

Notice is hereby given that a hearing of submissions to the Gore District Council's draft Stormwater Management Bylaw will be held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Tuesday 26 April 2022, at 4.00pm



Stephen Parry
Chief Executive

13 April 2022

Agenda

1. Apologies

Attached:

- A. Timetable of submissions
- B. Submissions received
- C. Proposed draft Bylaw

Stormwater Management Bylaw**Submission hearing**

**To be held on Tuesday 26 April 2022
Gore District Council Chambers, at 4.00pm**

Panel members – Crs Richard McPhail, Glenys Dickson and Nick Grant

	Name	Speaking time
1.	4Sight Consulting (confirmed, via Zoom)	4.10pm
2.	Keith Hovell (confirmed)	4.20pm
3.	Hokonui Runanga (confirmed, via Zoom)	4.30pm
4.	Robyn Cain (confirmed)	4.40pm
5.	Eastern Concrete Ltd (confirmed)	4.50pm
6.	HWR Group	5.00pm
7.	Custom Build Engineering	Do not wish to speak
8.	Environment Southland	Do not wish to speak

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Mar 25, 2022 12:29:12 pm**Last Seen:** Mar 25, 2022 12:29:12 pm**IP Address:** n/a

Q1. Name/ Organisation (if applicable)	Trent Sunich, 4Sight Consulting
Q2. Address	201 Victoria Street West, Auckland Central, Auckland 1010
Q3. Email	trents@4sight.co.nz
Q4. Phone Number	021610122
Q5. Preferred method of contact	Email Phone
Q6. Do you want to speak in support of your submission at a hearing?	Yes
Q7. Do you support the draft Stormwater Management Bylaw?	Yes In part
Q8. Please tell us why	See attached submission.
Q9. Are there any changes you would like to see to the draft bylaw?	See attached submission.
Q10. Do you have any additional comments?	See attached submission.
Q11. File Upload	https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/a83c8dff3906276ffa7f28b7da0b8f48def6b850/original/1648164494/691d98ca508a8a8b13e2fdd014ea7939_FuelCo_Gore_SW_Bylaw_Submission_25032022.pdf?1648164494



**SUBMISSION BY THE FUEL COMPANIES TO THE GORE DISTRICT COUNCIL DRAFT
STORMWATER MANAGEMENT BYLAW**

To: Gore District Council
Via online submission

Submitters:	Z Energy Limited ¹ PO Box 2091 WELLINGTON 6140	BP Oil New Zealand Limited PO Box 99 873 AUCKLAND 1149	Mobil Oil New Zealand Limited PO Box 1709 AUCKLAND 1140
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Date: 25 March 2022

**Address for
Service:** 4Sight Consulting Limited
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Victoria Street West
Auckland Central 1142
Attention: Trent Sunich
Phone: 021 610 122
Email: trents@4sight.co.nz

¹ On behalf of the wider Z Group, including the Z and Caltex operations in New Zealand.

INTRODUCTION

1. Gore District Council (*Council*) is seeking feedback on its draft Stormwater Management Bylaw (*the Bylaw*).
2. The Fuel Companies receive, store, and distribute refined petroleum products around New Zealand. In the Gore District, the Fuel Companies' core business relates to the storage and distribution of petroleum products and operation of retail fuel outlets, including service stations and truck stops.
3. The Fuel Companies interests in the Bylaw relate primarily to how it addresses stormwater discharges from petroleum industry sites. The Fuel Companies seek clarity regarding these matters to provide certainty to all parties while ensuring protection of the environment and Council's infrastructure.
4. The Fuel Companies wish to be heard in relation to this submission.
5. The Fuel Companies would be pleased to discuss these matters further with Council if that would assist.

STORMWATER

Background

6. Discharges from petroleum industry sites are addressed in the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998, *the Guidelines*). The Guidelines provide specific measures to ensure water discharges from petroleum industry sites do not cause significant adverse effects on the environment. They were prepared by a working group comprising industry, central, and regional government and continue to be widely recognised as good practice.
7. Discharges from service station forecourts are a Category 2 discharge under the Guidelines. This reflects that there is potential for stormwater to contain oil contaminants and that these require appropriate treatment prior to discharge. The Guidelines require that these areas be directed by appropriate surface grading into grated sumps/gutters/rain gardens leading to drainage systems or treatment devices prior to discharge. If not within the forecourt, tank fill points must be similarly treated. This layout is reflected in Figure 3.1 of the Guidelines.
8. The Guidelines set out detailed criteria for sizing of treatment devices based on rainfall and require that separators have the capacity to contain a 2,500 litre spill of hydrocarbons – the maximum credible spill. Devices which use gravity separation are recognised as the most practicable option to remove oil from water and achieve the desired discharge quality. Appendix 2 of the Guidelines explains the methodology and results of the trial of an American Petroleum Institute (API) separator. That exercise confirmed that the API could retain a 2,500 litre spill with the outlet valve in the open position while also achieving a discharge quality of less than 15 milligrams per litre of total petroleum hydrocarbons. A SPEL separator has been similarly tested and subsequently certified by the former Auckland Regional Council as being compliant with the Guidelines. Both SPEL and API are now widely used around the country.
9. The Guidelines recognise that the maximum levels of contaminants allowable in discharges are 15 and 100 milligrams per litre for total petroleum hydrocarbons and total suspended solids respectively (when averaged over the design storm event) and that operating within these limits will ensure minimal adverse toxic effects. The Guidelines draw parallels to roads and highlight that monitoring has demonstrated that discharges from such sites are no worse (and often better) than discharges from roads and high turnover car parks.

10. In terms of effects, the Guidelines refer to modelling work demonstrating that typical oil discharges will have no significant adverse effects on receiving water, except for at the most sensitive sites. Full detail of the study is provided at Appendix A1.3 of the Guidelines.

Protection of Stormwater System

11. As set out in paragraphs 6 to 10 above, the Fuel Companies provide good practice measures for the management of stormwater discharges at petroleum industry sites including the use of oil and water separator devices (interceptors) to provide for fuel spill containment and treatment of TPH entrained in stormwater runoff.
12. The Fuel Companies seek a minor edit to Section 3.1, to recognise that discharges to the reticulated stormwater network of a quality that complies with permitted activity discharge rules under the regional plan or a third-party resource consent can be conveyed via the Council's stormwater network subject to there being adequate capacity in the network. This would ensure the bylaw does not require discharges to achieve a higher standard than that permitted by the regional plans or by a regional discharge permit and avoid duplication of existing controls in relation to water quality. Of particular relevance to the Fuel Companies the operative² and proposed regional plans³ provide permitted activity pathways for discharges of stormwater from industrial or trade premises that may contain traces of oil and grease provided it is passed through an oil interceptor prior to discharge.
13. This could be achieved by amending section 3.1 as follows (additions in underline, deletions in strikethrough):

3.1 Acceptance of stormwater

Every premises shall be entitled to have its stormwater accepted by the Council subject to:

- a) The premises lying within a service area which is serviced by a public stormwater system;*
 - b) There being sufficient capacity within the public stormwater system, provided that if the capacity is not sufficient then the public stormwater system must be upgraded at the cost of the applicant or an alternative solution sought;*
 - c) Payment of the appropriate rates and charges in respect of those premises;*
 - d) Gaining prior written approval of the Council in accordance with clause 3.2 of this Bylaw; and*
 - e) Fulfilment of the requirements of this Bylaw, any relevant consent, third party discharge consent or permitted activity rule in a regional plan, the Resource Management Act 1991, Building Act 2004 and any other Acts, Regulations or Bylaws.*
14. Similarly the Fuel Companies seek minor amendments to Clause 5.1 of the Bylaw to ensure permitted and consented discharges are not inadvertently prohibited (additions in underline, deletions in strike through):

5.1 Prohibited activities

No person shall:

² Regional Water Plan for Southland, Rule 12 – Discharge of Stormwater

³ Proposed Southland Regional Plan, Rule 15 – Discharge of Stormwater

- a) Allow any material, hazardous substance, chemical, wastewater, trade waste or other substance to enter, either directly or indirectly (e.g. via a private stormwater system) a public stormwater system that causes or is likely to cause nuisance or contravene the Council's resource consent conditions, unless permitted by a third-party discharge permit or permitted activity rule in a regional plan. ~~Of the Resource Management Act and associated Policy Statements and Plans;~~
- b) Allow any material, chemical, hazardous substance or other substance likely to cause nuisance or contravene the Council's resource consent conditions, or the requirements of a third-party discharge permit or permitted activity rule in a regional plan. ~~the Resource Management Act and associated Policy Statements and Plans~~ on entering a public stormwater system to be located so that it is likely to enter a public stormwater system (either directly or indirectly) in any storm event;

Signed on and behalf of Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited.



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Trent Sunich
Principal Environmental Consultant

SUBMISSION ON DRAFT STORMWATER MANAGEMENT BYLAW

The Gore District Council has adopted the content and format of draft bylaw provisions currently being considered by other authorities. As a consequence, the invalid provisions and other errors in those documents are also contained in the draft Gore District Bylaw. This is referred to with regard to various matters below.

Prohibited Activities

What is a prohibited activity? It is not defined in the bylaw. In resource management terms it is an activity that is not allowed and no resource consent may be lodged to enable that activity. Applying that approach to the bylaw: it would be an activity that is not allowed and no dispensation will be granted to allow it. However, clause 6.1(b) and (c) allow prohibited activities subject to the approval of the Council. The term “prohibited activity” is clearly misleading and should be amended. Clause 13 of the draft Bylaw enables a dispensation from any provision in the Bylaw and that too may require amending.

Clause 13 Dispensation

The first paragraph refers in error to “this policy”.

It is not best practice to set out in Bylaw the detailed process that is to be followed in seeking a dispensation from the Bylaw. That is more appropriate in a Council policy. What if the position of 3 Waters Asset Manager is disestablished or otherwise retitled? What are the implications if the Manager does not respond within 20 working days? It may be appropriate for any approving decision made by the Manager under delegation from the Council to be subject to conditions, but that is not provided for.

The phrase “*the reasons why the required standard cannot be complied with*” is limiting. Compliance may be achievable, but either is cost prohibitive or is not practical in the circumstances. There is also other information that should be included in a request for a dispensation. The matters to be taken into account in assessing any dispensation request should also be outlined so that those seeking a dispensation can include appropriate information to assist a favourable outcome.

It may well be that any “decision” of a Council Committee can be overturned by the full Council, and as a result consideration by the Council’s Capital Works Committee may not be appropriate.

Requests for a dispensation should be subject to an appropriate fee and that should be acknowledged in the bylaw.

Reference to Other Documents

Clause 5.1 lists as a prohibited activity various matters that may:

contravene the Councils resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans;

It is the Council’s responsibility to ensure the bylaw includes explicit provisions to ensure the conditions of any resource consent it holds are not contravened. What resource consent is being referred to?

What are the implications or changes to the conditions of that consent that amend the status of discharges from private land? How will landowners know there is a contravening of the consent conditions, particularly given to distance separation from their site to the discharge point subject to the Council’s consent? How will the Council link individual actions by landowners to the cumulative effect of a number of discharges from private land? This part of the provisions is poor practice, and probably invalid.

Policy statements do not include enforceable provisions and therefore cannot be contravened. Reference to policy statements should be deleted.

As the draft Bylaw is worded, it provides for the Council to give a dispensation to impacts on the Council's resource consent conditions, or the requirements of the Resource Management Act and associated Plans. With regard to RMA provisions and Plans, that is not valid. There are procedures to follow under the RMA and Plans where there is non-compliance. Even if an RMA consent is obtained, the prohibited activity status still applies under the wording of the draft bylaw. A dispensation under the Bylaw is still required, resulting in a duplication of procedures.

In any case, reference to RMA procedures, Plans and other Council Bylaws is not required in this section, given the wording of Clause 11 Other Matters, that states:

The provisions of this Bylaw do not remove the need for any resource consent or other consent or approval required (ie a Regional Council discharge permit) and do not replace the obligations or requirements set out under the Resource Management Act 1991, Building Act 2004, and Local Government Act 2002 or any other Acts, Regulations or Bylaws

Clause 3.4 will require amending for similar reasons.

Clause 3.5 Separation of internal drainage

The sensible implementation of this clause is fraught with difficulties, and will no doubt be subject to a number of submissions. It is particularly unfair on residential property owners and in that regard the Council needs to consider the costs associated with this clause. In some cases, it will unfairly capture residential owners upgrading a path to a driveway.

From a process viewpoint, how will the Council determine whether the impervious surface discharging to the internal drainage network is being increased by more than 50m². Is there a base date from when that is calculated? Will it overfly or inspect properties on a regular basis? How will it identify incremental additions to impervious surfaces? How will it determine whether there is a discharge to the internal drainage network, or whether the surface water is flowing onto adjoining garden or grass?

For all three criteria, will account be taken of any buildings removed from the site or reduction in impervious areas?

As worded, paragraph 3 does not apply to any impervious surface discharging to public land, including adjoining sites and public road.

The 3 Waters Asset Manager in his report to the Council dated 21.09.21 stated:

However, currently there is no clear guidance as to when the requirement to achieve separation is triggered. This therefore requires a judgment call to be made by Council officers at the time and can lead to inconsistency and uncertainty for the property owner. It is expected that the inclusion of clause 3.5 will resolve this issue.

Clause 3.5 as drafted will not resolve the issue. As noted above, that guidance should be provided by a Council Policy.

The concerns outlined above also apply to Clause 5.2g that states, without the prior approval of the Council, no person shall:

- g. Make changes to a properties internal stormwater system including increasing impermeable surfaces of a property which will result in increase in Stormwater run-off*

This applies to a range of activities, including adding driveways and paths, and compacting soil, where water enters a piped system or follows a natural flow path. This too highlights a problem with the definition of "stormwater system", with the inclusion of natural run-off channels.

And for consistency of layout, the numbers 1 – 3 should be replaced by the letters a -c.

Consultation Period

Various reports to the Council and associated documents and advisories to this draft bylaw and others state:

The consultation period will run for no less than 30 days and will close at 5.00 pm on Friday 25 February 2022.

The 30 days referred to may well have been the requirements of the Local Government Act at some time. However, that is not the current provision. Section 83(1)(b)(iii) states:

(iii) *a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and*

While the consultation period provided in this case meets the requirement of paragraph (iii) it is poor practice when statutory provisions are misquoted by Councils.



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RESPONSE TO DRAFT GORE DISTRICT COUNCIL STORMWATER MANAGEMENT BYLAW

Date: 24/03/2022

To: Gore District Council
P O Box 8
Gore 9740

Submission lodged by email – info@goredc.govt.nz

1 Executive Summary

- 1.1 Hokonui Rūnanga welcomes the opportunity to respond to the draft Gore District Council Stormwater Management Bylaw.
- 1.2 Hokonui Rūnanga is deeply invested in the future of Māruawai Gore, its residents, and the many taonga and culturally significant areas within its boundaries. Our key aspirations are to ensure that these taonga are managed “mō tatou, ā, mō kā uri a muri ake nei” (for us all and our children after us), and that the rights and interests of Hokonui Rūnanga and all Māori within the district are heard, respected, and realised.
- 1.3 Hokonui Rūnanga **support** the intention of the draft Gore District Council Stormwater Management Bylaw. There are, however, a number of positions on key issues it would like Gore District Council to consider. These relate to:
- Including reference to cultural values in various term definitions
 - Strengthening of wording in some sections
 - Reconsidering Council’s approach to addressing public system blockages caused by improper use of private systems
 - Support from Hokonui Rūnanga for various provisions that explicitly protect the ecological and cultural health of waterbodies

- 1.4 These are outlined in detail in Schedule 1 (attached).

2 Ngāi Tahu and Hokonui Rūnanga

- 2.1 Ngāi Tahu are mana whenua within the Gore District. Ngāi Tahu means “people of Tahu”, and is the iwi comprised of Ngāi Tahu whānui; the collective of individuals who descend from five primary hapū of Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Ngāi Te Ruahikihiki. In the Murihiku (Southland) context, other hapū also have links into Ngāi Tahu whānui, such as Rapuwai and Hawea. Ngāi Tahu whānui hold mana whenua status for large tracts of Te Waipounamu, from Te Parinui o Whiti (White Bluffs) and Kahurangi Point in the north through

Dated: 24/03/2022

to Rakiura (Stewart Island), the Tītī Islands, and a selection of other sub-Antarctic islands in the south.

- 2.2 Te Rūnanga o Ngāi Tahu is statutorily recognised as the representative tribal body of Ngāi Tahu whānui under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act). Hokonui Rūnanga is one of the 18 Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu. Hokonui Rūnanga is mandated to represent Ngāi Tahu whānui individuals who whakapapa to the takiwā of Hokonui Rūnanga, as set out in the Act. This takiwā centres on the Māruawai region, which includes the entirety of the Gore District. Hokonui Rūnanga also have shared interests in a wider area outside the boundaries of Gore District Council.
- 2.3 There are currently over 15,000 Hokonui Rūnanga whānau members, and over 55,000 registered Ngāi Tahu individuals. Hokonui Rūnanga therefore notes that this draft Gore District Council Stormwater Management Bylaw response should not be treated as a single comment, but should be afforded an appropriate status and weight that recognises the collective that it represents.

3 Treaty Partnership

- 3.1 Hokonui Rūnanga would like to highlight their status as a Treaty Partner - not just to Crown entities at a Central Government level, but also directly to Local Authorities such as Gore District Council. It is understood that the process of regulatory responsibility delegation to Local Authorities (via the Local Government Act 2002, and the Resource Management Act 1991) brings with it an associated transfer of Treaty partnership responsibilities to district and regional councils.
- 3.2 The outcomes sought by Hokonui Rūnanga through this response are indeed those that are considered by Hokonui Rūnanga as being the most appropriate in regard to the use of their lands and waters.

4 Hokonui Rūnanga Interests in the draft Gore District Council Stormwater Management Bylaw

- 4.1 Hokonui Rūnanga highlight the following overarching values/matters of interest as underpinning their response to the draft Gore District Council Stormwater Management Bylaw.

4.2 Kaitiakitanga

Kaitiakitanga governs the way humans interact with ecosystems. The notions of reciprocity and maintaining balance within nature underpin uses and practices in a Māori worldview. Balance requires respect to be shown when interacting with the environment, and use of the resource (within limits) afforded by healthy ecosystems. Mana whenua continue to have a duty to protect the natural world that we are part of. Hokonui Rūnanga, in our role as environmental kaitiaki, work actively to ensure that spiritual, cultural, and mahinga kai values of our takiwā are upheld and sustained for future generations.

4.3 Ki uta ki tai

Ki uta ki tai is an environmental philosophy that recognises that everything is connected and must be managed as such. Ki uta ki tai reflects that mana whenua belong to the environment and are only borrowing the resources from our generations that are yet to come. Ki uta ki tai is the basis of Ngāi Tahu Iwi Management Plans, and is recognised in the Southland Regional Policy Statement 2017 and National Policy Statement for Freshwater Management 2020. The adoption of ki uta ki tai is an opportunity for all resource users to enhance their holistic management practices.

4.4 **Mahinga kai**

Mahinga kai is central to the identity of Ngāi Tahu, and was a pillar of Te Kerēme – the historical Ngāi Tahu Treaty Claim. Mahinga kai practices rely on thriving and abundant biodiversity, safe and aesthetically pleasing places to practice, and the active transfer of knowledge between people. Biodiversity and aesthetics are dependent on the sustainable management of many other natural resources in the takiwā, especially waterbodies. Hokonui Rūnanga expect whānau to be able to practice mahinga kai in our takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself. In undertaking these practices, whānau will have the opportunity to experience the landscape as our tīpuna did, and where lost, the opportunity to rekindle the traditional practices of gathering food and other natural resources.

4.5 **Wai**

Hokonui Rūnanga primary concerns relate to water quality and quantity in our takiwā, and the current and historic mismanagement, discharge, and loss of pollutants into groundwater, waterways, and wetlands. These concerns also relate to Three Waters and their management. Hokonui Rūnanga expect transformational improvement to the management of water in our takiwā to recognise the paramount importance of water. Te Mana o Te Wai is the fundamental concept for freshwater management in New Zealand, and provides a framework for the hauora (wellbeing) of water, people, and the environment to be protected. To achieve this, a systems change is required in the way water is considered and managed across the takiwā including:

- Reducing and removing direct and diffuse sources of pollution.
- Improving Three Waters practices that contribute to poor water quality.
- Restoration and protection of biodiversity in waterways and wetlands.
- Enhancing mahinga kai.
- Understanding and protecting the mauri of water.
- Managing for hauora - not degradation.

5 **Hokonui Rūnanga Position and Response – General**

5.1 **Our response to the draft Gore District Council Stormwater Management Bylaw is:**

We **support** the drafted provisions except where we ask for specific amendments or additions as listed below and in the attached Schedule 1. We also highlight areas Hokonui Rūnanga support specifically in the schedule.

5.2 The amendments/additions/retentions we seek to the draft Gore District Council Stormwater Management Bylaw are to better incorporate the overarching values of Hokonui Rūnanga as they relate to the Taiao (environment); and the rights, interests, and responsibilities Hokonui

Rūnanga hold as mana whenua within our takiwā. These reasons apply to every decision requested in this response, along with any additional specific reasons listed under each point in Schedule 1.

5.3 Decisions sought:

The specific decisions sought are listed in Schedule 1. Text to be deleted is either described narratively or shown as ~~striketrough~~ (except where whole sections are to be replaced). Replacement text is either described narratively or shown in **bold**.

5.4 Any consequential amendments necessary to give effect to the decisions sought are also requested.

5.5 If Council decide a hearing is necessary, Hokonui Rūnanga **do** wish to be heard in support of this response.

Nāhaku noa, nā,

Courtney Bennett

Environmental Planner
Hokonui Rūnanga Kaupapa Taiao

Address for service:

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TAIAO
HOKONUI RŪNANGA



Schedule 1

Reference	Current text	Support/Oppose	Reasoning	Decision sought
Interpretation – Contaminant	Includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: i) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or ii) When discharged on to or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air on to or into which it is discharged; iii) or as described or contained in the Resource Management Act 1991	Oppose in part	Hokonui Rūnanga consider it relevant to include cultural contaminants in this definition, so as to make this bylaw consistent with the work currently being undertaken by Gore District Council on wastewater management.	Amend as follows: “includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: i) When discharged into water, changes or is likely to change the physical, chemical, cultural or biological condition of water; or ii) When discharged on to or into land or into air, changes or is likely to change the physical, chemical, cultural or biological condition of the land or air on to or into which it is discharged; iii) or as described or contained in the Resource Management Act 1991”
Interpretation - Nuisance	Has the same meaning as Section 29 of the Health Act 1956, and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference. In the context of this Bylaw the term nuisance includes but is not limited to: i) Danger to life; ii) Danger to public health; iii) Flooding of any building floor or sub-floor, or public roadway; iv) Damage to property; v) An effect on the efficient operation of a stormwater system; vi) Damage to any facet of a stormwater system; vii) Erosion or subsidence of land; viii) Long or short term adverse effects on the environment; ix) Adverse loss of riparian vegetation; x) Wastewater overflow to land or water; or xi) Anything that causes a breach of any stormwater discharge consent condition binding the Council.	Oppose in part	Hokonui Rūnanga consider it relevant to include detrimental impacts on the cultural health of a waterbody in this definition, so as to be consistent with the National Policy Statement for Freshwater Management 2020	Amend as follows: “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. In the context of this Bylaw the term nuisance includes but is not limited to: i) Danger to life; ii) Danger to public health; iii) Flooding of any building floor or sub-floor, or public roadway; iv) Damage to property; v) An effect on the efficient operation of a stormwater system; vi) Damage to any facet of a stormwater system; vii) Erosion or subsidence of land; viii) Long or short term adverse effects on the environment; ix) Adverse loss of riparian vegetation; x) detrimental impacts on the cultural health of a waterbody xi) Wastewater overflow to land or water; or xii) Anything that causes a breach of any stormwater discharge consent condition binding the Council.”
3.4 – Design constraints	All proposed stormwater systems and any proposed alterations to any existing stormwater systems (including changes to site coverage which	Oppose in part	Hokonui Rūnanga consider it relevant to make reference to relevant Papatipu Rūnanga and/or iwi planning documents	Amend as follows:

	will result in an increase in stormwater flows from a property) must be designed, constructed and operated in accordance with: a. This Bylaw; b. The current Gore District Council Subdivision and Development Bylaw; c. Environment Southland's Water and Land Plan; d. The Gore District Plan; e. The Building Act 2004 and the New Zealand Building Code; f. Any discharge consents, building consents or other consents relevant to the works; and g. Any resource consents held by the Gore District Council h. Any written conditions imposed by the Council when approving the works.		alongside the existing list of reference material that proposed stormwater systems must be in accordance with. This is to reflect best practice in resource management in a New Zealand context.	"All proposed stormwater systems and any proposed alterations to any existing stormwater systems (including changes to site coverage which will result in an increase in stormwater flows from a property) must be designed, constructed and operated in accordance with: a. This Bylaw; b. The current Gore District Council Subdivision and Development Bylaw; c. Environment Southland's Water and Land Plan; d. The Gore District Plan; e. The Building Act 2004 and the New Zealand Building Code; f. Any discharge consents, building consents or other consents relevant to the works; and g. Any resource consents held by the Gore District Council h. Any written conditions imposed by the Council when approving the works. i. Any relevant mana whenua planning documents, such as Iwi Management Plans"
3.5 – Separation of internal drainage	Fully separation of the internal stormwater and wastewater drains for an entire premises must be achieved under the following situations: 1. A new building with a roof area of 30m² or more is being constructed, 2. An existing building is being altered that will result in the building footprint being increased by 20m² or more, 3. The impervious surface discharging to the internal drainage network is being increased by more than 50m²	Support	Hokonui Rūnanga support this section as drafted, as stormwater/wastewater separation is considered best practice	Retain as drafted
3.6 - Maintenance of a private stormwater system	All private stormwater systems are to be managed and maintained as per their intended design or the manufacturer's instructions.	Support	Hokonui Rūnanga support this section as drafted. However, it will be vital that this part of the bylaw be monitored by Council staff to ensure compliance.	Retain as drafted, and create commitment to monitoring for compliance.
3.7 - Works on stormwater systems	No person other than a Council Officer or a 3 Waters Council approved contractor may carry out work on the public stormwater system. Refer to the Council's 3 Waters Approved Contractor Policy for further details. Work on private stormwater systems shall be undertaken by a licensed drainlayer.	Support	Hokonui Rūnanga support this section as drafted, as restricting works only to sufficiently qualified professionals protects the integrity of the public stormwater system.	Retain as drafted
5.1 - Prohibited activities	No person shall: a. Allow any material, hazardous substance, chemical, wastewater, trade waste or other substance to enter, either directly or indirectly (eg via a private stormwater system) a public stormwater system that causes or is likely to cause nuisance or contravene the Councils resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans; b. Allow any material, chemical, hazardous substance or other substance likely to cause nuisance or contravene the Councils resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans on entering a public stormwater system to be located so that it is likely to enter a public stormwater system (either directly or indirectly) in any storm event;	Support	Hokonui Rūnanga support this section as drafted, as prohibiting these activities ensures the ecological and cultural health of stormwater receiving environments are protected. This, in turn, provides protection for taonga species and creates safer environments for Ngāi Tahu whānui to practice mahinga kai. This is especially important to Hokonui Rūnanga as the Maitai River is often the primary or secondary receiving environment for stormwater within Gore District. Maitai River is a Statutory Acknowledgement area under the Ngāi Tahu Claims Settlement Act 1998. A Statutory Acknowledgement is an acknowledgement by the Crown of	Retain as drafted

	c. Do anything or allow any stock to do anything that damages or is likely to cause damage to any facet of any public stormwater system.		the particular cultural, spiritual, historical, and traditional association Ngāi Tahu has with specified areas, in this case, the Maitai River.	
5.2(b) - Restricted activities	Without the prior written approval of the Council, no person shall: ... b. Erect any new vehicle or stock crossing over a watercourse, cross or pass over any watercourse within a public stormwater system without prior permission of Council	Support	Hokonui Rūnanga support this clause as drafted as it provides protection for waterways by not allowing extra contaminants such as excess stock effluent from crossings to enter waterways.	Retain as drafted
5.2(f) - Restricted activities	Without the prior written approval of the Council, no person shall: ... f. Modify the bank structure of an open watercourse within a public stormwater system or strip stabilising vegetation from the banks in such a way as to render them subsequently unstable.	Support	Hokonui Rūnanga support this clause as drafted as it provides protection for riparian vegetation – a significant contributor to the reduction of run-off and sedimentation entering waterways.	Retain as drafted
6.1 - Prohibited activities	No person shall: a. Obstruct any facet of any public or private stormwater system in a manner that is likely to cause nuisance; b. Erect any structure or stopbank, grow any vegetation, deposit any rubbish or other debris, or carry out any activity in a place or manner that is likely to cause nuisance to a public stormwater system during a storm event or without the prior permission of the Council; or c. Obstruct any overland flow paths or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens without the prior permission of the Council.	Support in part	Hokonui Rūnanga supports the intent of this section, however they recommend minor amendments to strengthen wording. Hokonui Rūnanga also raise concern around 6.1(b), and the unintended impacts this could have on promoting riparian planting. Amendment to address this are recommended.	Amend as follows: “No person shall: a. Obstruct any facet of any public or private stormwater system in a manner that is likely has the potential to cause nuisance; b. Erect any structure or stopbank, ~~grow any vegetation,~~ deposit any rubbish or other debris, or carry out any activity in a place or manner that is likely has the potential to cause nuisance to a public stormwater system during a storm event or without the prior permission of the Council; or c. Obstruct any overland flow paths or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens without the prior permission of the Council.
6.2 - Blockages	A landowner/occupier who suspects a blockage of a public stormwater system shall contact the Council immediately. The Council will arrange to have the stormwater system inspected and cleared of all blockages, provided that the blockage has not been forced downstream into a public stormwater system in an act of clearing it from the private system, and that the landowner/occupier has not breached any clauses of this Bylaw.	Oppose	Hokonui Rūnanga consider this section as drafted to create potential risk to the public stormwater system, by way of inaction. Regardless of how a blockage has occurred, it is in the best interests of the environment, Council-owned infrastructure, and the wider community for these issues to be resolved in a timely manner. By not addressing blockages caused by improper use of connecting private systems, the integrity of the wider system is jeopardised, which causes an unnecessary risk to the health of the environment. It is recommended that this section be revised to ensure the Council will always undertake required repairs, but have the power to pass on costs where the fault was caused by a private system.	Amend as follows: “A landowner/occupier who suspects a blockage of a public stormwater system shall contact the Council immediately. The Council will arrange to have the stormwater system inspected and cleared of all blockages, ~~provided that~~ In the event that the blockage has ~~not~~ been forced downstream into a public stormwater system in an act of clearing it from ~~the a~~ private system, ~~and that the or caused by a~~ landowner/occupier ~~has not~~ breached any clauses of this Bylaw, the Council may on-charge the costs of this maintenance to the relevant landowner/occupier.
8.3 - Non-compliance enforcement	Scheduled monitoring of private stormwater systems shall not incur any costs to the landowner/occupier, provided no issues are discovered. If during the monitoring or at any other time a landowner's private stormwater system is found to be non-compliant, the landowner may be subject to enforcement action by the Council in accordance with clause 10.0 of this Bylaw	Support	Hokonui Rūnanga strongly support the use of enforcement action when bylaw breaches are identified. This will further deter landowners from avoiding the consequences of their environmental degradation.	Retain as drafted

10. - Enforcement actions and penalties	Every person who fails to comply with the requirements of this Bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council. The type of enforcement action carried out by the Council will depend on the severity of the situation and may include: a. Non-compliant notification to the land owner including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, then the Council will rectify or organise for the issue to be rectified, and recover all costs from the landowner; b. The Council rectifying or organising the rectification of the issue if the situation is creating nuisance or if that is the preference of the landowner, with all costs recovered from the landowner; c. Prosecution; or d. An infringement notice as specified in section 245 of the Act being issued.	Support in part	Hokonui Rūnanga strongly support the use of enforcement action when bylaw breaches are identified. To further deter potential bylaw violations it is recommended that the maximum value of an infringement notice under this bylaw be added. This will clearly signal to landowners the consequences of breaching this bylaw	Amend to include maximum infringement notice value in 10(d)
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Stormwater Management Bylaw 18

Let's Talk Gore District

Stormwater Bylaw Submission Form

We look forward to receiving your submission on our draft Stormwater Management Bylaw. Please note submissions must be in by **5:00pm Friday 25 February**.

Privacy statement

Your name and submission will become public information. Other personal details will remain confidential.

Name/ Organisation (if applicable)

(Required)



Robyn Cain

Address

(Required)

379 Lady Charlton Road, Waimumu, RD 4, Gore 9774

Email

(Required)

robyn.cain34@gmail.com

Phone Number

0276922727

Preferred method of contact

(Choose all that apply) (Required)

☒ Email

☐ Phone

Do you want to speak in support of your submission at a hearing?

(Choose all that apply) (Required)

☒ Yes

☐ No

Do you support the draft Stormwater Management Bylaw?

(Choose all that apply) (Required)

☐ Yes

☒ No

☐ In part

Please tell us why

(Required)

see attached pages

Stormwater Management Bylaw 19

Let's Talk Gore District

Are there any changes you would like to see to the draft bylaw?

See attached pages

Do you have any additional comments?

See attached pages

Note: You are welcome to include additional pages, please ensure they are numbered and have your name at the top.

Submission for the Gore District Council Stormwater Management Bylaw

Tēnā koutou tēnā koutou tēnā koutou katoa
Ka mihi nui ki a koutou katoa

Ki kā atua – tēnā koutou
Ki a Papatūānuku – tēnā koe
Ki te whare - tēnā koe

Ki te huka mate
Ki te huka ora
Tēnā koutou katoa

Mō tatou, ā mō ka uri a muri ake nei

Toi tu te marae o Tane
Toi tu te marae o Takaroa
Toi tu te iwi

I te taha ō toku whaea
Ko uri ōku a Kapatene James Joss rāua ko Kurukuru (Māori Princess)
No Te Wehi a Te Wera ō Rakiura ōna wahi
He mahi ōna kā tohorā mate i kā Tiwai me Ōmaui me Te Ara a Kiwa, me kaihokohoko ōna i
kā takata pora me tauwiwi me Māori
Ko uri ōku wāhine kaha. I kōrero kaha i a rātou
He awa ōku whānauka i te Mataura me Waihopai me Oreti me Aparima me Waiau

Ko Hananui me Huatakerekere me Hokonui ōku mauka
Ko Waimataitai me Te Ara a Kiwa ōku moana
Ko Waihi me Orari me Mataura ōku awa
Ko Takitimu toku waka
Ko Kāi Tahu me ko Kāti Mamoe ōku iwi
Ko Joss tōku hapū
Ko Te Rau Aroha tōku marae
Nō Maruwai tōku wahi
Ko Robyn Cain tōku ikoa

No reira tēna koutou tēna koutou katoa

Name

Robyn Cain

Address

379 Lady Charlton Road, Waimumu, RD 4, Gore 9774

Email

robyn.cain34@gmail.com

Phone number

0276922727

Preferred method of contact

Email

Do you want to speak in support of your submission at a meeting?

Yes

Do you support the draft Stormwater Management Bylaw?

No

Please tell us why

Firstly the bylaw appears to be based on litigation with no compulsion for EDUCATION to prevent issues arising.

Secondly it does not appear to recognise takata whenua knowledge nor tauīwi knowledge that could all be of value in addressing stormwater issues.

Thirdly it does not appear to recognise stormwater and flooding issues can be created by the wider natural water network across Murihiku than just in the Gore District.

Fourthly by everything being kept in the silo of councils there is a lack of ako (knowledge sharing) that could occur to improve stormwater outcomes through a community invested planning process.

Are there any changes you would like to see to the draft bylaw?

Firstly I would like to see the bylaw include a Public Meeting consultation for all those in the community to put forward their views about stormwater and water in general.

From this, important information that people need to know in relation to water and stormwater can be identified and made COMPULSORY to be TAUGHT IN OUR SCHOOLS, and educational sessions that adults can attend made available to all. EDUCATION should eradicate the need for litigation.

From the public meeting consultation, areas will be identified that require work to improve the stormwater and water system for all in the community and A GROUP OF PEOPLE from the community along with staff from the GDC, Runanga, ES, University of Otago etc would be

responsible for dealing with these areas that need work. (including identifying limits and targets to improve stormwater). This would need to be in the bylaw. I have been on a group such as this that has created much more progress on projects for our local native forest than could ever be achieved by the local council and DOC. Issues to do with water are always arising due to people doing work on their properties and often unexpectedly altering the water systems on their properties that can also affect other properties as it appears you have probably discovered with the Matai Ridge project. No one is immune to this, and with the best of intentions these situations arise and need to be dealt with but not in a confrontational litigation process but with a community cooperation view. Many people do not have money to go to court or be prosecuted.

I also believe by including the people in the decision making processes you will have more buy-in, therefore less issues and more progress in having the best stormwater and other water systems possible. At the moment it appears to me the GDC is spending a great deal of our rates money in court for progress to happen. I saw this with our local water race in Woodbury where we had kōura and kākahi living within the race that ended in a pond that could be used for fire fighting in the village should it be needed. I would much rather see projects such as this than court case after court case to get progress and solve local water issues.

I saw politicians in parliament being most impressed at locals creating the Otama Water Scheme and I believe it is time we acknowledged there is valuable local knowledge and skills that can be used to deal with water issues.

Litigation should be the very last step in meeting Local Government Act 2002 145 (a) (b) and (b) (iii), and 468.

Do you have any additional comments?

This proposal is my Māori world view and I would like you to consider the Local Government Act 2002 10 (1) (a) and (b), and 14 (1) (a) (i) (ii) (b) (c) (i) (ii) (iii) (d) (e) (g) (h) (i) (ii) (iii) and "Council-Māori participation arrangements : information for councils and Māori when considering their arrangements to engage and work with each other (June 2017)" by LGNZ, "Frequently asked questions on council-Māori engagement : a resource to support councils (October 2007)" by Local Government New Zealand, "He Huarahi mo Nga Uri Whakatapu (a pathway for the generation coming through),(March 2016), and the Charter of Understanding between Gore District Council and Hokonui Rūnanga.

My approach is inclusive and involves the whole community which meets the Local Government target of well-being by giving local people a sense of ownership over the water issues for now and the future and as we realise that Climate Change could well have a big effect on water going forward.

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Mar 24, 2022 12:24:19 pm**Last Seen:** Mar 24, 2022 12:24:19 pm**IP Address:** n/a

Q1. Name/ Organisation (if applicable)	Eastern Concrete Ltd
Q2. Address	9 Oreti Street, Gore
Q3. Email	cweastern@outlook.com
Q4. Phone Number	0274332890
Q5. Preferred method of contact	Phone
Q6. Do you want to speak in support of your submission at a hearing?	Yes
Q7. Do you support the draft Stormwater Management Bylaw?	In part
Q8. Please tell us why	It is unreasonable to expect a property owner to upgrade the public stormwater system, if the existing one isn't suitable. The degree to which a site may be covered by impervious surfaces is set out in the district plan rule so clause 5.2 is not needed. Clause 3.5 separation of internal drainage is unclear. Is the council looking at acting on existing sites or only for new builds? The landowners need to know what could happen in the future. Their hasn't been enough time or planning gone into this bylaw and there needs to be more public consultation.
Q9. Are there any changes you would like to see to the draft bylaw?	not answered
Q10. Do you have any additional comments?	not answered
Q11. File Upload	not answered

Submission on the Gore District Council Draft Stormwater Management Bylaw

Submitter:

HWR Group
 HWR Property Ltd
 Hokonui Rural Transport
 HRT Allied Concrete
 Allied Petroleum
 Southroads Ltd
 Dynes Transport Tapanui Ltd

Refer below for contact details

1. Do you wish to speak in support of your submission at a hearing?

Yes

2. Do you support the draft Stormwater Management Bylaw

The HWR Property Ltd (“HWR”) opposes the draft Stormwater Management Bylaw (“**draft Bylaw**”) in part.

3. Why

HWR wishes to thank the Gore District Council for the opportunity to submit on the draft Bylaw. In general, HWR supports the purpose and principal objectives of the draft Bylaw, which proposes to:

- better manage stormwater within the Gore District so as to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution.

However, HWR has several concerns with the Bylaw, and how it will be implemented. These concerns primarily relate to the uncertainty inherent in several Bylaw clauses, the limitations the Bylaw may have on development in the district, and the apparent transfer of responsibility for stormwater management from Council to private property owners in some situations. HWR is also concerned that the Council has not adequately planned for the district’s stormwater management needs in the future.

The specific clauses of the draft Bylaw which HWR holds concerns about are set out below. Suggested changes to specific clauses of the Bylaw are also set out below.

4. Changes you would like to see to the draft Bylaw

Clause 3.1 Acceptance of Stormwater

Section 3 of the Bylaw relates to the construction or alteration of stormwater systems. Sub-clause 3.1 'Acceptance of stormwater' states:

Every premises shall be entitled to have its stormwater accepted by the Council subject to:

- a. The premises lying within a service area which is serviced by a public stormwater system;*
- b. There being sufficient capacity within the public stormwater system, provided that if the capacity is not sufficient then the public stormwater system must be upgraded at the cost of the applicant or an alternative solution sought;*
- c. Payment of the appropriate rates and charges in respect of those premises;*
- d. Gaining prior written approval of the Council in accordance with clause 3.2 of this Bylaw; and*
- e. Fulfilment of the requirements of this Bylaw, any relevant consent, the Resource Management Act 1991, Building Act 2004 and any other Acts, Regulations or Bylaws.*

HWR understands that the Council is seeking to manage stormwater within current network capacity limits. However, HWR considers that the requirements for private property owners to undertake an upgrade of the public stormwater management system is unreasonable. It is unlikely to be economically feasible to undertake an upgrade of the public stormwater system, which could benefit the wider community, should the developer simply be seeking to connect one lot to the system.

Further clarification is required around the scale of upgrade to the public stormwater management system that could be required under this clause, and the likely costs of upgrading the public stormwater system. Some provision to enable/require Council or other beneficiaries of the system to contribute to these costs should be included in this clause.

Clause 3.4 Design Constraints

Clause 3.4 lists eight different pieces of legislation, policy documents and resource consents which must be adhered to for all new and altered stormwater systems. The way this clause is drafted requires *all* of the eight different requirements to be adhered to for a stormwater system. In practice, this clause will not be achievable. For instance, a discharge permit is provided for a discharge that does not achieve the permitted activity requirements of Environment Southland's Land and Water Plan, so it could be argued that the system achieves the requirement of the discharge permit but does not achieve the requirements of the Land and Water Plan. Therefore, this clause cannot be complied with.

It is sought that this clause be amended to ensure that stormwater systems are designed to achieve *only* those documents/requirements listed in clause 3.4 that are relevant to the system in question.

Clause 3.5 Separation of internal drainage

Clause 3.5 requires the full separation of internal stormwater and wastewater drains for an entire premises, when:

1. A new building with a roof area of 30m² or more is being constructed;
2. An existing building is being altered that will result in the building footprint being increased by 20m² or more;

3. The impervious surface discharging to the internal drainage network is being increased by more than 50m².

The objective of this clause is unclear. Is the intention to reduce the quantity of wastewater in the Council's wastewater system, or to improve the water quality of stormwater discharges? This clause will be hugely costly for sites where buildings already exist, given it would effectively be applied retrospectively to the entire site/building, and not just the area of any new extension.

HWR is concerned that a requirement to upgrade onsite stormwater management may be imposed on sites where stormwater discharges are currently acceptable. These upgrades should therefore only be required where it is demonstrated that the stormwater being discharged from a property does not achieve prescribed water quality standards (to achieve the conditions of the discharge permits held by Gore District Council for stormwater discharges).

Further, it is understood that this draft Bylaw will apply across the entire district, whereas the issues with stormwater management appear to be restricted to the Falconer Creek catchment. Would the Council consider limited the scope of this Bylaw to the Falconer Creek catchment?

HWR considers that this clause may prevent development occurring in the Gore District and seeks that the Council considers alternatives to address the issue which is being addressed by this clause.

Section 4 Site development and management

Section 4 of the draft Bylaw states that Council may require the installation and maintenance of private stormwater detention and/or treatment devices during the development of a property to retard and/or treat the flow of stormwater. This clause does not indicate who would pay for the installation and maintenance of the stormwater devices, and the criteria for when they would be required.

If this clause is included in the Bylaw to alert users to the Council's existing Subdivision and Development Bylaw, and it therefore does not introduce an additional mechanism for the Council to require the installation and maintenance of private stormwater detention and/or treatment devices during the development of a property, then this should be made clear in the Bylaw.

HWR is concerned about the uncertainty presented by this clause, and the cost implications for developments, and seeks that this clause be deleted, or further clarification about the intent of this clause is provided.

Clause 5.2 Restricted activities

Clause 5.2 lists the activities which can only be undertaken on land with the prior approval of Council. HWR supports the inclusion of most of these activities in this clause. However, HWR does not support subclause (g), which prevents any changes to a property's impervious surface without Council approval. This clause applies to any change in impervious surfaces on a site, regardless of the degree the site is already impervious, and regardless of whether the change would reduce the impervious coverage at the site.

The degree to which a site may be covered by impervious surfaces is typically set out in a District Plan rule, and an exceedance to such a limit would require resource consent. The intent of such a rule is to allow the Council to manage stormwater flows from sites. The Gore District Plan includes 'Site Coverage' rules which limits the degree to which a site can be covered by structures.

In HWR's view, it would be more appropriate to include a new rule in the Gore District Plan to manage impervious site coverage of a site, and to set out the limitations to site coverage as required to manage stormwater flows. Such a rule would provide the certainty required for landowners that they can have impervious surfaces up to, for instance, 50% of their sites without requirement of Council approval.

Clause 5.4 Other restrictions

Clause 5.4 states:

Following receipt of an application for works to be undertaken on a stormwater system, and after consideration of the proposed work methods, depth of excavations, soil properties and other site-specific information, the Council may apply other restrictions for the protection of a public stormwater system.

HWR seeks more clarity in this clause to ensure it only applies to the construction works, and seeks the following amendment:

Following receipt of an application for works to be undertaken on a stormwater system, and after consideration of the proposed work methods, depth of excavations, soil properties and other site-specific information, the Council may apply other restrictions to the construction works applied for, for the protection of a public stormwater system.

Clause 6.1 Prohibited activities

Clause 6.1 lists the prohibited activities relevant to preventing obstructions to stormwater systems. Clause 6.1(c) prohibits any person from obstructing an overland flow path or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens, without the prior permission of the Council.

HWR supports the intent of this clause. However, in many cases, overland flow paths will not be known by landowners, nor are they shown on the Council's mapping system. Floodplains are mapped on the Council's District Planning maps and 'Intramap' service. HWR seeks that the mapping of overland flow paths is provided by the Council so the public and landowners are aware of the locations of these flow paths.

Further, an explanation should be included in this clause to direct users of the Bylaw to the appropriate mapping service which shows the overland flow paths and the flood plains, to enable the effective implementation of this clause.

Section 7 Responsibility

Clause 7.3 Discharging into neighbouring properties

This clause sets out the requirements around managing discharges from neighbouring properties:

No person shall allow their stormwater to discharge on to a neighbouring property via surface flow, other than what would naturally occur from pervious areas and from designated overland flow paths.

HWR supports this clause but considers that its implementation will be very difficult to manage. HWR is concerned that if this clause is not implemented effectively, discharges could originate from a neighbouring site and then enter the receiving neighbour's stormwater system. If the discharge did

not meet the necessary water quantity and quality requirements, the receiving landowner may be penalised for a discharge which it has no control over and is not responsible for.

To address this concern, HWR considers that overland flow paths should be mapped so that landowners are made aware if a path crosses their property. Criteria to identify surface flows that would 'naturally occur' from impervious areas and designated overland flow paths to be identified, should be provided, as well as criteria for how these flows can be quantified/measured. This will enable landowners to manage flows on their properties and report flows which are not 'naturally occurring' to Council.

HWR is also concerned about the ambiguity of this clause, and notes that there is no definition for the term 'naturally occurring'. A definition for the term 'naturally occurring' is also sought.

Clause 7.5 Loss, damage or inconvenience

Clause 7.5 states:

Council shall endeavour to meet the level of service requirements of clause 3.1, but shall not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in a public stormwater system.

HWR does not support this clause. While HWR understands and supports the need to appropriately manage stormwater, HWR considers that it is the role of the Council to strategically plan and manage its public stormwater management system to meet the needs of the community. Not doing so may hinder development in the District.

Clause 7.6 Natural hazard emergencies

HWR supports this clause in part. HWR considers that this clause should be amended to also include reference to private stormwater management systems affected by natural hazards, as follows:

Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council, which result in large scale disruptions to the ability of public stormwater systems and private stormwater systems to receive stormwater, will be deemed an emergency.

4. Any Additional Comments

HWR seeks further information from Council about the existing public stormwater system, its capacity and the flood events it is designed to accommodate. HWR considers that evidence of flood monitoring, and the performance of the system during nominated rain events is required in order for the Council to carry out a fulsome cost/benefit analysis of the draft Bylaw.

HWR is concerned about being prosecuted for stormwater flows from its properties when the flows may have arisen from neighbouring sites. This also includes debris and contaminants arising from roadways which may be carried via stormwater onto private properties.

HWR therefore seeks more clarity in the Bylaw about how the Council will monitor overland flows and discharges over property boundaries to ensure that property owners are not unduly penalised for discharges over which they have no control.

Signature:



Date: 25 March 2022

Electronic address for Service: sue.hill@hwr.co.nz

Telephone: 021 774 988

Postal address:

HWR Property Ltd
491 Tay St
Invercargill 9810

Contact person: Sue Hill, Property Manager

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Mar 25, 2022 14:43:11 pm**Last Seen:** Mar 25, 2022 14:43:11 pm**IP Address:** n/a

Q1. Name/ Organisation (if applicable)	Custom Build Engineering 2015 Ltd
Q2. Address	13 Waiau Street, Gore
Q3. Email	cbuild@xtra.co.nz
Q4. Phone Number	032081773
Q5. Preferred method of contact	Email
Q6. Do you want to speak in support of your submission at a hearing?	No
Q7. Do you support the draft Stormwater Management Bylaw?	In part
Q8. Please tell us why	We do want to be part of ensuring there are clean waterways in our area but all parties should be taking responsibility including the Gore District Council & all landowners in the area.
Q9. Are there any changes you would like to see to the draft bylaw?	We are not certain that it is fair or correct that in parts of the proposed Stormwater bylaw it states that the land owner cover all costs relating to expenses occurred, when the problem may have been caused due to an area that the Gore District Council or another land owner should have been responsible for work that should have been completed to avoid any incidents occurring.
Q10. Do you have any additional comments?	We believe it is unfair that one land owner who has a personal grievance with the Gore District Council & Environment Southland can make a complaint then other land owners in the area have to make changes structural to their property at a huge financial cost. We believe that the one land owner will never be happy no matter what any other land owners in the area do to comply. There must be an even playing field for all the land owners in the area. We were given an abatement notice so we have installed three separate soak holes with silt traps in our yard, our wash pad water goes into a 3 stage system then in the foal sewer, this ensures no dirty or contaminated water goes into the storm water/creek. Completing this work has been at a huge financial cost to our business in the last 18 months. All of this work was given the go ahead from the Gore District Council. Have other businesses in the area completed similar work to ensure they do not have any run off from their property. Now that Falconer Road is sealed there are now a larger number of vehicles using the streets in this area, we as land owners are unable to control the state of the vehicles using the roads which are creating dirty or contaminated soiling on the road which in turn is washed into the storm water gutters/drains when it rains, what is the Gore District Council doing about this? Just because water is discoloured does not mean it is dirty or contaminated
Q11. File Upload	not answered

28 March 2022

Submission - Stormwater Bylaw
Gore District Council
PO Box 8
Gore 9740

Dear Sir/Madam

Submission on Gore District Council's Proposed Stormwater Management Bylaw 2022

Environment Southland supports Gore District Council's Proposed Stormwater Management Bylaw 2022 ('the Proposed Bylaw'). The Proposed Bylaw would provide Gore District Council with the necessary regulatory framework to deal with unauthorised sediment discharges pointed out in our amended abatement notice dated 26 January 2021. It would also provide opportunities to achieve better environmental protection and flood control outcomes for Gore and the wider Southland region.

Environment Southland believes that the effectiveness of the Proposed Bylaw can be improved through the following considerations:

- (i) expanding the scope of the restrictions in clause 5.1;
- (ii) providing a more objective standard in clause 7;
- (iii) removing clause 13;
- (iv) adding requirements for pollution prevention; and
- (v) consideration for implementation and enforcement.

Expand the scope of restrictions in clause 5.1

Environment Southland suggests that clause 5.1 is amended to broaden the scope for application of the restrictions on discharge of contaminants and other substance. The clause imposes restrictions only on the discharges that are likely to constitute nuisance as defined in the Proposed Bylaw. Expanding the scope of the restrictions to cover all discharges regardless of their effects is likely to result in more significant reductions in contamination. It would also improve clarity of the rule increasing the chance of successful implementation. Clauses 6.1(a) and 6.2(a) of Invercargill City Council's Proposed Stormwater Bylaw 2022 ('ICC Bylaw') provide an example of such approach.

Environment Southland also notes that the restrictions in clause 5.1 do not apply to the discharges to private stormwater networks not connected to reticulated stormwater systems. Extending the coverage of the restrictions to both private and public stormwater networks would be desirable as it would enhance protection for groundwater and streams. Clause 6.1 of ICC's Bylaw can be referred to as an example of a similar rule with a broader coverage.

Provide for a more objective standard in clause 7

Environment Southland also suggests that Clause 7 is amended to clarify the requirements for maintaining private stormwater systems. The clause currently provides that owners are responsible for constructing and managing all privately owned stormwater systems 'in accordance with their design or the manufacturer's instructions'. However, since the content of the manufacturer's instructions can vary in quality, consistency can be better achieved by having a single objective standard applying to all cases as in clause 5.4 of the ICC's Bylaw. In addition, requiring the owners to keep records of maintenance would improve accountability.

Remove clause 13 to strengthen authority of the bylaw

It is also suggested that clause 13 is removed to strengthen the authority of the proposed bylaw. The dispensation clause may cause residents of Gore to underestimate the intentions of the GDC for enforcing the Proposed Bylaw potentially leading to non-compliance.

Additional requirements for pollution prevention

Environment Southland also considers that the community of Gore would benefit substantially by incorporating into the Proposed Bylaw a more proactive approach in pollution prevention. One way of achieving this would be by giving the Council power to require stormwater management plans from the owners of sites with a high risk of contamination. It would effectively shift some of the cost of pollution prevention efforts to polluters while potentially bringing significant reductions in stormwater contamination. New developments can also be required to prepare erosion and sediment control plans to ensure relevant issues are identified early and dealt with appropriately. Again, clauses 6.3 and 5.5 of the ICC's Bylaw provide relevant examples of the rules focused on pollution prevention.

Consideration for implementation and enforcement

Lastly, Environment Southland encourages sufficient resources be allocated towards implementation and enforcement for the bylaw to be effective in bringing the desired results.

Investments should also be made for increasing public awareness around prevention of point source discharges from industrial and residential sites. Environment Southland will be willing to collaborate with Gore District Council in its endeavours to improve stormwater management practices in the region.

We thank you for the opportunity to engage on this topic and look forward to working with you in the future.

Yours sincerely

A handwritten signature in black ink that reads "Hicks". The signature is written in a cursive style with a large, sweeping initial 'H' and a long, horizontal flourish extending to the right.

Lucy Hicks
Policy and Planning Manager

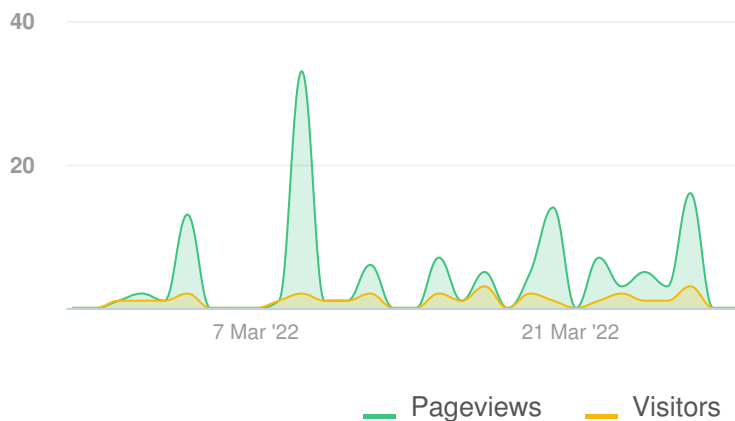
Project Report

26 February 2022 - 27 March 2022

Let's Talk Gore District Stormwater Management Bylaw



Visitors Summary

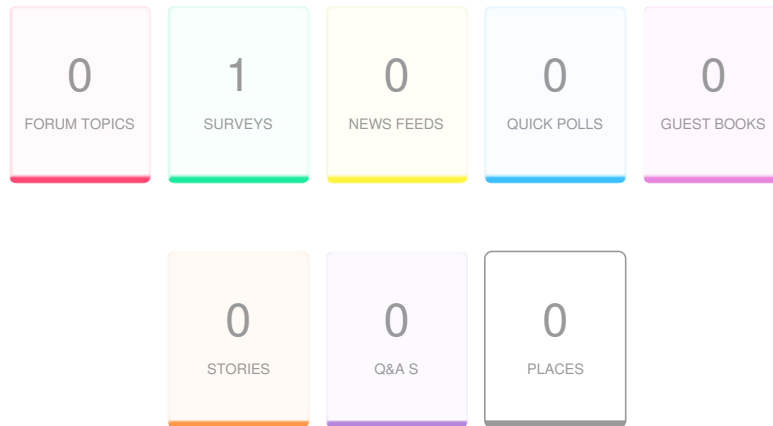


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
35	3	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
3	18	24

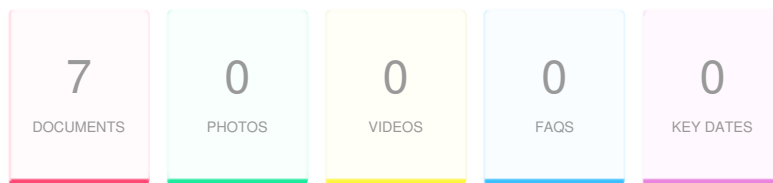
Aware Participants	24	Engaged Participants	3
Aware Actions Performed	Participants	Engaged Actions Performed	RegisteredUnverifiedAnonymous
Visited a Project or Tool Page	24		
Informed Participants	18	Contributed on Forums	000
Informed Actions Performed	Participants	Participated in Surveys	003
Viewed a video	0	Contributed to Newsfeeds	000
Viewed a photo	0	Participated in Quick Polls	000
Downloaded a document	13	Posted on Guestbooks	000
Visited the Key Dates page	1	Contributed to Stories	000
Visited an FAQ list Page	0	Asked Questions	000
Visited Instagram Page	0	Placed Pins on Places	000
Visited Multiple Project Pages	16	Contributed to Ideas	000
Contributed to a tool (engaged)	3		

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Stormwater Bylaw Submission Form	Published	8	0	0	3

INFORMATION WIDGET SUMMARY



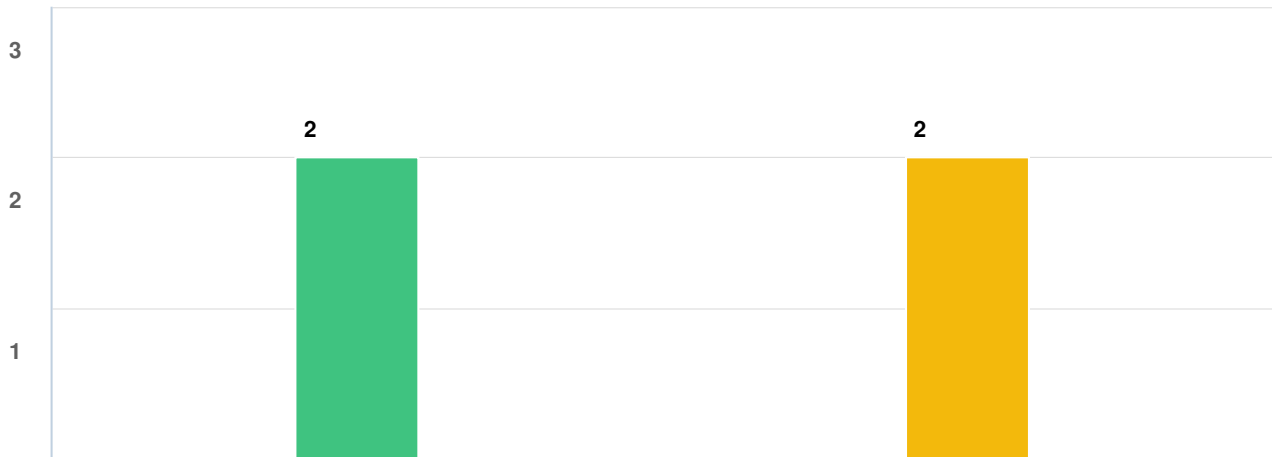
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Draft Stormwater Management Bylaw	12	14
Document	Statement of Proposal draft Stormwater Management Bylaw 2021	4	4
Document	Report to Council 12 October 2021	4	4
Document	Example of Stormwater Treatment Devices	3	3
Document	Falconer Road Catchment	3	4
Document	Submission Form	2	2
Document	Abatement Notice from Environment Southland	2	2
Key Dates	Key Date	1	1

ENGAGEMENT TOOL: SURVEY TOOL

Stormwater Bylaw Submission Form

Visitors 8	Contributors 3	CONTRIBUTIONS 3
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Preferred method of contact



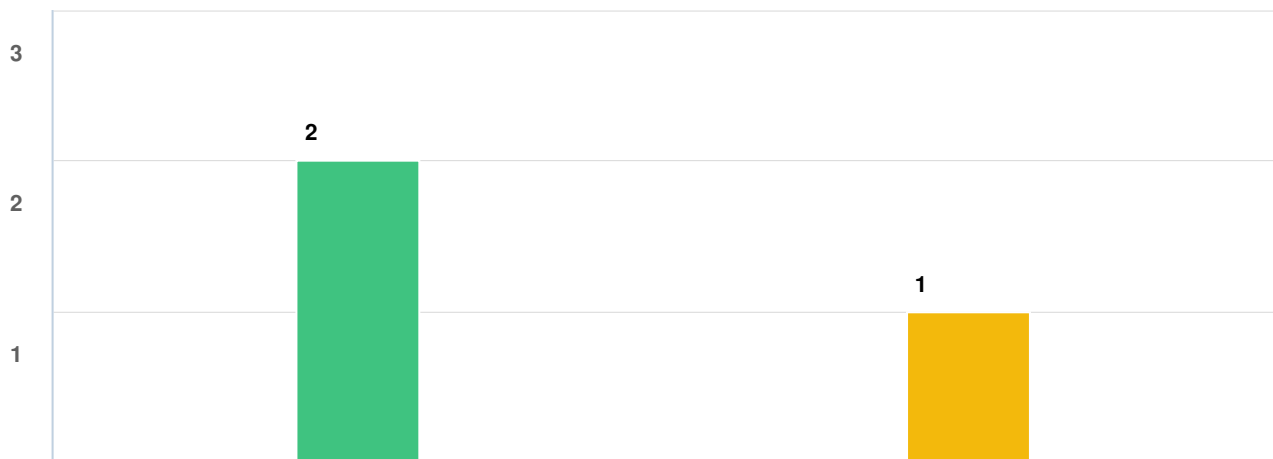
Question options

☒ Email ☐ Phone

Mandatory Question (3 response(s))

Question type: Checkbox Question

Do you want to speak in support of your submission at a hearing?



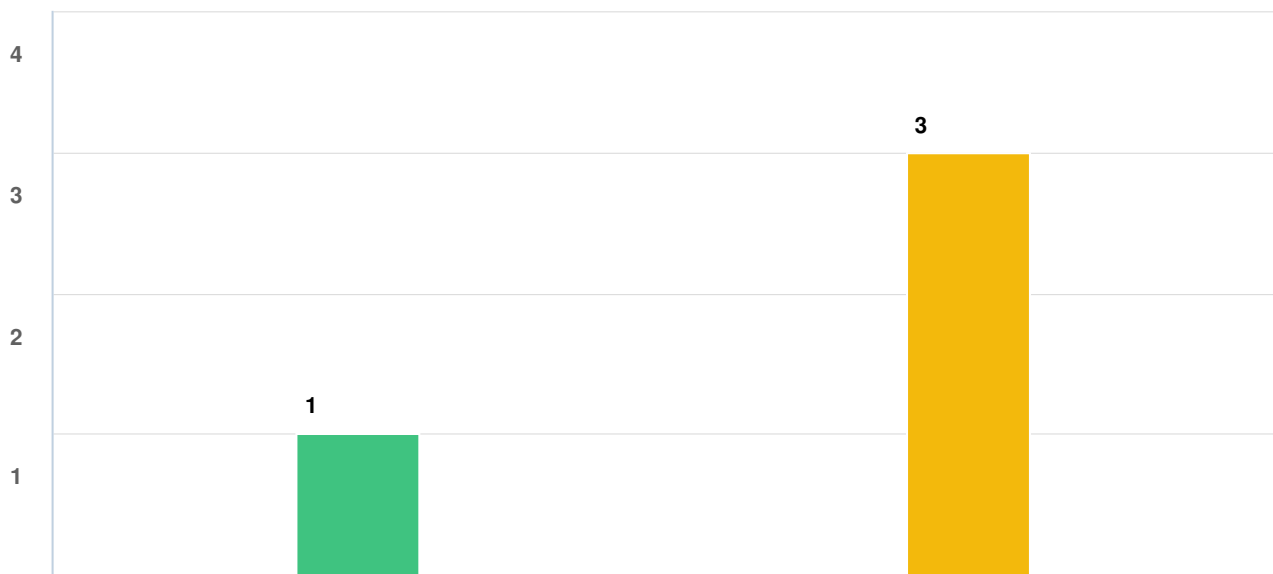
Question options

☒ Yes ☐ No

Mandatory Question (3 response(s))

Question type: Checkbox Question

Do you support the draft Stormwater Management Bylaw?



Question options

☒ Yes ☐ In part

Mandatory Question (3 response(s))

Question type: Checkbox Question



DRAFT

Stormwater Management Bylaw

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1. Introduction

The intention of this Bylaw is to manage stormwater within the Gore District so as to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution.

Nothing in this bylaw shall derogate from any controls on stormwater imposed by Environment Southland and the Gore District Council (the Council) under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw. This Bylaw is made by the Gore District Council pursuant to the powers contained in sections 145 and 146 of the Local Government Act 2002.

This Bylaw applies over the Gore District and shall come into force on XXXXXXXX.

2. Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford English Dictionary (*eleventh edition*).

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

The Act	means the Local Government Act 2002.
Approval or approved	means approval or approved in writing by the Gore District Council either by resolution of the Council or by a Council officer.
Catchment	means the area of land within which rainfall flows to a water body.
Chemical	is a substance that is produced by or used in a chemical process.
Consent	means written acceptance or approval by an authoritative body such as the Council of what is planned or done.
Contaminant	includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: i) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or ii) When discharged on to or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air on to or into which it is discharged; iii) or as described or contained in the Resource Management Act 1991

Council and the Council

means the Gore District Council.

Council officer

any officer for the time being appointed by the Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and Any officer appointed by Council as an enforcement officer under section 177 or section 179 of the Act as an enforcement officer with powers of entry as prescribed by sections 171 – 174 of the Act.

Detention device

means a structure that captures some inflow for subsequent release at a slower rate, eg a stormwater detention pond.

Development

means any subdivision, building work or other construction works, which alters the stormwater runoff characteristics of land.

Disconnect/disconnection

means to sever or terminate a pipe.

District

means the district administered by the Council.

Easement

is a right held by one property owner to make use of the land of another for a limited purpose, such as a right to discharge water.

Flood plain

means low lying areas which are predicted to flood in a storm exceeding the design capacity of the primary system.

Hazardous substance

has the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Impermeable surface

A surface that reduces the natural ability for fluid to soak into the ground such as asphalt, concrete, gravel, compacted soil or building roof tops.

Licensed drainlayer

means a drainlayer who is registered under the Plumbers and Drainlayers Act 2006, in either the Licensed Drainlayer or Certifying Drainlayer class, and who has a current practicing licence.

Nuisance

has the same meaning as Section 29 of the Health Act 1956, and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference. In the context of this Bylaw the term nuisance includes but is not limited to:

- i) Danger to life;

- ii) Danger to public health;
- iii) Flooding of any building floor or sub-floor, or public roadway;
- iv) Damage to property;
- v) An effect on the efficient operation of a stormwater system;
- vi) Damage to any facet of a stormwater system;
- vii) Erosion or subsidence of land;
- viii) Long or short term adverse effects on the environment;
- ix) Adverse loss of riparian vegetation;
- x) Wastewater overflow to land or water; or
- xi) Anything that causes a breach of any stormwater discharge consent condition binding the Council.

Occupier the inhabitant of any property and, in any case where any building, house, tenement or premises is or are unoccupied includes the owner.

Offence includes any act or omission in relation to this Bylaw or any part thereof for which any person can be prosecuted.

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

Owner as applied to any land, building, or premises, means any person for the time being entitled to receive the rent for such property, or who would be so entitled if it were let to a tenant at a rack rate, and where any such person is absent from New Zealand, includes the attorney or agent.

Person A natural person and also includes a corporation sole or a body of persons, whether corporate or otherwise.

Premises means:

- i) 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
- ii) A building that has been identified as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available;
- iii) Land held in public ownership (eg reserve) for a particular purpose; or
- iv) Individual units in buildings, which are separately

leased or separately occupied.

Private stormwater system	means any stormwater system that serves one or more lots where the lots are in common ownership or used for a common activity where such systems are constructed by or vested in private ownership and not managed or maintained by the Council.
Public stormwater system	includes any stormwater system that serves more than one lot and is not part of a private stormwater system.
Service area	means an area defined by the Council that is designated for and/or contains Council infrastructure services.
Service opening	means a manhole or similar means for gaining access for inspection, cleaning or maintenance of a public stormwater system.
Shall	means must, is, or are obligated to.
Stormwater	means surface water run-off resulting from precipitation.
Stormwater pipe	means any pipe intended for carrying stormwater.
Stormwater system	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/or to improve water quality and includes any stormwater drain as defined in the Plumbers, Gasfitters and Drainlayers Act 2006.
Trade wastes and trade waste	means any liquid with or without matter in suspension or solution therein, which is or may be discharged from trade premises to Council's wastewater system in the course of any trade or industrial process or operation in the course of any activity or operation of a like nature; and may include condensing or cooling waters or domestic wastewater.
Wastewater	is the discharge from any sanitary fixtures or sanitary appliance.
Water course	means every open river, stream, creek, culvert and channel through which stormwater commonly flows, whether continuously or not.
Working day	Means any day of the week other than i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day, Anniversary Day, Matariki Day; and ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

3. Construction or alteration of stormwater systems

3.1 Acceptance of stormwater

Every premises shall be entitled to have its stormwater accepted by the Council subject to:

- a. The premises lying within a service area which is serviced by a public stormwater system;
- b. There being sufficient capacity within the public stormwater system, provided that if the capacity is not sufficient then the public stormwater system must be upgraded at the cost of the applicant or an alternative solution sought;
- c. Payment of the appropriate rates and charges in respect of those premises;
- d. Gaining prior written approval of the Council in accordance with clause 3.2 of this Bylaw; and
- e. Fulfilment of the requirements of this Bylaw, any relevant consent, the Resource Management Act 1991, Building Act 2004 and any other Acts, Regulations or Bylaws.

3.2 Use of a stormwater system

No person other than a Council officer may discharge, make a new connection to, alter, or otherwise interfere with any facet of any public stormwater system or overland flow path without the prior written approval of the Council. Every application for such approval shall be made in writing on the prescribed form together with payment of the prescribed charges and include all the details required by the Council. An application shall be made whether or not a public stormwater pipe has already been laid up to the point of discharge as is defined in clause 9 of this Bylaw.

If written approval is given, this will be subject to any terms and conditions set by the Council.

Refer to the Council's Connection to Reticulated Wastewater and Stormwater Services Policy for further details regarding applying for a new connection.

3.3 Disconnection from a public stormwater system

A land owner shall give a minimum of seven working days notice in writing of his or her intention to disconnect from a public stormwater system. Such a disconnection would include re-laying of any private stormwater reticulation or the demolition or removal of a building connected to a public stormwater system. The demolition or removal of any building(s) shall not commence until the Council has inspected the stormwater disconnection, and/or the Council has given written permission for such works to proceed.

3.4 Design constraints

All proposed stormwater systems and any proposed alterations to any existing stormwater systems (including changes to site coverage which will result in an increase in stormwater flows from a property) must be designed, constructed and operated in accordance with:

- a. This Bylaw;
- b. The current Gore District Council Subdivision and Development Bylaw;
- c. Environment Southland's Water and Land Plan;
- d. The Gore District Plan;
- e. The Building Act 2004 and the New Zealand Building Code;
- f. Any discharge consents, building consents or other consents relevant to the works; and
- g. Any resource consents held by the Gore District Council
- h. Any written conditions imposed by the Council when approving the works.

3.5 Separation of internal drainage

Fully separation of the internal stormwater and wastewater drains for an entire premises must be achieved under the following situations:

1. A new building with a roof area of 30m² or more is being constructed,
2. An existing building is being altered that will result in the building footprint being increased by 20m² or more,
3. The impervious surface discharging to the internal drainage network is being increased by more than 50m²

3.6 Maintenance of a private stormwater system

All private stormwater systems are to be managed and maintained as per their intended design or the manufacturer's instructions.

3.7 Works on stormwater systems

No person other than a Council Officer or a 3 Waters Council approved contractor may carry out work on the public stormwater system. Refer to the Council's 3 Waters Approved Contractor Policy for further details.

Work on private stormwater systems shall be undertaken by a licensed drainlayer.

3.8 As-built plans

As-built plans showing details of all new connections or alterations shall be provided to the Council within the time frame specified in the Council's written approval for the use of the stormwater system.

4. Site development and management

The Council may require the installation and maintenance of private stormwater detention and/or treatment devices during the development of a property to retard and/or treat the flow of stormwater.

Refer to the latest version of the Council's Subdivision and Development Bylaw for further details and requirements.

5. Protection of public stormwater systems

5.1 Prohibited activities

No person shall:

- a. Allow any material, hazardous substance, chemical, wastewater, trade waste or other substance to enter, either directly or indirectly (eg via a private stormwater system) a public stormwater system that causes or is likely to cause nuisance or contravene the Councils resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans;
- b. Allow any material, chemical, hazardous substance or other substance likely to cause nuisance or contravene the Councils resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans on entering a public stormwater system to be located so that it is likely to enter a public stormwater system (either directly or indirectly) in any storm event;
- c. Do anything or allow any stock to do anything that damages or is likely to cause damage to any facet of any public stormwater system.

5.2 Restricted activities

Without the prior written approval of the Council, no person shall:

- a. Cause the crushing load imposed on any facet of a public stormwater system to exceed that which it is designed for;
- b. Erect any new vehicle or stock crossing over a watercourse, cross or pass over any watercourse within a public stormwater system without prior permission of Council;
- c. Abstract any water from or allow their stock access to any facet of any public stormwater system;
- d. Remove any existing covering material or place any additional material over or near any facet of a public stormwater system;
- e. Cover any service opening such as manholes, catchpits or any other surface infrastructure; or
- f. Modify the bank structure of an open watercourse within a public stormwater system or strip stabilising vegetation from the banks in such a way as to render them subsequently unstable.
- g. Make changes to a properties internal stormwater system including increasing impermeable surfaces of a property which will result in increase in Stormwater run-off

5.3 Building over public stormwater systems

No person shall erect any building or carry out any work in such a location and at such levels that the diversion, alteration, protection, or replacement of any facet of any public stormwater system is required, without the prior written approval of the Council.

5.4 Other restrictions

Following receipt of an application for works to be undertaken on a stormwater system, and after consideration of the proposed work methods, depth of excavations, soil properties and other site specific information, the Council may apply other restrictions for the protection of a public stormwater system.

5.5 Buried services

Any person proposing to carry out excavation work shall view the Council's publicly available online mapping system as a guide to establishing whether or not Council services are located in the vicinity. Locating the actual position and depth of existing buried services is the responsibility of the person undertaking the work or their representative.

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

6. Obstructions to stormwater systems

6.1 Prohibited activities

No person shall:

- a. Obstruct any facet of any public or private stormwater system in a manner that is likely to cause nuisance;
- b. Erect any structure or stopbank, grow any vegetation, deposit any rubbish or other debris, or carry out any activity in a place or manner that is likely to cause nuisance to a public stormwater system during a storm event or without the prior permission of the Council; or
- c. Obstruct any overland flow paths or flood plains with any material or structures such as buildings, fences, retaining walls and rock gardens without the prior permission of the Council.

6.2 Blockages

A landowner/occupier who suspects a blockage of a public stormwater system shall contact the Council immediately. The Council will arrange to have the stormwater system inspected and cleared of all blockages, provided that the blockage has not been forced downstream into a public stormwater system in an act of clearing it from the private system, and that the landowner/occupier has not breached any clauses of this Bylaw.

6.3 Tree roots

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a public stormwater system, the Council shall follow the procedure set out in section 468 of the Local Government Act 1974.

7. Responsibility

7.1 Maintenance

All privately owned stormwater systems shall be designed, constructed, managed and maintained by the owner or at the owner's expense and in accordance with their design or the manufacturer's instructions.

7.2 Open water courses

All privately owned open watercourses, stopbanks and other defences to water are to be maintained by, at the expense of the owner, to ensure free flow of water. Rubbish or debris shall not be left on a property in a manner that is likely to cause a nuisance during a storm.

7.3 Discharging into neighbouring properties

No person shall allow their stormwater to discharge on to a neighbouring property via surface flow, other than what would naturally occur from pervious areas and from designated overland flow paths.

7.4 Reporting to the Council

The following shall be reported to the Council immediately following their occurrence:

- a. Any substance entering a public or private stormwater system causing or likely to cause nuisance;
- b. Any damage or blockage to any facet of a private stormwater system causing or likely to cause nuisance; or
- c. Any damage or blockage to any facet of a public stormwater system causing or likely to cause nuisance.

7.5 Loss, damage or inconvenience

Council shall endeavour to meet the level of service requirements of clause 3.1, but shall not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in a public stormwater system.

7.6 Natural hazard emergencies

Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council, which result in large scale disruptions to the ability of public stormwater systems to receive stormwater, will be deemed an emergency.

8. Council monitoring

8.1 Access to stormwater systems

A landowner/occupier shall allow the Council access to and about all facets of all public and private stormwater systems for the purposes of monitoring, testing and maintenance work between 7:30am and 6.00pm on any day.

8.2 Access during emergencies and misuse

In emergency conditions, or for the purpose of ascertaining whether a stormwater system is being misused, a landowner/occupier shall allow the Council free access to and about all facets of all public and private stormwater systems at any hour.

8.3 Non-compliance enforcement

Scheduled monitoring of private stormwater systems shall not incur any costs to the land owner/occupier, provided no issues are discovered. If during the monitoring or at any other time a landowner's private stormwater system is found to be non-compliant, the landowner may be subject to enforcement action by the Council in accordance with clause 10.0 of this Bylaw.

9. Point of discharge

9.1 Boundary of responsibility

The point of discharge from a premises shall be the point on the public stormwater system, which marks the boundary of responsibility between the land owner and Council. This may differ from the property boundary.

Dual connections to the Council's infrastructure are prohibited. Unless dispensation is granted there shall be one point of connection only for each premises, and any private stormwater system shall not extend by pipe or any other means to serve another premises.

Refer to the Council's Connection to Reticulated Wastewater and Stormwater Services Policy for further details.

10. Enforcement actions and penalties

Every person who fails to comply with the requirements of this Bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council. The type of enforcement action carried out by the Council will depend on the severity of the situation and may include:

- a. Non-compliant notification to the land owner including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, then the Council will rectify or organise for the issue to be rectified, and recover all costs from the landowner;
- b. The Council rectifying or organising the rectification of the issue if the situation is creating nuisance or if that is the preference of the landowner, with all costs recovered from the landowner;
- c. Prosecution; or
- d. An infringement notice as specified in section 245 of the Act being issued.

11. Other requirements

The provisions of this Bylaw do not remove the need for any resource consent or other consent or approval required (ie a Regional Council discharge permit) and do not replace the

obligations or requirements set out under the Resource Management Act 1991, Building Act 2004, and Local Government Act 2002 or any other Acts, Regulations or Bylaws.

12. Powers of entry

All Council officers, or other persons authorised under section 174 or section 177 or clause 32 of Schedule 7 of the Act shall possess and produce on request warrants of authority and evidence of identity. Any Council officer may at any reasonable time enter any premises to determine compliance with this Bylaw. The extent and level of delegation to Council officers shall be in accordance with the Council's Register of Statutory Delegations and Warrants. Authorisation for entry to premises is given under the Act and entry shall be in compliance with the health and safety policies of that particular site.

13. Dispensation

Dispensation from any of the conditions specified in this policy will be at the discretion of the Council.

If a property owner wishes to apply for dispensation, the property owner shall submit a request in writing to the 3 Waters Asset Manager, setting out the matters of non-compliance, the reasons why the required standard cannot be complied with, and why an exemption should be granted. Following receipt of a dispensation request, the 3 Waters Asset Manager will respond in writing within 20 working days, either approving or declining the request and outlining justification for the decision.

Should the property owner disagree with the 3 Waters Asset Manager's decision, the property owner may request that the relevant information be submitted to either the Council's Capital Works Committee, or the full Council, for further consideration and determination.

The determination of the Council shall be final.