



PALMERSTON NORTH CITY

PALMERSTON NORTH STORMWATER DRAINAGE BYLAW

2015

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PALMERSTON NORTH STORMWATER DRAINAGE BYLAW 2015

PART ONE – INTRODUCTION

1. TITLE

- 1.1 The title of this Bylaw is the Palmerston North Stormwater Drainage Bylaw 2015.

2. PURPOSE

- 2.1 This Bylaw is made under the authority of the Local Government Act 2002 for the purpose of ensuring that the stormwater system is managed by Palmerston North City Council in such a manner that it promotes a sustainable urban drainage systems (SUDS) approach, while safeguarding public health, property, and the environment in order to minimise the impact of flooding, erosion and environmental pollution.

3. COMMENCEMENT

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

4. REPEAL

- 4.1 The Palmerston North Trade Waste and Stormwater Bylaw 2008 Part 4: Clause 26 is repealed with effect from midnight on 30 June 2015.

5. DEFINITIONS

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

Administration Manual means the Administration Manual for the Palmerston North Stormwater Drainage Bylaw 2015 as approved by the Council when the Palmerston North Stormwater Drainage Bylaw 2015 was made and as amended from time to time by delegated authority under the Bylaw.

Approval means approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.

Authorised Officer/Agent	means an officer or an agent appointed by the Council and given powers to perform duties and functions under this Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.
Bylaw	means the Palmerston North Stormwater Drainage Bylaw 2015.
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, control and management of stormwater and stormwater related hazards within a catchment.
Certificate of Title	means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.
Commercial Premises	means: <ul style="list-style-type: none"> (a) Any premises used or intended to be used for any commercial, industrial or trade purpose; (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; (c) Any other premises from which a contaminant is discharged in connection with any industrial or commercial process; or (d) Any other premises discharging other than domestic sewage; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes, including composting organic materials.
Council	means the Palmerston North City Council and includes any person or Committee acting under authority duly delegated by the Palmerston North City Council.

Contaminant	includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms but excluding precipitation) 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.
Customer	means a person who has obtained permission from the Council to connect their premises to the public stormwater drainage network,
Development	in relation to any land means altering the stormwater runoff characteristics of that land including by stormwater drainage works, building work, subdivision or change of use or ground cover.
Dwelling	includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the ground or not, used wholly or partly for human habitation, and includes the land accessory to a dwelling.
Engineering Standards for Land Development	means the current version of the Council’s engineering standards detailing the standards to be achieved when carrying out land development.
Flood Plain	means a low lying area which is expected to or predicted to flood in a storm event usually described as an Average Return Interval (ARI) 20 year event.
Flood Risk Area	means an area which may be at risk of flooding in an (ARI) 20 year event.
Memorandum of Encumbrance	means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to pay occur.

Nuisance	<p>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:</p> <ul style="list-style-type: none"> (a) danger to life; (b) danger to public health; (c) flooding of any building floor or sub-floor, or public roadway; (d) damage to property; (e) damage to the public stormwater drainage network; (f) erosion or subsidence of land; (g) long or short term adverse effects on the environment; (h) adverse loss of riparian vegetation; (i) wastewater overflow to land or water; (j) anything that causes a breach of any stormwater discharge consent condition binding the Council, (including an accumulation of chemicals causing a breach).
Occupier	<p>means any person or company who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.</p>
Overland Flow Path	<p>Means a path along or across any land where surface water is predicted or observed to flow and is likely to cause flooding of more than a minor nature.</p>
Person	<p>includes a corporation sole and a body of persons, whether incorporated or not.</p>
Point of Connection	<p>means the boundary between the public stormwater drainage network and a private drain. The point of connection is the point on the public stormwater drainage network which marks the boundary of responsibility between the owner of the premises and the Council, irrespective of property boundaries.</p>

Premises

include 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 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;
- (c) land held in public ownership (e.g. reserve) for a particular purpose;
- (d) individual units in buildings which are separately leased or occupied.

Private Drain

means that section of drain between the premises and the point of connection to the public stormwater drainage network, being a pipe or channel or other method of conveying stormwater from the premises. This section of drain is owned and maintained by the owner of the premises.

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;
- (b) all drains, kerb and drainage channels, and drainage works or treatment facilities within legal road reserve or other public places;
- (c) 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.

Permit

means any approval or consent required or given by the Council under this Bylaw and includes any approval whether or not on a prescribed form including by electronic communication.

Road Controlling Authority

In relation to a road:

- (a) means the authority, body or person having control of the road; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority.

Service Opening

means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public stormwater drainage network.

Soakpit	means an underground storage compartment designed for the on-site retention of stormwater or other surface water flows that is emptied by soakage to the underlying material.
Stormwater Management Plan	means: (a) for residential premises, a plan of the site that shows the location of private drainage pipes and/or other private drainage elements such as soakpits; (b) for commercial premises, a plan of the site and its immediate catchment that shows how the drainage of all stormwater will be managed, including pipe layout and surface stormwater management measures.”
Stormwater	means all surface water run-off resulting from precipitation.
Stormwater Attenuation Measure	means any measure or step such as a retention pond or rain garden designed to retain stormwater on the premises and limit its peak outflow or volume or both from the premises into the public stormwater drainage network.
Stormwater Treatment Measure	means any measure or step designed to remove contaminants from stormwater on the premises.

PART TWO – PUBLIC STORMWATER DRAINAGE NETWORK

6 APPLICATION TO CONNECT

- 6.1 No person other than the authorised officers and agents of the Council may carry out work on or connect to the public stormwater drainage network or otherwise interfere with any part of that network unless the connection or work by the person is permitted in writing by the Council in which case all conditions in the permit must be met.
- 6.2 Every application for a connection to the public stormwater drainage network or work on the public stormwater drainage network must be made in writing using the Council's prescribed form together with payment of the required fee. The applicant must provide all details concerning the connection or work required by the Council.
- 6.3 Council approval is required even if a pipe has already been laid up to the point of connection or proposed point of connection to the public stormwater drainage network.
- 6.4 The Council may set and amend standard conditions for a stormwater connection to the public stormwater drainage network in the Administration Manual. The conditions of consent for connection will be those recorded in the Administration Manual unless specifically varied in writing by the Council in which case the latter prevail over those in the Administration Manual where inconsistent but otherwise the standard conditions apply whether expressly stated or not.
- 6.5 Every owner or occupier of premises discharging into the public stormwater drainage network may only do so on the basis of standard conditions for stormwater connection in the Administration Manual.

7 WORKING AROUND BURIED SERVICES

- 7.1 No person may carry out any excavation work within a road without permission in writing from the road controlling authority.
- 7.2 Any person proposing to carry out excavation work must first view the as-built information on Council records concerning the location of Council infrastructure to establish whether or not Council infrastructure is located in the vicinity. At least five days' notice in writing must be given to the Council prior to the intended date of any excavation within two metres of the public stormwater drainage network. Where appropriate, the Council will mark out to within $\pm 0.5\text{m}$ on the ground the location of its services and may nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.

7.3 All persons performing excavation and working around buried services must ensure the buried services are not damaged, and that bedding and backfill is reinstated in accordance Council's Engineering Standards for Land Development.

7.4 Any person who damages any part of the public stormwater drainage network must notify the Council immediately.

8 FEES AND CHARGES

8.1 The Council may set fees and charges in accordance with section 150 of the Local Government Act 2002 for the connection of stormwater and related services.

8.2 All fees and charges payable under this Bylaw shall be recoverable as prescribed by sections 57 to 82 of the Local Government (Rating) Act 2002.

PART THREE – POLLUTION PREVENTION

9 PROTECTION OF NETWORK AND ENVIRONMENT

9.1 No person may, unless specifically authorised by a resource consent or in writing by the Council:

- (a) Stop, obstruct, alter, interfere with or divert any stormwater drain or any part of the public stormwater drainage network in a manner that may cause blockage or nuisance;
- (b) Erect any defence, structure or stopbank, grow any vegetation, deposit any rubbish or other debris in any public stormwater drain, flood plain, flood risk area or overland flow path identified by the Council, or carry out any activity in a place or manner that affects the functioning of or causes nuisance to the public stormwater drainage network ;
- (c) Obstruct any overland flow paths identified by the Council or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens.
- (d) deposit or permit any material, hazardous material, chemical, rubbish, litter or other substance, likely to cause a nuisance on entering the public stormwater drainage network, to be located or stored in such a manner that it could enter the public stormwater drainage network (directly or indirectly) in any storm event, unless it has first passed through an industry standard oil separation or treatment device.
- (e) Carry out any of the above with the consequence that it adversely affects land or buildings including other land and buildings on other land.

9.2 No person may remove live vegetation from the drain margins of the public stormwater drainage network without approval from Council, if that clearing may cause or worsen erosion or sedimentation of the drain.

10 CONTAMINATION OF STORMWATER

10.1 No person may discharge or permit any contaminant to enter the public stormwater drainage network unless that discharge is permitted by this bylaw or prior written permission has been obtained from the Council.

10.2 No person may store raw material, products or waste containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the stormwater stream in the public stormwater drainage network, may:

- (a) generate toxic, flammable, explosive or corrosive materials in hazardous quantities, or

- (b) damage the public stormwater drainage network, 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.

11 STORMWATER MANAGEMENT PLANS

11.1 If any existing commercial, industrial, trade or other premises discharges contaminants to the public stormwater drainage network in a manner that may damage the public stormwater drainage network, the environment or adversely affect the health and safety of Council staff and the public, the owner or occupier must advise the Council in writing as soon as practically possible. The owner or occupier must, if requested by Council, prepare a Stormwater Management Plan and submit the plan to Council for approval, or demonstrate to Council that its discharge is being made in accordance with relevant industry standards and industry guidelines.

11.2 The Stormwater Management Plan must 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, 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;
- (d) Methods and timeframes proposed to control contamination of the public stormwater drainage network;
- (e) A description of the maintenance procedures in place and proposed; and
- (f) Spill prevention and spill response procedures.

11.3 The owner must provide a Stormwater Management Plan to Council for review and approval within three months of a request

11.4 Once the Stormwater Management Plan has been permitted by Council, the owner/occupier must comply with all provisions, including timeframes specified, of the Stormwater Management Plan.

11.5 The owner/occupier must review the Stormwater Management Plan every three years and provide it to Council for review and approval.

- 11.6 The Council may require that any Stormwater Management Plan be revised where there have been significant changes in the facility concerned or its operational procedures.
- 11.7 If the requirements of a Stormwater Management Plan are not complied with, the Council may at any time give 5 working days' notice withdrawing its approval for that Stormwater Management Plan, and may require that a new Stormwater Management Plan is submitted to the Council for approval.

PART FOUR – ENFORCEMENT

12 OFFENCES AND PENALTIES

12.1 Every person who:

- (a) Fails to comply or acts in contravention of any provision of this Bylaw;
- (b) Breaches the conditions of a permit granted under this Bylaw; or
- (c) Fails to comply with a notice served under this Bylaw,

commits an offence under section 239 of the Local Government Act 2002 (LGA), and is liable to a fine as specified in section 242 of the LGA, or the issue of an Infringement notice under section 245 of the LGA.

12.2 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA Act 2002. The Council may exercise any other statutory remedies available to the Council.

PART FIVE – ADMINISTRATION

13 DELEGATIONS

13.1 The following people are authorised delegates under this Bylaw:

- (a) The Council by resolution
- (b) the Chief Executive of the Council;
- (c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this Bylaw;
- (d) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.

13.2 Authorised delegated persons may exercise any power, function or duty under this Bylaw or carry out any act in order to achieve its effective administration on behalf of the Council other than those expressly required to be by Council resolution including, without limitation:

- (a) Specify the standard conditions that apply to stormwater service connections to the public stormwater drainage network;
- (b) Specify forms and procedures for the effective administration of the Bylaw;
- (c) Make any decision or determination required in this Bylaw in order to administer it;
- (d) Decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations;
- (e) Decisions regarding approval, suspension, withdrawal or removal of an approval or permit or Stormwater Management Plan.
- (f) .

13.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

13.4 All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw called the Stormwater Drainage Bylaw Administration Manual (except those contained in

the Engineering Standards for Land Development) and shall be available to the public.

13.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

14 PERMITS

14.1 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:

(a) Complete the required application form;

(b) Pay the applicable fee;

(c) Comply with any requirements set as conditions of that permit.

14.2 A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance. A permit is only for the activity or work detailed in the application, subject to any limitations or controls set in conditions.

14.3 The Council may grant a permit for an activity that would otherwise contravene this Bylaw.

14.4 A permit is personal to the applicant and is not transferable.

14.5 An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised office may consider appropriate in the circumstances to protect public health and safety or to minimise nuisance.

15 APPROVALS

15.1 Where approval from the Council is required under this bylaw, any application for such approval will be considered, and a decision made, within 15 working days, unless a different timeframe is explicitly provided for in the bylaw.,

15.2 Where further information is required to enable the application to be considered and a decision made, but is not supplied at the time of application, then the timeframe for making the decision will be suspended until such time as the information requested is supplied.