainage Network; and
- (e) in compliance with any written conditions imposed by Council when approving the works, and with any relevant building or resource consent; and
- (f) to be consistent with foreseeable catchment-wide works (for example, extending a pipe upstream or downstream) so as to give a benefit to the Catchment as a whole.
- (g) To recognise the fundamental concept of Te Mana o te Wai and the status of tangata whenua as Kaitiaki as far as reasonably practical.

8.1.4 Such stormwater drainage works shall remain the responsibility of the Owner of the land on which the works occur unless and until the works are taken over and vested in Council. The cost of all work involved will be at the Owner of the land's cost, unless specific agreement for alternative cost sharing is Approved in writing by Council.

8.2. OTHER DEVELOPMENT

8.2.1 No development may take place and no building or structure shall be constructed on or over or under any land within a Flood Risk Area, Flood Plain or Overland Flow Path unless specifically Approved by Council, and subject to such conditions as Council may set.

8.2.2 No Person shall extend or alter any building or structure which is already constructed on, over or under any land within a Flood Risk Area, Flood Plain or Overland Flow Path in such a way that:

- (a) the extent of the obstruction to the Flood Risk Area, Flood Plain or Overland Flow Path is increased in any way; or
- (b) the protection from any Nuisance is reduced; or

(c) the likelihood or extent of any Nuisance is increased,

unless specifically Approved by Council and subject to such conditions that Council may set.

8.3. VEHICLE CROSSINGS AND DRIVEWAYS

8.3.1 Where a building is at an elevation below the carriageway of the adjacent road or access way, the vehicle crossing to the site shall be constructed with an over vertical curve to ensure that run-off from the carriageway does not enter the property via the vehicle crossing.

8.3.2 The internal vehicle drive and parking areas shall be designed and constructed to direct run-off away from the buildings and to eliminate the potential for a Nuisance to be created.

8.4. SILTATION AND EROSION PROTECTION

8.4.1 No Person may, as a result of development, discharge any stormwater into a stormwater drain or any drain leading to a stormwater drain, unless such development includes provisions to ensure siltation and erosion are not increased and that water quality is not reduced. This shall include the installation of adequate silt control measures to the satisfaction of Council to prevent the discharge of silt laden water directly or indirectly to any stormwater drain.

8.4.2 Such provisions shall be made before development is started. These control measures shall be maintained and regularly cleaned out until ground cover has been reinstated on the site.

8.5. DIVERTING PUBLIC STORMWATER PIPES

8.5.1 Subject to specific Approval in writing by Council, a Person may divert a public stormwater pipe (including any ancillary structures) in accordance with any engineering requirements specified by Council, and the Developer shall meet the cost of such diversion work.

9. APPROVAL TO CONNECT TO A PUBLIC STORMWATER DRAINAGE NETWORK

9.1. REQUIREMENT FOR COUNCIL APPROVAL

9.1.1 No Person may make a connection to, or otherwise interfere with, the Public Stormwater Drainage Network without prior Approval of the Council.

9.2. REQUIREMENT FOR ATTENUATION MEASURES

9.2.1 When the stormwater arising from a new connection is such that it exceeds the defined Level of Service limits for the Public Stormwater Drainage Network, Council may require the installation or construction of private stormwater attenuation measures including Stormwater Management Devices.

9.2.2 Matters Council shall consider in determining the need for and capacity of a Stormwater Management Device (over and above the minimum 3,000 litre rain water tank required by the Water Supply Bylaw) will include the roof area of any building from which Stormwater is collected, the extent of impervious (sealed) areas of the property and the capacity of the Public Stormwater Drainage Network to which the property is connected.

9.2.3 After construction of a private Stormwater Management Device, and subsequent Approval by Council, the capacity, discharge rate and orifice size (if any) shall not be altered.

9.2.4 Any such Stormwater Management Device must be constructed at the Occupier's expense. The Occupier must also meet the costs of the required maintenance and servicing program to ensure that the measures continue to meet their design performance criteria.

9.3. APPLICATION

9.3.1 Every application for connection to the Public Stormwater Drainage Network shall be made in writing on the standard Council form and be accompanied by the prescribed charges. The applicant shall provide all the details required by Council.

9.3.2 On receipt of an application Council shall, after consideration of the application and other matters relating to the application and the stormwater drainage network, either:

- (a) Approve the application and inform the applicant of the size of the connection and any particular conditions applicable including any requirement for a Stormwater Drainage Protection Plan; or
- (b) seek further information prior to making a decision; or
- (c) refuse the application and notify the applicant of the decision giving the reasons for refusal.

- 9.3.3 Failure to comply with any terms and conditions of an Approval constitutes interference with the Public Stormwater Drainage Network without prior Approval and is a breach of this Bylaw.
- 9.3.4 Any such connection to the Public Stormwater Drainage Network shall be carried out by a Registered Drainlayer and, if required by the Council, under the supervision of the Council.
- 9.3.5 Any new connection shall be dimensioned from the immediate downstream manhole to the centre of the newly installed connection, and an as-built plan showing the connection shall be provided to Council within seven (7) days of installation and acceptance by Council.
- 9.3.6 The applicant must have written evidence of authority to act on behalf of the Owner of the property for which supply is sought (should they not be one and the same).
- 9.3.7 An Approved application which has not been actioned within six (6) months of the date of application will lapse unless a time extension has been Approved. Any refund of Fees and Charges shall be at the discretion of Council.

9.4. PRESCRIBED CHARGES

- 9.4.1 In addition to any application, administrative, and inspection charges prescribed by the Council in accordance with the Local Government Act 2002, charges applicable at the time of connection may include a payment to Council or an Approved contractor for the cost of the physical works required to provide the connection.

9.5. POINT OF DISCHARGE

- 9.5.1 The Point of Discharge from a Premises shall be the point on the Public Stormwater Drainage Network which marks the boundary of responsibility between the Owner and Council.
- 9.5.2 Unless otherwise Approved there shall be one Point of Discharge only for each Premises.
- 9.5.3 Where a private pipeline discharges into a Public Stormwater Drainage 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 pipeline.
- 9.5.4 No connections shall be made on a private drain to supply other Premises.
- 9.5.5 Appendix A includes a series of figures showing the Point of Discharge for a range of property ownership and location arrangements.

10. PREVENTION OF INFLOW AND INFILTRATION FROM THE STORMWATER DRAINAGE NETWORK

- 10.1.1 The Owner shall take all reasonable steps to prevent any Stormwater or groundwater entering the wastewater drainage system (including from roof downpipes, surface water run-off, overland flow, and sub-surface drainage). Reasonable steps include ensuring that:
- (a) there is no direct connection of any stormwater pipe or drain to the Wastewater Drainage Network.
 - (b) gully trap surrounds are 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 Stormwater Drainage Systems are kept and maintained in a state which is free from cracks and other defects which may allow exfiltration.

11. ACCESS FOR MAINTENANCE, REPAIR AND INSPECTION

- 11.1.1 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 Drainage Network including inspection and survey, and for determining compliance with the requirements of this Bylaw.
- 11.1.2 Wherever practical Council shall make every reasonable attempt to notify the Owner or Occupier of any scheduled work on the Public Stormwater Drainage Network before the work commences. Where immediate action is required and notification is not practical, work will be carried out without notice.

12. PRIVATE STORMWATER DRAINAGE SYSTEMS

12.1. MAINTENANCE OF PRIVATE DRAINAGE SYSTEM

- 12.1.1 It is the responsibility of the Owner to maintain in good working order, at all times, the Private Stormwater Drainage Systems on the Premises. This includes all pipes, gutters, Stormwater Management Devices or other components as well as the drainage network itself.
- 12.1.2 Where unmaintained components of a private drainage system affect neighbouring properties and/or the Public Stormwater Drainage Network, Council will investigate and request necessary works to be undertaken by the Owner or Occupier.

12.2. PRIVATE SOAKAGE SYSTEMS

- 12.2.1 The Owner of a private soakage system shall, at all times, ensure that the private soakage system is functioning in such a way as to prevent a Nuisance in up to a 10% AEP storm.
- 12.2.2 The Owner of a private soakage system shall, on request by Council, provide such information as is required to demonstrate that their private soakage system is functioning in such a way as to prevent a Nuisance in up to a 10% AEP storm. If this is not the case, the Owner of the private soakage system shall carry out such works as required to make it meet this standard (having first obtained such Approvals as are required for the works involved).

13. PAYMENT

- 13.1.1 The Owner shall be liable to pay for stormwater services in accordance with Councils Fees and Charges and / or rating requirements prevailing at the time.
- 13.1.2 Council may recover all unpaid Fees and Charges and rates as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 83.

14. BREACHES AND INFRINGEMENT OFFENCES

14.1. RISK TO PUBLIC HEALTH OR SAFETY, OR CONSEQUENTIAL DAMAGE TO COUNCIL ASSETS OR ENVIRONMENT

- 14.1.1 If any breach of this Bylaw is such that, in the opinion of the Council, there is a risk to public health or safety, or a risk of consequential damage to Council assets or the Environment, the Council may take immediate action to remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and recover the costs of removal or alteration from the Person who committed the breach.

14.2. FINES

- 14.2.2 Every Person who fails to comply with the requirements of this Bylaw, commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Local Government Act 2002.
- 14.2.3 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.

15. BYLAW APPROVAL DATE

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - Part XX Stormwater Bylaw 2021*) passed at a meeting of the Central Hawke's Bay District Council held on

..... (Day) (Month) (Year).

APPENDIX A

Point of Discharge Arrangements

To be applied in conjunction with clause 9.5. of the Bylaw.

Single Ownership

For individual Owners the Point of Discharge shall be located as shown in figures 1 - 6 (or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position). Other positions shall require specific approval.

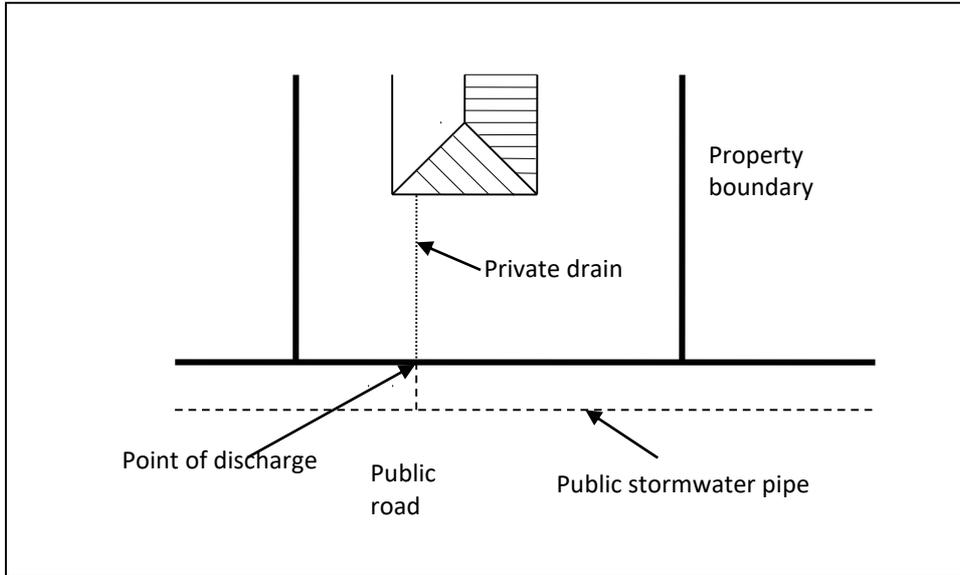


Figure 1 - Point of Discharge Location - With Street Frontage To Public Stormwater Pipe

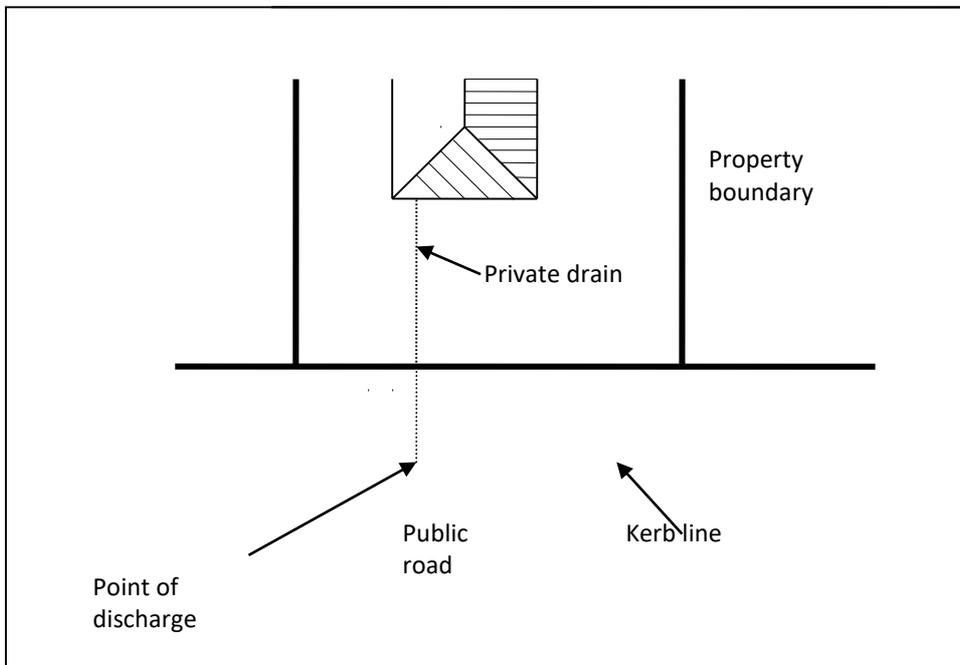


Figure 2 - Point of Discharge Location - With Street Frontage To Kerb

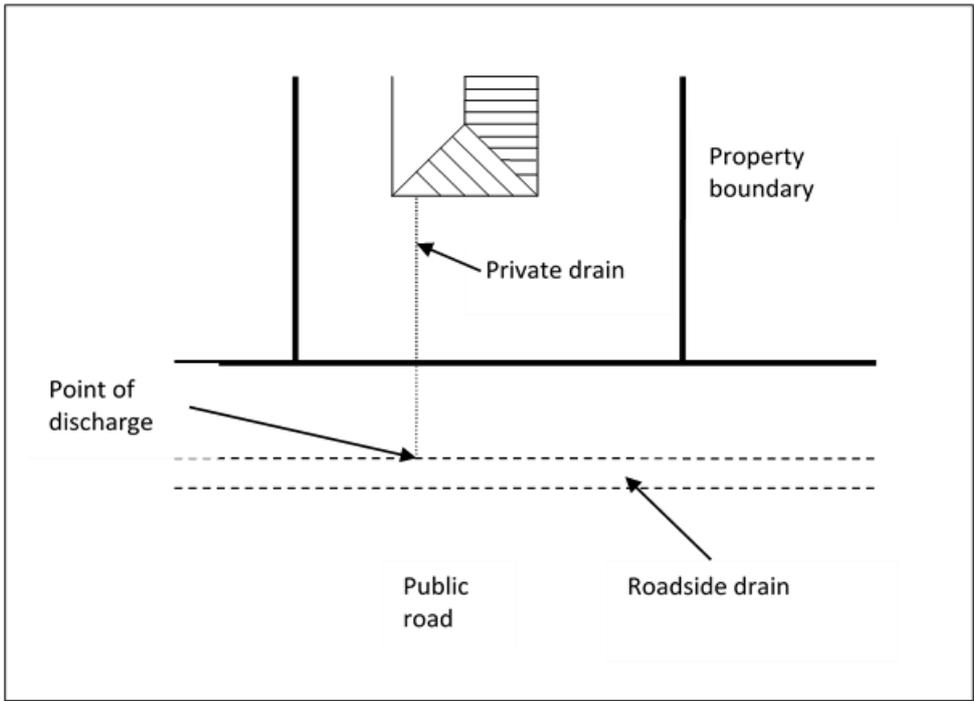


Figure 3 - Point of Discharge Location - With Street Frontage To Roadside Drain

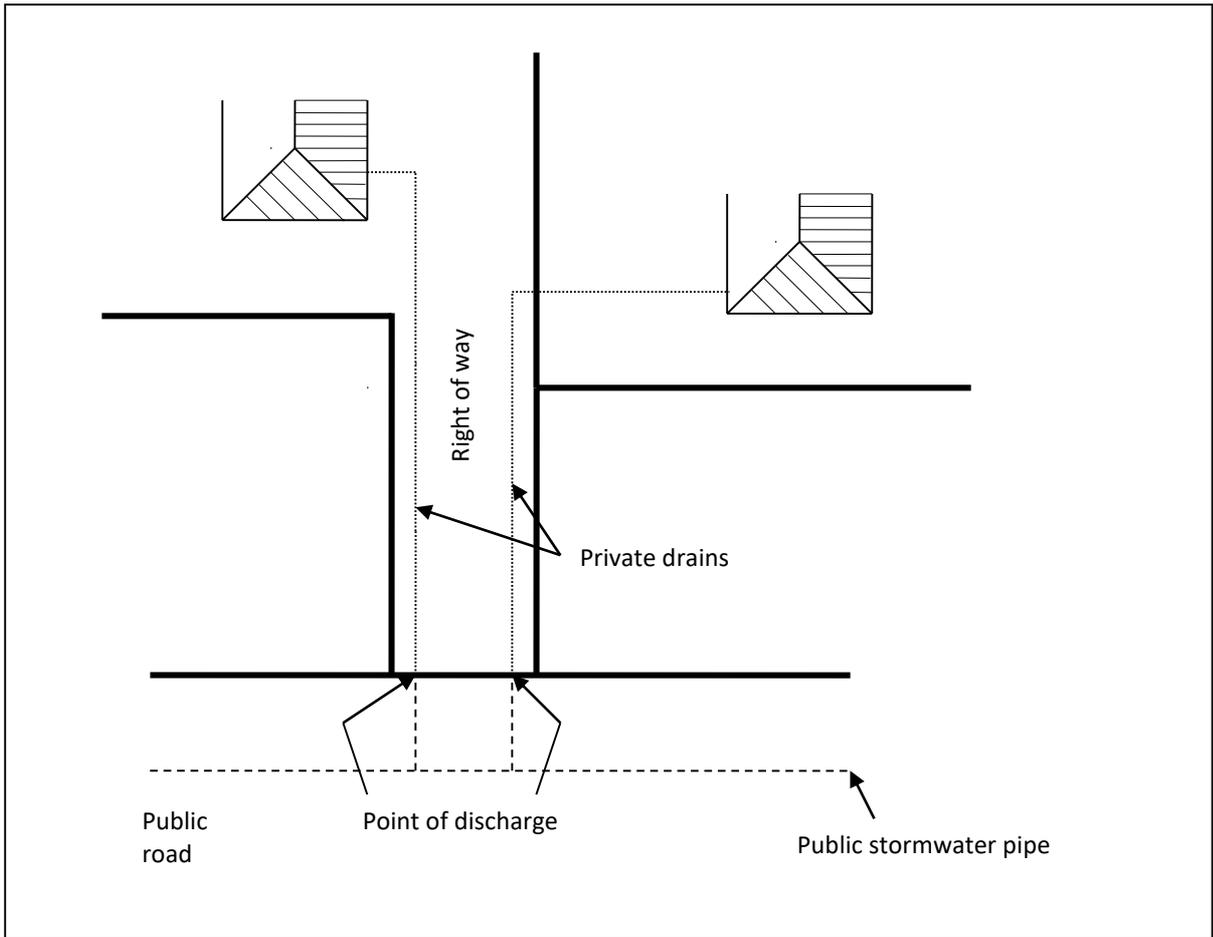


Figure 4 - Point of Discharge Location - Rear Lots

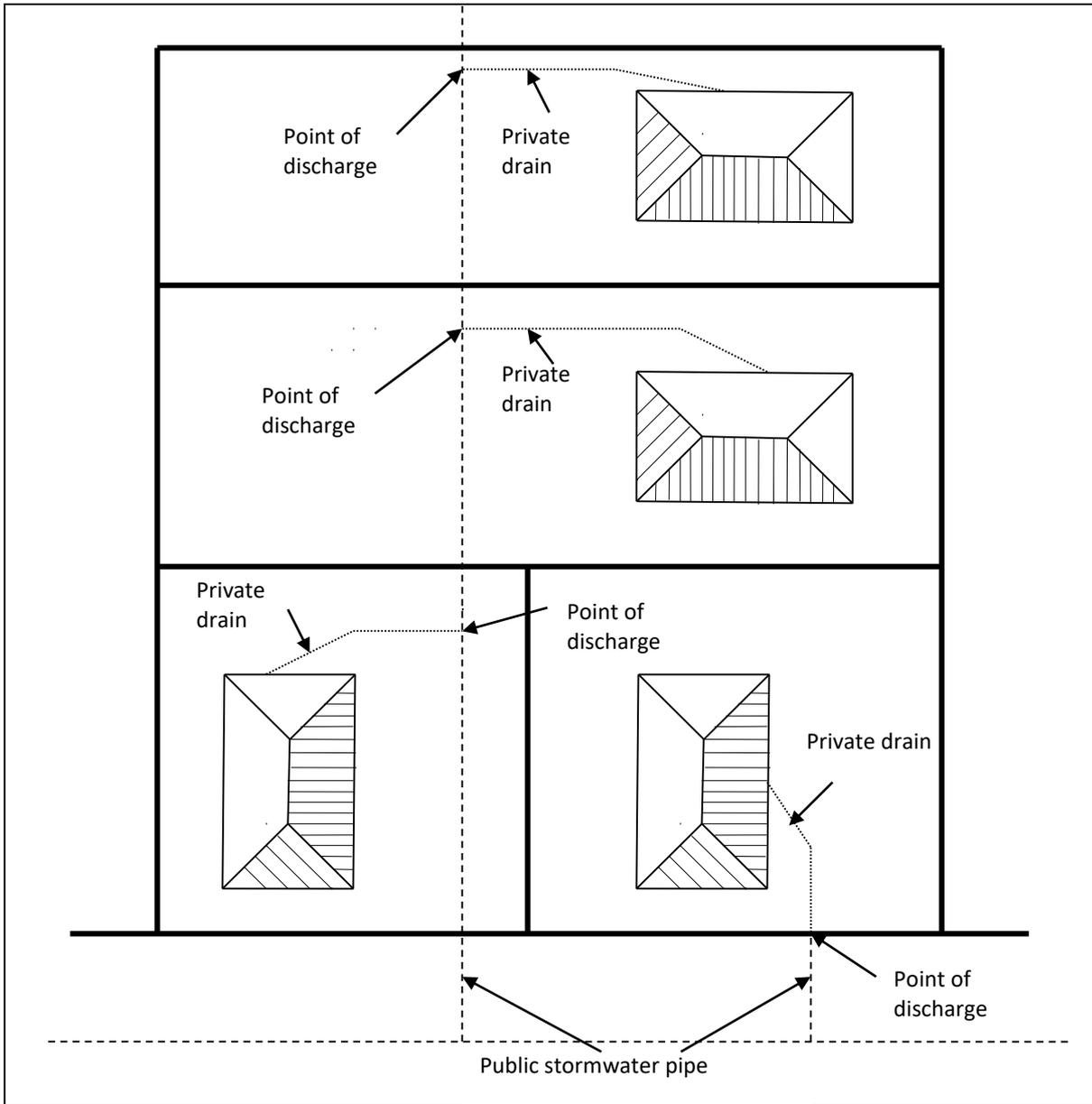


Figure 5 - Point of Discharge Location - Public Stormwater Pipe on Private Property

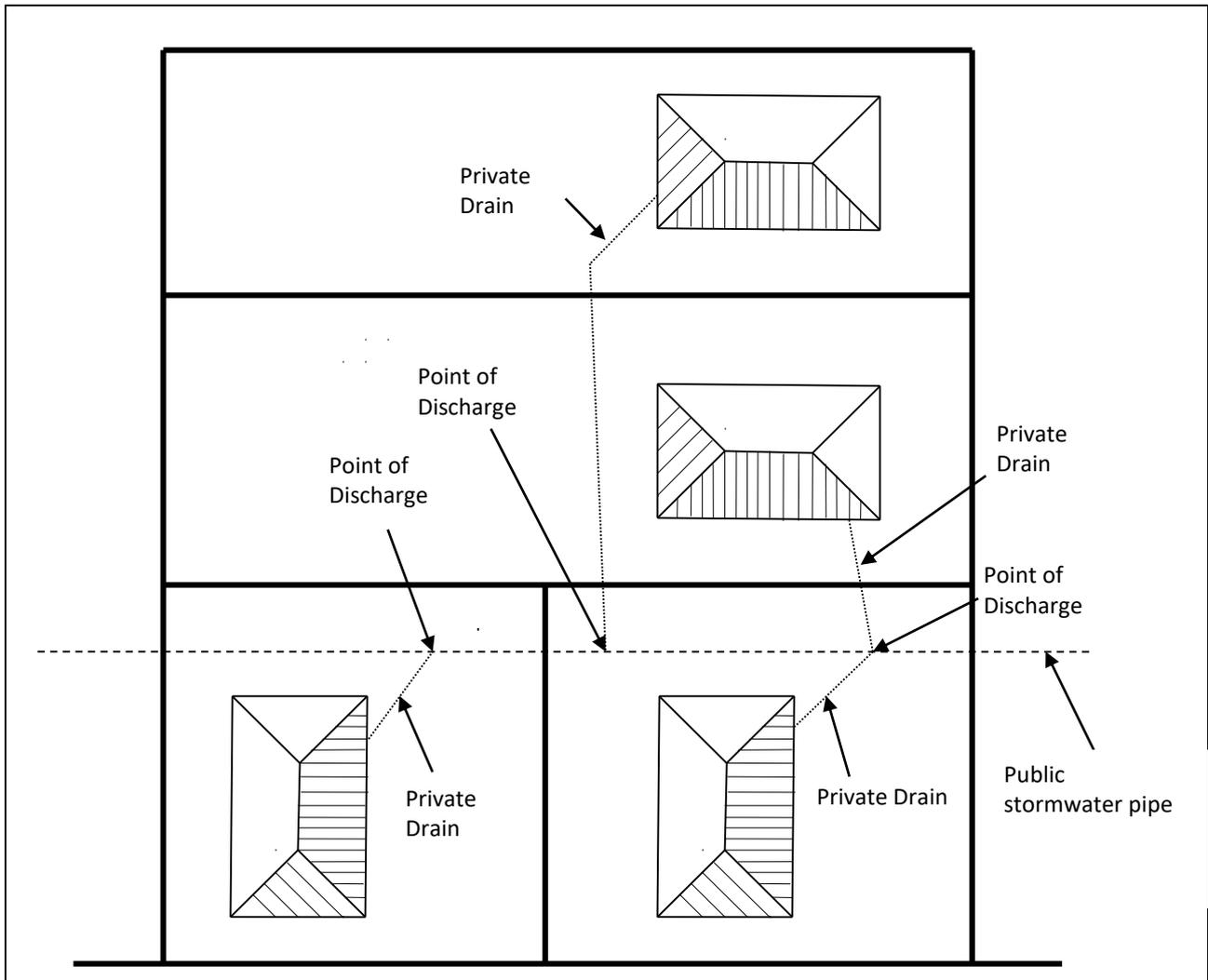


Figure 6 - Point of Discharge Location - Private Drain through Neighbouring Properties

Multiple Ownership

The Point of Discharge for the different forms of multiple Ownership of Premises and / or land shall be:

- (a) for a Company Share / Block Scheme (Body Corporate) - as for single Ownership;
- (b) for a Leasehold / Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple Ownership - each Owner shall have an individual pipe with the Point of Discharge determined by agreement with Council. In specific cases other arrangements may be acceptable, subject to individual approval by Council.

For a multiple Ownership private drain which was in existence prior to the effect of this Bylaw, the Point of Discharge shall be the arrangement existing at that time, or as determined by agreement with Council for any individual case.

Layout

The physical drainage layout at a Point of Discharge shall be as per the New Zealand Building Code, the New Zealand Standard NZS 4404: Land Development and Subdivision Infrastructure, and as Council approves.