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## RODNEY DISTRICT COUNCIL

### RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

#### CHAPTER 21

#### STORMWATER DRAINAGE

##### EXPLANATION

This bylaw:

- ensures the safe and efficient creation, operation, maintenance and renewal of all public stormwater drainage networks;
- ensures proper hazard management to prevent or minimise flooding and erosion;
- minimises adverse effects on the local environment particularly freshwater ecological systems and beach water quality, and assists in maintaining receiving water quality;
- ensures that watercourses are properly maintained;
- ensures protection of Council stormwater drainage assets and the health and safety of employees;
- sets out acceptable types of connection to public stormwater networks.

**Note:** Watercourses passing through private land are the maintenance responsibility of the owner/s of the land they pass through, *unless* they form part of the public stormwater drainage system and are vested in or under the control of the Council in which case they are the maintenance responsibility of the Council.

The bylaw makes clear that the terms and conditions of any connection to the public stormwater drainage network, including fees and charges payable are set out in the completed Council application form and constitute a contract under this bylaw between the parties.

This bylaw is made by the Rodney District Council pursuant to the powers contained in section 145 and 146 of the Local Government Act 2002, the Local Government Act 1974, and the Bylaws Act 1910.

## 1.0 INTRODUCTION

This Bylaw applies over the Rodney District and shall come into force on 1<sup>st</sup> July 2006.

Nothing in this Bylaw shall derogate from the requirements of the District Plan.

## 2.0 INTERPRETATION

DEVELOPMENT	Means any lawful subdivision, building work, or stormwater drainage works.
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 usually described as a one in one hundred year frequency or probability.
PRIVATE STORMWATER PIPELINE	Means the pipe provided by a consumer to connect the public stormwater pipe to that consumer's premises.
PUBLIC STORMWATER DRAINAGE NETWORK	Includes: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) all drains, drainage channels, land drainage works or treatment facilities within legal road reserve or other public places;</li> <li>(c) any drain, drainage channel, land drainage work or treatment facility over which the Council has exercised control for a period of not less than 20 years; and</li> <li>(d) any drain, drainage channel, land drainage work or treatment facility declared to be a public drain under section 462 of the Act.</li> </ul>
REGISTERED DRAINLAYER	Means a tradesperson 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.
STORMWATER DRAINAGE NETWORK	Means a set of facilities and devices, either natural or man-made, which are used to convey run off, reduce the risk of flooding and to improve water quality.
STORMWATER POND	See STORMWATER DETENTION DEVICE
STORMWATER DETENTION DEVICE	Means any device to address stormwater quality, quantity, or volume including wetlands, ponds, sand filters, and catchpits.
WATERCOURSE	Has the meaning given in Section 2 of the Land Drainage Act 1908, which includes all rivers, streams, and channels through which water flows.  <b>Note:</b> For the avoidance of doubt, a watercourse includes any watercourse or drainage network over private or public land.

100-YEAR FLOOD PLAIN	Means the area that can be expected to be flooded in the event of flows that have been calculated from a 100-year design storm. The 100-year storm flows are assessed on the basis that the catchment is fully developed and that the existing drainage system is operating efficiently and is clear of all obstructions.
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**3.0 GENERAL PROTECTION OF PUBLIC STORMWATER DRAINAGE NETWORKS**

3.1 No person shall:

- (a) allow any material, chemical or other substance directly or indirectly into the public stormwater drainage network that causes or is likely to cause a nuisance; or
- (b) permit any material, chemical or other substance, likely to cause a nuisance on 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 up to and including the 100 year event or other natural action; or
- (c) do anything that damages or is likely to cause damage to any public stormwater drainage network.

**4.0 OBSTRUCTIONS TO STORMWATER DRAINAGE NETWORKS, WATERCOURSES OR FLOOD PLAINS**

4.1 No person shall:

- (a) obstruct any watercourse in a manner that adversely affects or may affect the efficiency and safety of a public stormwater drainage network; or
- (b) erect any structure or deposit anything (materials, rubbish or other debris) in a place or manner in a 100 year flood plain, that is likely to cause a nuisance.

**5.0 APPROVAL TO CONNECT TO, OR DISCONNECT FROM A PUBLIC STORMWATER DRAINAGE NETWORK**

5.1 No person may make a connection to, or otherwise interfere with the public stormwater drainage network without prior approval of the Council and:

- (a) the Council will consider whether to approve a connection or other work on the public stormwater drainage network following receipt of a properly completed standard Council application form;
- (b) the Council may refuse connection to, or other work on the public stormwater drainage network;
- (c) if approval is given, this will be subject to any terms and conditions, including payment of any fees or charges, attached to the approval;
- (d) failure to comply with any of the terms and conditions constitutes interference with the public stormwater drainage network without prior approval and is a breach of this bylaw; and
- (e) any such connection or interference shall be carried out by a registered drainlayer under the supervision of the Council.

- 5.2 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 the Council within 7 days of installation and acceptance by the Council.

## **6.0 POINT OF DISCHARGE**

- 6.1 The point of discharge from a premise shall be the point on the public stormwater drainage network which marks the boundary of responsibility between the owner and the Council.

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

Where a private stormwater pipeline discharges into 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 pipe.

- 6.2 For single dwelling units the point of discharge shall be located 1 metre inside the boundary or as close to this point 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.

- 6.3 The typical layouts at a point of discharge are shown in Schedules 1 to 3 attached.

## **7.0 WORK AFFECTING PUBLIC STORMWATER DRAINAGE NETWORKS**

- 7.1 No person shall carry out any excavation or other work in the vicinity of a public stormwater drainage network so as to damage or be likely to damage the infrastructure or adversely affect its operation

- 7.2 No building may be constructed over an existing connection to a public stormwater pipeline. Any such connection must be capped off. The new connection must be sited a minimum horizontal distance equivalent to twice the depth of invert to the stormwater pipeline outside the footprint (including decks) of the proposed building.

- 7.3 Any damage or blockage to any private or public stormwater pipeline affecting or likely to affect the efficient operation of the stormwater drainage network shall be reported to the Council immediately

- 7.4 With respect to building or loading over buried services, or excavation near public stormwater pipelines, the restrictions described in Sections 7.5 to 7.7 of this bylaw shall apply.

Other restrictions may be applied by the Council for the protection of the public stormwater drainage network after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

- 7.5 No building shall be built over a public stormwater pipeline without prior approval of the Council, and no work shall be carried out on or around any pipeline except as set out in the Rodney District Council Standards for Engineering Design and Construction.

- 7.6 No person shall, without the prior written approval from the Council:
- (a) cause the crushing load imposed on a public stormwater drainage pipeline 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); or
  - (b) remove any existing cover material or place any additional material over or near a public stormwater drainage pipeline; or
  - (c) cover any service opening such as manholes, catchpits or other surface infrastructure in any way.

Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

- 7.7 No person without approval shall excavate, or carry out piling or similar work closer than:
- (a) 5 metres from the centre line of any main or trunk stormwater drainage pipeline; or
  - (b) 2.5 metres from the centre line of any public stormwater drainage pipeline.

Note: See Rodney District Council Standards for Engineering Design and Construction for details of requirements.

## **7.0 SITE DEVELOPMENT AND MANAGEMENT**

- 7.1 The Council or authorised officer may require the installation or construction of private stormwater detention tanks or other devices together with an approved maintenance plan, to its satisfaction during the development of a property to retard the flow of stormwater or for other purposes.

- 7.2 It is the responsibility of the owner to properly maintain in good working order at all times, the private stormwater drainage network on the property. This includes all pipes, gutters, stormwater detention devices or other components as well as the drainage network itself.

- 7.3 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.

The internal vehicle drive and parking areas shall be designed and constructed to direct run-off away from the buildings.

- 7.4 No person shall commence any development work until such time as adequate silt control measures to the satisfaction of the Council or any Authorised Officer have been installed using best practice, to prevent the discharge of silt laden water directly or indirectly to any watercourse. These control measures shall be maintained and regularly cleaned out until ground cover has been reinstated on the site.

## **9.0 APPROVAL REQUIREMENTS**

- 9.1 Approval may be given subject to any conditions and requirements that the Council or any Authorised Officer may think appropriate and to be complied with, to their satisfaction.

## **10.0**      **FEES**

- 10.1      The Council may from time to time by resolution publicly notify, fix and vary any fees and charges under this chapter of this Bylaw.
- 10.2      Every application for approval under this chapter shall include any fees determined under this Bylaw and no approval shall be issued until all required fees have been paid.

## **11.0**      **STORAGE OF HAZARDOUS MATERIALS**

- 11.1      The occupier shall not store any hazardous or other material, in a manner likely to adversely affect watercourses, or public health and safety and shall take all reasonable steps to prevent entry of materials via leakage, spillage or other mishap into watercourses or the stormwater network.
- 11.2      The occupier shall immediately notify the Council of any hazardous material entering watercourses or the public stormwater drainage network.

## **12.0**      **OFFENCES AND PENALTIES**

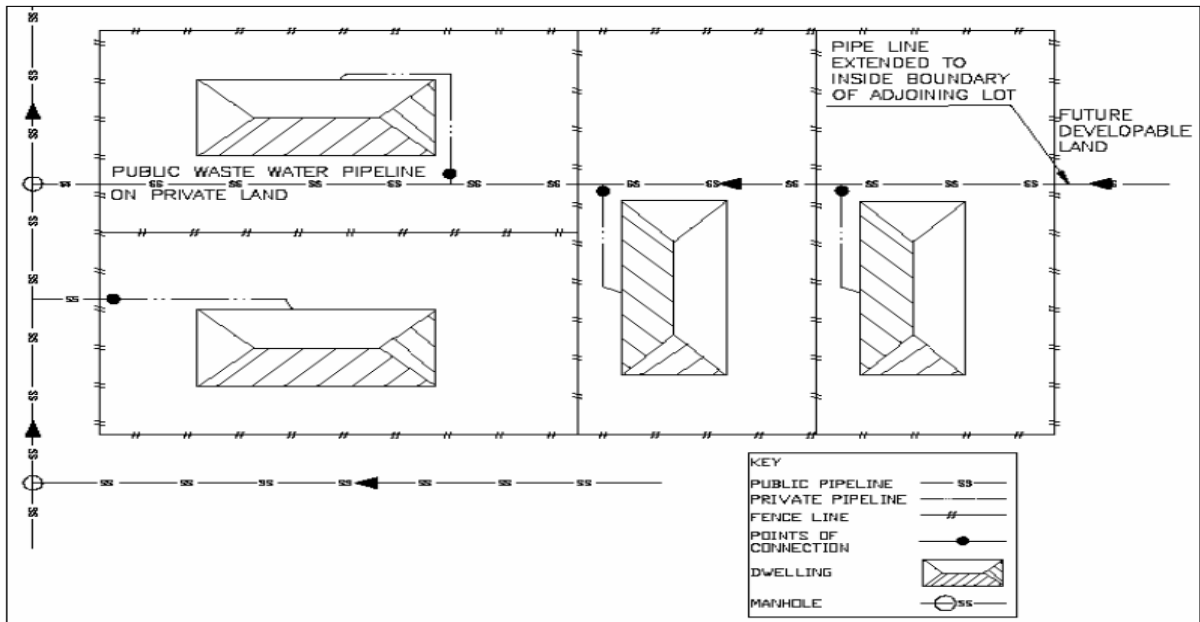
- 12.1      Any offence or breach under Chapter 1 of the Rodney District Council General Bylaw 1998 the Council may be remedied by the Council under section 8 of that Chapter.
- 12.2      Every person who fails to comply with the requirements of this bylaw, commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Act.
- 12.3      The Council may apply to the District Court under section 162 of the Act for an injunction restraining the person from committing a breach of this bylaw.
- 12.4      Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an Authorised Officer, provide his/her full name, and address.

## **13.0**      **OTHER REQUIREMENTS**

- 13.1      The provisions of this Bylaw do not remove the need for any resource or other consent required under the Resource Management Act 1991, Building Act 2004. Where consents are required under this chapter of this Bylaw and other acts or regulations, all shall be lodged with the Council at the same time.

## SCHEDULE 1

### POINTS OF DISCHARGE



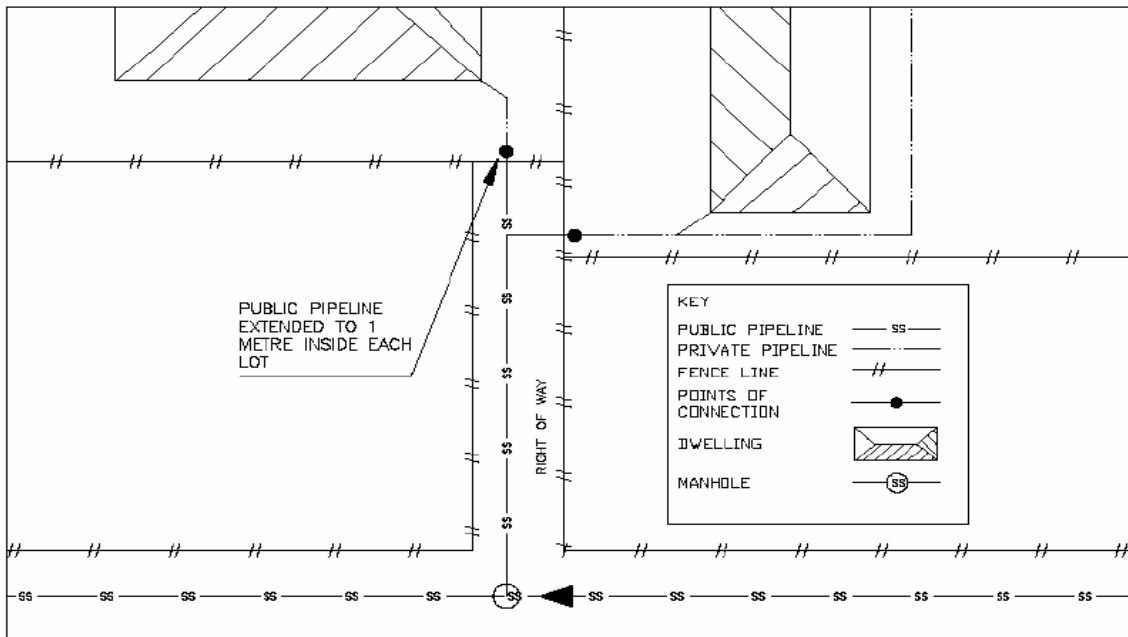
*NB: While wastewater pipelines are depicted above, the same provision applies to stormwater pipelines.*

### Explanatory Notes

1. All pipelines on public land are deemed public stormwater pipes and shall be constructed in accordance with RDC Standards for Engineering Design and Construction.
2. Public stormwater pipes may be located on private property.
3. Each new lot shall have the public connection extended to a point one metre inside the lot at the lowest point of the lot. Except in the case of one into two lot infill developments this connection shall be within the body of the lot in the case of rear lots.
4. Where appropriate and where required by RDC, public stormwater pipes shall be extended through a lot to service upstream developments.

## SCHEDULE 2

### REAR LOTS ON JOINT OWNED ACCESSWAYS (for two or more dwelling units)



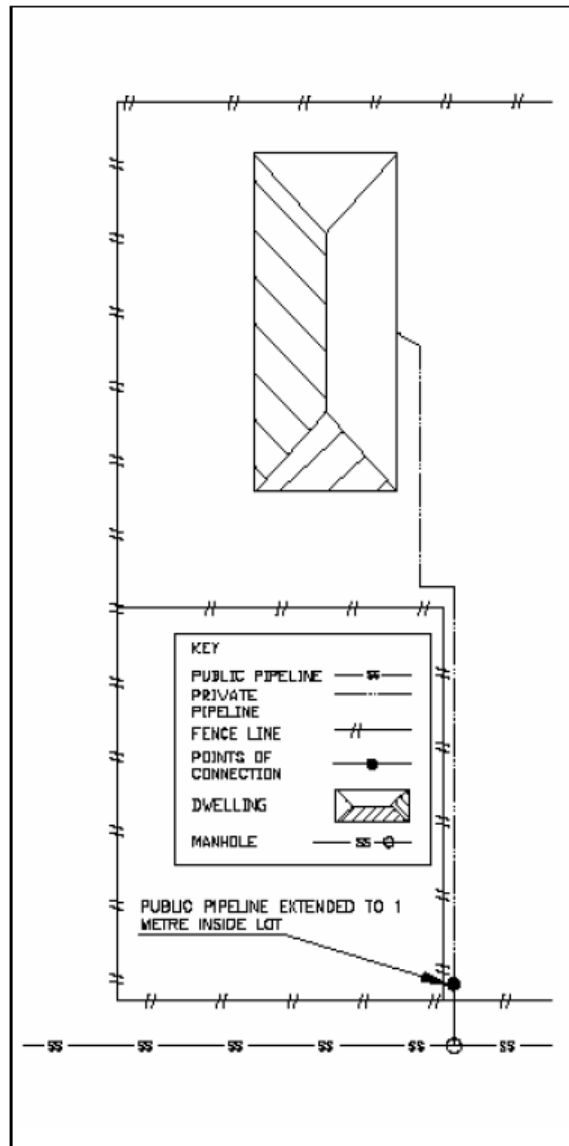
*NB: While wastewater pipelines are depicted above, the same provision applies to stormwater pipelines.*

### Explanatory Notes

1. If the length of public line exceeds twenty-five metres, the line must be terminated within a manhole.

### SCHEDULE 3

#### SINGLE REAR LOT – TYPICAL ONE INTO TWO LOT IN-FILL DEVELOPMENT



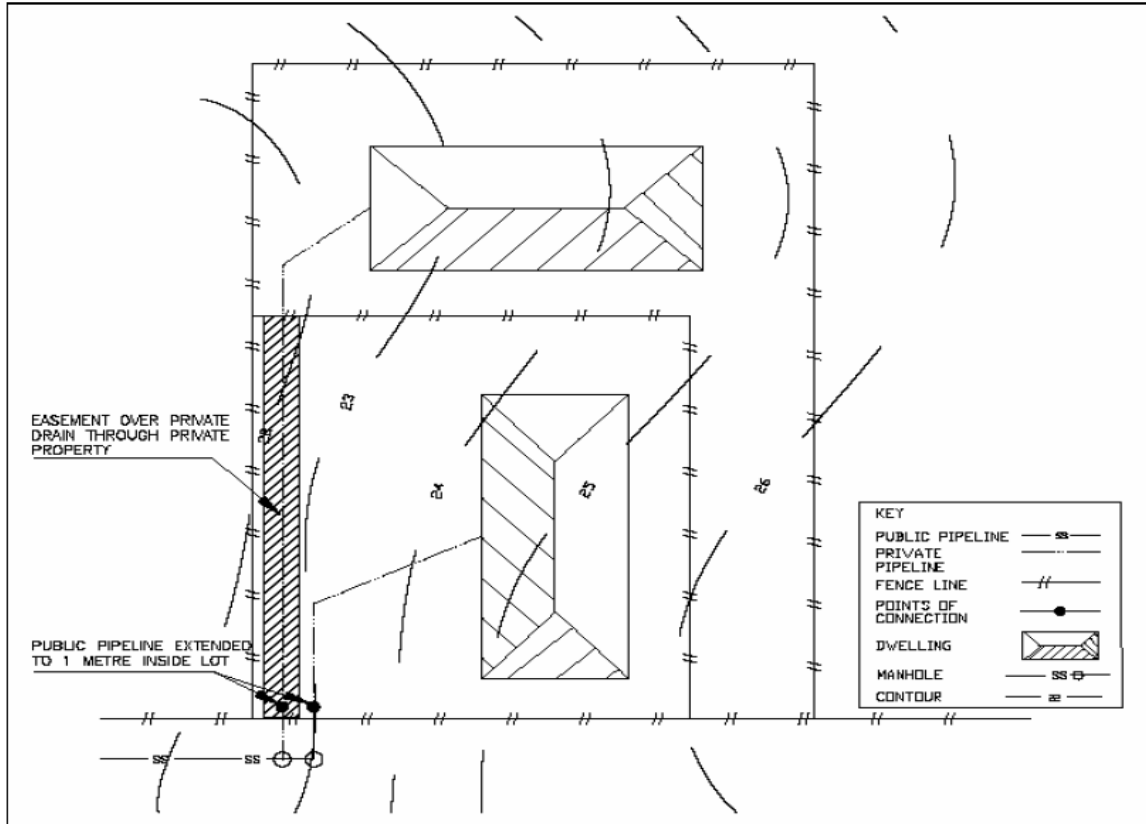
*NB: While wastewater pipelines are depicted above, the same provision applies to stormwater pipelines*

#### **Explanatory Notes**

1. Public stormwater pipe terminates one metre inside the lot boundary.

## SCHEDULE 4

### PRIVATE PIPE EASEMENTS



*NB: While wastewater pipelines are depicted above, the same provision applies to stormwater pipelines*

#### Explanatory Notes

1. Where an in-fill one into two lot development cannot service the rear site through the proposed access strip, because of elevation or gradient difficulties, the private stormwater pipelines through the front may be covered by a drainage easement in favour off the rear lot. Provided that the lot is capable of having only a single dwelling unit constructed on it.
2. Similarly if the services are situated in the proposed rear lot then the front lot may be serviced by a private stormwater pipeline covered by drainage easement. Again this only applies where a single dwelling unit is possible on the created site.