

# NELSON CITY COUNCIL



## BYLAW NO 212

## STORMWATER BYLAW 2006

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## NELSON CITY COUNCIL

### STORMWATER BYLAW NO 212

This bylaw is made by Nelson City Council pursuant to the provisions of Section 146 of the Local Government Act 2002.

This bylaw came into effect on Friday 13 April 2007.

#### 1. INTERPRETATION

**“Best practicable option”** means the best method for preventing or minimising the adverse effects of any stormwater discharge on the environment having regard to:

- a. the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b. the financial implications of an option compared with other options; and
- c. the effects on the environment; and
- d. the current state of technical knowledge and the likelihood that the option can be successfully applied.

**“Council”** means the Nelson City Council.

**“Construction activities”** means any activities involving the disturbance of the surface of any land but excludes farming and forestry activities.

**“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:

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

**“High risk industrial or trade process”** means those activities listed in Schedule 1 to this bylaw.

**“Manager Infrastructural Assets”** means the person employed as the Manager Infrastructural Assets by the Council or any person authorised to exercise the powers and duties of the said person.

**“Nelson RM Plan”** means the Nelson Resource Management Plan.

**“Public drain”** means any passage, channel, or pipe on, over, or under the ground by which stormwater is conveyed and which is under the control of the Council, as defined by the Stormwater Drains Ownership Policy. For the purposes of this bylaw, drains within Transit New Zealand owned land are deemed to be public drains.

**“Stormwater”** means water (excluding water in a river) when it is diverted through any passage, channel or pipe for discharge to water.

**“Sensitive area”** means any land within 5m of the banks of any river, or within any proposed esplanade strip (identified in Appendix 6 of the Nelson RM Plan), or within 20m of the coastal marine area, or any land where the slope is greater than 1 in 2.14 (47%).

**“The Act”** means the Local Government Act 2002 and its amendments.

- 1.1. Terms and expressions defined in the Act shall, when used in this bylaw, have the same meanings unless they are alternatively defined in this bylaw.

## **2. OPERATION OF BYLAW**

- 2.1. This bylaw shall apply throughout the City and to any premises which, although located outside the City, discharge, or will discharge stormwater into a public drain within the City.

## **3. CONSTRUCTION ACTIVITIES**

- 3.1. Any person who carries out a construction activity where the total area of land likely to be disturbed is greater than 3,000m<sup>2</sup>, shall prepare an Erosion and Sedimentation Control Plan. Such a plan is to be in accordance with Section XI of the Nelson City Council Engineering Standards 2006 and shall be approved by the Manager Infrastructural Assets prior to commencement of the activity.
- 3.2. Any person who carries out any construction activity other than that under 3.1 above, shall ensure that no less than the minimum level of erosion and sedimentation control identified in Section XI of the Nelson City Council Engineering Standards 2006 is undertaken in relation to that activity.

## **4. MINIMUM STORMWATER QUALITY STANDARD**

- 4.1. The owner or occupier of any land or any person causing a discharge to the Council’s stormwater system, including any discharge from a private drain or private common drain that in turn discharges to a public drain, shall ensure that it does not:
  - a. contain any chemicals, paint, oil, grease, pesticides, fertiliser, tannins, detergent, grass clippings, rubbish, litter, or heavy metals, or
  - b. cause the production of conspicuous oil or grease films, scums or foams, or floatable material, or
  - c. cause a conspicuous change of colour or visual clarity, at that point which is 30 times the receiving water channel’s width downstream from the point of the public drain discharge, or
  - d. cause an emission of objectionable odour, or
  - e. cause adverse effects on aquatic life, or
  - f. contain suspended solid concentrations in excess of 100mg/litre at that point which is 30 times the receiving water channel’s width downstream from the point of the public drain discharge, or
  - g. contain any hazardous substances, wastewater or tradewastes.

Except where the discharge:

- h. is a discharge of dye or tracer material for investigative purposes; or
- i. is a discharge of water from the testing or emptying of pipelines, tanks or bunds if no welding residues or other contaminants contained within the pipeline will be discharged to the receiving water body; or
- j. is a discharge of overflow bore water to surface water bodies, if the rate of discharge is no more than five litres per second and the discharge has not been contaminated prior to discharge; or
- k. is a discharge from a swimming pool (excluding swimming pool filter backwash water) which is free of chemicals, algae, leaves, dirt or other debris. (Any discharge with these contaminants must be discharged to the sewerage system.) Swimming pool water is considered free of chemical contaminants when a pool has been left open to sunlight for 14 days, the level of chlorine does not register on any home testing kit, and no smell of chlorine remains; or
- l. is a specific discharge which is authorised to be permitted under specific resource consent; or
- m. is from an activity for which the best practicable option is already in place, i.e. chimney discharges; or
- n. is from a high risk industrial or trade process where a Pollution Prevention Plan has been approved.

## **5. POLLUTION PREVENTION PLANS**

- 5.1. When requested by the Manager Infrastructural Assets the operator of any high risk industrial or trade processes shall prepare a site or operation specific Pollution Prevention Plan and submit this plan and obtain approval for it from the Manager Infrastructural Assets no later than 30 June 2008, or within 6 months of being requested to provide a Pollution Prevention Plan by the Manager Infrastructural Assets, which ever occurs later, or such later date as the Manager Infrastructural Assets might agree.
- 5.2. The Pollution Prevention Plan, required under Clause 5.1 above, shall include:
  - a. A site assessment identifying all actual and potential sources of stormwater pollution
  - b. Suitably scaled plans showing the site layout, boundaries, all stormwater and sewer drainage, and relevant buildings and outdoor spaces (including identification of their use)
  - c. Identification and installation requirements of the best practicable options proposed to ensure that potential contamination of stormwater discharges are minimised. The application of other current Nationally accepted standards will be taken into account by the Manager Infrastructural Assets when assessing Pollution Prevention Plans
  - d. Site specific spill prevention and spill response procedures
  - e. A description of the maintenance procedures proposed, actions to be taken and/or infrastructure to be developed.
- 5.3. Within 6 months of the Pollution Prevention Plan being approved by the Manager Infrastructural Assets, or such later date as the Manager Infrastructural Assets might

agree, the operator shall be fully compliant with the requirements of the approved Pollution Prevention Plan.

**6. REVIEW OF POLLUTION PREVENTION PLANS**

- 6.1. Any Pollution Prevention Plan prepared in pursuance of Clause 5 shall be reviewed no less than three years after implementation and thereafter at three yearly intervals.
- 6.2. Notwithstanding Clause 6.1 above, the Manager Infrastructural Assets may require that any Pollution Prevention Plan shall be revised where he considers that there have been significant changes in the facility concerned or its operational procedures.

**7. MONITORING OF STORMWATER DISCHARGES**

- 7.1. Council may independently monitor, sample and analyse discharged stormwater and recover costs from the property occupier, where failure to comply with the Pollution Prevention Plan is evidenced.

**8. OFFENCES**

- 8.1. Unless a resource consent allows otherwise or it is a permitted activity under the Nelson Resource Management Plan every person who discharges or causes the discharge of stormwater to a public drain in contravention of Clause 4 hereof, or who fails to adhere to or comply with an approved Pollution Prevention Plan, or any occupier of a high risk facility or operator of high risk operations who fails to submit a Pollution Prevention Plan and obtain the approval of the Manager Infrastructural Assets to a Pollution Prevention Plan in accordance with Clause 5, or such later date as the Manager Infrastructural Assets might have set, commits an offence against this bylaw and on summary conviction is liable to a fine not exceeding \$20,000.

**The foregoing bylaw was duly made by the Nelson City Council at an Ordinary Meeting of the Council held on the 12<sup>th</sup> day of April 2007**

**The COMMON SEAL of the (**  
**NELSON CITY COUNCIL (**  
**was hereto affixed in the (**  
**presence of: (**

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Mayor

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Chief Executive

## **SCHEDULE 1 – HIGH RISK INDUSTRIAL OR TRADE PROCESSES**

High risk industrial and trade processes include:

- a. aggregate and material storage/stockpiled yards which are subject to erosion and/or leaching of contaminants
- b. boat building and repair facilities
- c. construction and maintenance depots
- d. demolition activities
- e. facilities for the production, use, storage or disposal of hazardous substances and/or tradewaste occurs
- f. facilities where vehicle and plant wash water is generated
- g. food and beverage manufacturers
- h. landfills and quarries
- i. laundries and dry cleaners
- j. liquid waste removal contractors
- k. manufacture, storage or handling of products derived from animal slaughter
- l. metal processing works, metal recyclers and foundries
- m. operations where water used to wash buildings uses detergents and chemicals and liquid waste removal contractors
- n. printers
- o. retail service stations, truck stops, oil terminals and depots and lubricating oil blending and grease manufacturing plants
- p. recycling and waste centres
- q. spray painting, panel beaters and sign writers workshops
- r. timber treatment, preservation and timber storage plants
- s. transport depots
- t. vehicle and mechanical engineering workshops
- u. vehicle recyclers
- v. wood and paper product and furniture manufacturers
- w. any other activity or premises nominated by the Manager Infrastructural Assets that has failed to meet the minimum stormwater quality standards.