



Southland District Council

Stormwater Drainage Bylaw 2017

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Document Revision

Date	Amendment	Amended by	Approved by	Approval date
13/12/17			Council	13/12/17

1 Introduction

This bylaw may be cited as the Southland District Council Stormwater Drainage Bylaw 2017.

1.1 Commencement and Area of Application

This bylaw shall come into force on 13 December 2017 and shall apply throughout the District.

1.2 Repealed Bylaws

The Southland District Council Stormwater Drainage Bylaw 2008 is consequently repealed.

2 Definitions

In this Bylaw unless the context otherwise requires:

ACCEPTABLE DISCHARGE means a stormwater discharge with physical and chemical characteristics which either:

- (a) comply with the requirements of the Southland District Council's consent to discharge, or;
- (b) make the discharge a permitted activity under the Southland Regional Council's (brand name Environment Southland) Regional Water Plan.

APPROVAL or **APPROVED** means approved in writing by Council.

APPROVED CONTRACTOR means a contractor approved by Council to undertake works on the stormwater services.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002, as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BURIED SERVICES means all public stormwater services and other underground utilities under the responsibility of the Council.

CONTAMINANT includes any substance (including gases, odorous compounds, heavy metals, liquids, solids and micro-organisms but not limited to soil, paint, fuel, oil detergents, sewage, litter) or energy (excluding noise) or heat, that either by itself, or in conjunction with the same, similar or other substance, energy or heat.

- (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of the water; or
- (b) when discharged onto or into land, changes or is likely to change the physical, chemical or biological condition of the land onto or into which it is discharged.

COUNCIL means the Southland District Council.

CUSTOMER means a person who either discharges, or had obtained a consent to discharge or direct the manner of discharge of stormwater, from any premises to the public stormwater services of the Council.

DISCONNECTION means the physical cutting and sealing, either temporary or permanently and inspection of the drain from a premises, at the section boundary.

DISTRICT means the District of the Council.

PERSON includes a natural person, the Crown, a corporation sole or a body of persons whether corporate or otherwise.

POINT OF DISCHARGE means the boundary between the public stormwater drain and a private stormwater drain.

PREMISES means premises including the following:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;
- (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
- (c) Land held in public ownership (eg, reserve) for a particular purpose.

PRIVATE STORMWATER DRAIN means that section of stormwater drain between the customer's premises and the point of discharge through which stormwater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

PUBLIC STORMWATER DRAIN means any stormwater drain which is under the control of the Council.

PUBLIC NOTICE:

- (a) Means a notice published in a newspaper circulating in the entire area likely to be affected by the matter to which the notice relates; and
- (b) May also include a notice published on the Council website.

SCHEDULE OF FEES AND CHARGES means the list of items, terms and prices for services associated with the supply of water as approved by the Council.

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

STORMWATER means all surface water runoff resulting from precipitation.

STORMWATER DRAIN means any passage, channel, or pipe on, over, or under the ground by which stormwater is conveyed.

STORMWATER SERVICES means all public stormwater drains, channels, manholes and other structures for the reception and discharge of stormwater vested in the Council or acquired or constructed or operated by or under the control of the Council. Stormwater services includes but is not limited to gutters, sumps, laterals, channels, ditches, overland flow paths, pipes and manholes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include condensing or cooling waters, stormwater which cannot practically be separated or domestic sewage.

TRUNK STORMWATER DRAIN means a public stormwater drain, generally greater than 150 mm in diameter, which forms a part of the Council's stormwater services.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

3 Approval to Connect

3.1 Authorisation of Connection

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

Approval to connect to the stormwater services will only be given after full payment of the appropriate application fee.

3.2 Payment

The customer shall be liable to pay for the discharge of stormwater and related services in accordance with Council's Schedule of Rates, Fees and Charges prevailing at the time.

The Council may recover all unpaid charges as prescribed in the Local Government (Rating) Act 2002, Sections 57 to 82.

Charges applicable and payable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection; and/or
- (b) A development contribution charge determined in accordance with the Local Government Act 2002.

3.3 Restrictions on Discharge

The Council may set a maximum daily or instantaneous flow rate, requirement for pre-treatment, or require other restrictions or controls on stormwater discharged from a premises.

4 Prohibited Discharges

Wastewater and trade waste will not be permitted to be discharged to the public stormwater system.

5 Contaminated Stormwater

Contaminants must not be discharged to the stormwater services. Where land drainage is the primary source of stormwater collection, the property owner shall provide a settling sump or similar device to a standard approved by the Council prior to the stormwater entering the stormwater drain.

6 Approved Contractors

Any person who undertakes repair or installation work for stormwater services shall first obtain approval by Council as an approved contractor. Council will grant this approval only where it is fully satisfied that the person has the necessary expertise and experience. Council shall maintain a register of approved contractors.

7 Point of Discharge

7.1 General

The point of discharge from a customer shall be at the property boundary, with the boundary of responsibility between the customer and the Council defined as in Figure 1.

Unless otherwise approved there shall be one point of discharge only for each premises and any private stormwater drain shall not extend by pipe or any other means to serve another premises unless it is a common private stormwater drain.

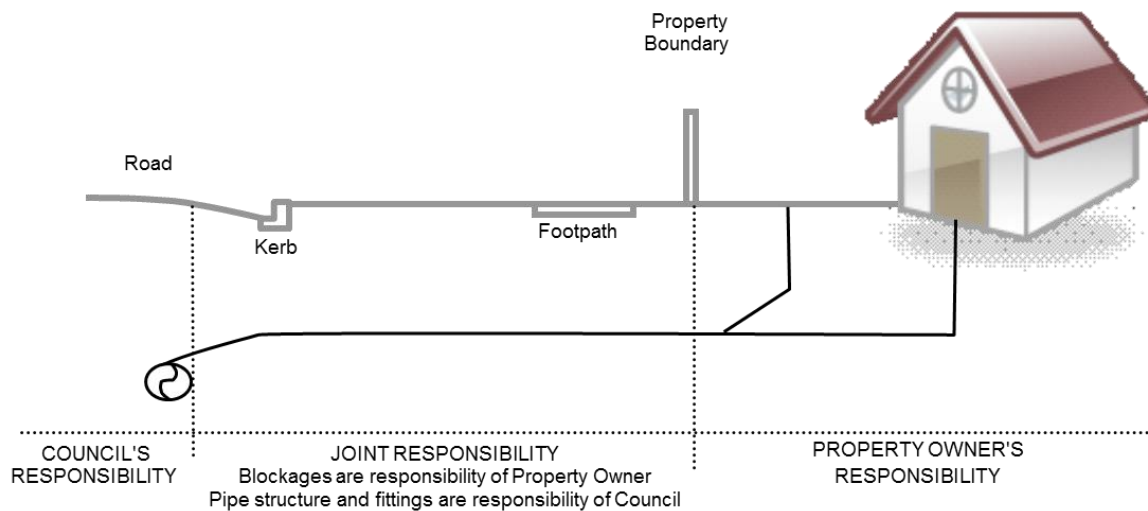


Figure 1 – Responsibility for Laterals and Public Stormwater Drain - Individual Customers

7.2 Layout

The typical layout at a point of discharge is provided in the Southland District Council Subdivision and Land Development Bylaw.

7.3 Single Ownership

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

Where a private stormwater drain discharges into a public stormwater drain 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 drain.

7.4 Multiple ownership

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

- (a) For company share/block scheme (body corporate) - As for single ownership;

- (b) For leasehold/tenancy in common scheme (cross lease), strata title and unit title (body corporate) - where practicable each owner shall have an individual stormwater drain with the point of discharge determined by agreement with the Council. If not practicable, there shall be a common private stormwater 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.

7.5 Council Approval of Point of Discharge

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

7.6 Common Private Stormwater Drains

Common private stormwater drains shall serve a maximum of five single dwelling units and may also have one point of discharge only (in common). All connections to a common private stormwater drain shall be approved by the Council.

8 Access

8.1 Access for Inspection

The customer shall allow the Council, or its authorised officers, access to and about the point of discharge under the rights of entry provisions of the Local Government Act under Sections 171 to 174. The Council shall give 24 hours' notice to the customer of the intended entry. For the purposes of monitoring, testing and maintenance work, the customer shall allow the Council free access to and about the point of discharge between 7.30 am and 6.00 pm on any day. Under emergency conditions, or for the purpose of ascertaining whether the stormwater drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour without notice.

8.2 Non-Complying Connections

The customer shall allow the Council, with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

9 Blockages

A customer who has reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private stormwater drain.

If the drainlayer finds that the blockage is within the public stormwater drain, then the drainlayer shall contact the Council who shall clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public stormwater drain in the act of clearing it from the private stormwater drain, or that the customer has not been negligent in discharging non-

acceptable stormwater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

10 Disconnection

10.1 Building Removal Notice

A customer shall give five working days' notice in writing of his or her intention to demolish or remove a building connected to the stormwater drain. The demolition or removal shall not commence until the property has been disconnected from the stormwater drain, which shall be capped to a standard approved by the Council and inspected by the Council.

10.2 Disconnection Requirements

A customer shall give five working days' notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private stormwater drain is required. Disconnection shall be done by an approved contractor.

11 Protection of Stormwater Services

11.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in Clauses 11.2 to 11.4 shall apply. Other restrictions may be applied by the Council for the protection of the stormwater services after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors.

11.2 Building over Buried Services

- (a) No building shall be built over a stormwater service, whether that drain is situated on public or private land;
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public stormwater drain; or
 - (ii) the depth of the centreline of the public stormwater drain, plus the diameter of the public stormwater drain, plus 0.2 metres from the centre of that public stormwater drain, subject to compliance with Clause 3.1 of NZS 3604.
- (c) Where (a) above is found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the property owner:
 - (i) carrying out sufficient investigations to accurately determine the stormwater drains location and depth and to prove that the stormwater drain is in such a condition that it has a remaining life of at least 50 years;

- (ii) or if (i) cannot be satisfied, carrying out remedial work or relaying the stormwater drain to meet the requirements of (i), (iii) and (vi);
- (iii) bore piling the building 1.0 metre clear distance either side of the public stormwater drain to below the public stormwater drain invert to ensure that no building loads are transferred to the public stormwater drain and that it is possible to excavate down to the public stormwater drain without threat to the building;
- (iv) providing two additional manholes into the public stormwater drain between 2.0 and 3.0 metres from the edge of the building at the points it enters and leaves the building (unless there is an existing manhole within 10.0 metres), provided that the public stormwater drain lies in a straight line and that there are no other connections between these two manholes;
- (v) carrying out all work on and around the public stormwater drain in accordance with Council's engineering standards;
- (vi) registering against the Certificate of Title by way of a Transfer of Easement granting Council a right to convey and drain stormwater.

11.3 Loading of Material over Public Stormwater Drains

11.3.1 Loading Limits

No person shall cause the crushing load imposed on a public stormwater drain to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual 1994).

11.3.2 Covering of Service Openings

Service openings in public stormwater drains shall not be covered in any way unless approved. Removal of any covering material or changes to any opening situated on private property shall be at the property owner's expense.

11.4 Excavation near Public Stormwater Drains

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

- (a) Five metres from the centre line of any trunk stormwater drain; or
- (b) Two metres from the centre line of any other public stormwater drain, without approval. Such approval may impose conditions on the carrying out of any work near the stormwater drain.

without approval. Such approval may impose conditions on the carrying out of any work near the stormwater drain.

11.5 Working around Buried Services

11.5.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any buried services are located in the vicinity. At least five working days' notice in writing shall be given to the Southland District Council of an intention to excavate in the vicinity of any

part of the stormwater services. Where known the Council may mark out on the ground the estimated location of its services and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

The responsibility for identifying the actual location of services remains with the person responsible for the excavation work.

11.5.2 Standard of Excavation Work

When excavating and working around buried services due care shall be taken to ensure the services are not damaged and that bedding and backfill are reinstated in accordance with the appropriate Council specifications.

11.5.3 Reporting of any Damage to Services

Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall 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. All repairs to the damaged service shall be undertaken by an approved contractor.

12 Protecting Stormwater System from Hazardous Substances

12.1 Occupier's responsibilities to prevent contamination

The occupier of any property shall take all reasonable steps to prevent entry into any stormwater services from leakage, spillage or other mishap of any raw material products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any material which by itself, or when mixed with the stormwater, may generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or deleterious to the Council stormwater services, or the health and safety of Council staff, contractors and the public and adversely affect the receiving environment.

12.2 Entry of Hazardous Substances into Stormwater System

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Clause 12.1.

13 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

14 Breaches and Remedies

14.1 Defect Notices for Breach of Bylaw

In the event of a breach of any provision of this Bylaw, the Council may serve a defect notice on the customer advising of its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the Council reserves the right to undertake remedial work required in order to make good the breach and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work, including a re-inspection fee.

14.2 Breaches of Conditions of Providing a Stormwater Service Connection

The following are deemed breaches of the conditions to provide a stormwater service connection:

- (a) An incorrect application for connection which fundamentally affects the conditions of providing a service connection;
- (b) Failure by the customer to meet and comply with the conditions of providing a service connection;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations;
- (d) Frustration of the Council's ability to adequately and effectively carry out its obligations, including complying with discharge permits.

14.3 Public Health and Safety and the Environment

If however the breach is such that public health or safety considerations, risk of consequential damage to Council assets or the environment, or previous discharge consent violations is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs as set out in Clause 13.

14.4 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.

15 Liability

The Council shall endeavour to provide an uninterrupted service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the stormwater services.

This bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 13 December 2017.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of: }

_____ MAYOR

_____ CHIEF EXECUTIVE