
I hereby give notice that the public deliberation for a Special Consultative Procedure will be held on:

Date: Monday, 4 April 2022
Time: 1pm
Venue: Online via MS Teams

DELIBERATION REPORT

TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE-Ā-ROHE WAI ĀWHĀ / AUCKLAND COUNCIL STORMWATER BYLAW 2015

PANEL MEMBERS

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WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE PUBLIC DELIBERATION

At the start of the meeting, the Chairperson will introduce the panel members and council staff and will briefly outline the procedure.

The hearing panel have attended a series of Have Your Say events to hear from the public and have read the officers report and written submissions.

The hearing panel will now deliberate on what they have heard and read and will make a recommendation to the Governing Body.

**SPECIAL CONSULTATIVE PROCEDURE - TE KAUNIHERA O TĀMAKI MAKĀURAU TE
TURE-Ā-ROHE WAI ĀWHĀ / AUCKLAND COUNCIL STORMWATER BYLAW 2015**

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Reporting Officer, Dean Yee, Senior Healthy Waters Specialist

Reporting on the Have Your Say events and written submissions on the proposed Te Kaunihera O Tāmaki Makaurau Te Ture-Ā-Rohe Wai Āwhā / Auckland Council Stormwater Bylaw 2015.

Te take mō te pūrongo

Purpose of the report

1. Tautoko / assist Bylaw Panel deliberations on public feedback to the proposed amended Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.

Whakarāpopototanga matua

Executive summary

2. To tautoko / assist Bylaw Panel deliberations on public feedback to the proposal, staff have summarised the feedback and provided a structure for the deliberations (Attachment A).
3. The proposal helps protect the stormwater network from damage, misuse, interference and nuisance by requiring approvals for vesting of new stormwater assets, and ensuring effective maintenance and operation of private stormwater systems.
4. Auckland Council received responses from 79 people and organisations.¹ All feedback is summarised into the following topics:

Topic	Description
Proposal One	Controls on public stormwater network and private stormwater systems.
Proposal Two	Additional requirements for vesting of public assets and approvals.
Proposal Three	Approving modifications or new engineered wastewater overflow points.
Proposal Four	Restricting or excluding activities for parts of the stormwater network.
Proposal Five	Updating the bylaw wording, format, and definitions.
Other	Other bylaw-related matters raised in public feedback and other additional matters.

5. Staff recommend that the Panel consider all feedback received on the proposal and make the necessary recommendations to the Governing Body.
6. This approach will help complete the statutory process the council must follow. This includes considering with an open mind the views of people and organisations interested in the proposal before making a final decision.
7. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.
8. The final step in the statutory process is for the Governing Body to approve the Bylaw Panel recommendations on 28 April 2022. If approved, staff will publicly notify the decision and publish the Bylaw.

Ngā tūtohunga

Recommendation/s

That the Bylaw Panel:

- a) mihi / thank those persons and organisations who gave public feedback on the proposed amended Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.

¹ This included 61 individuals and 18 organisations.

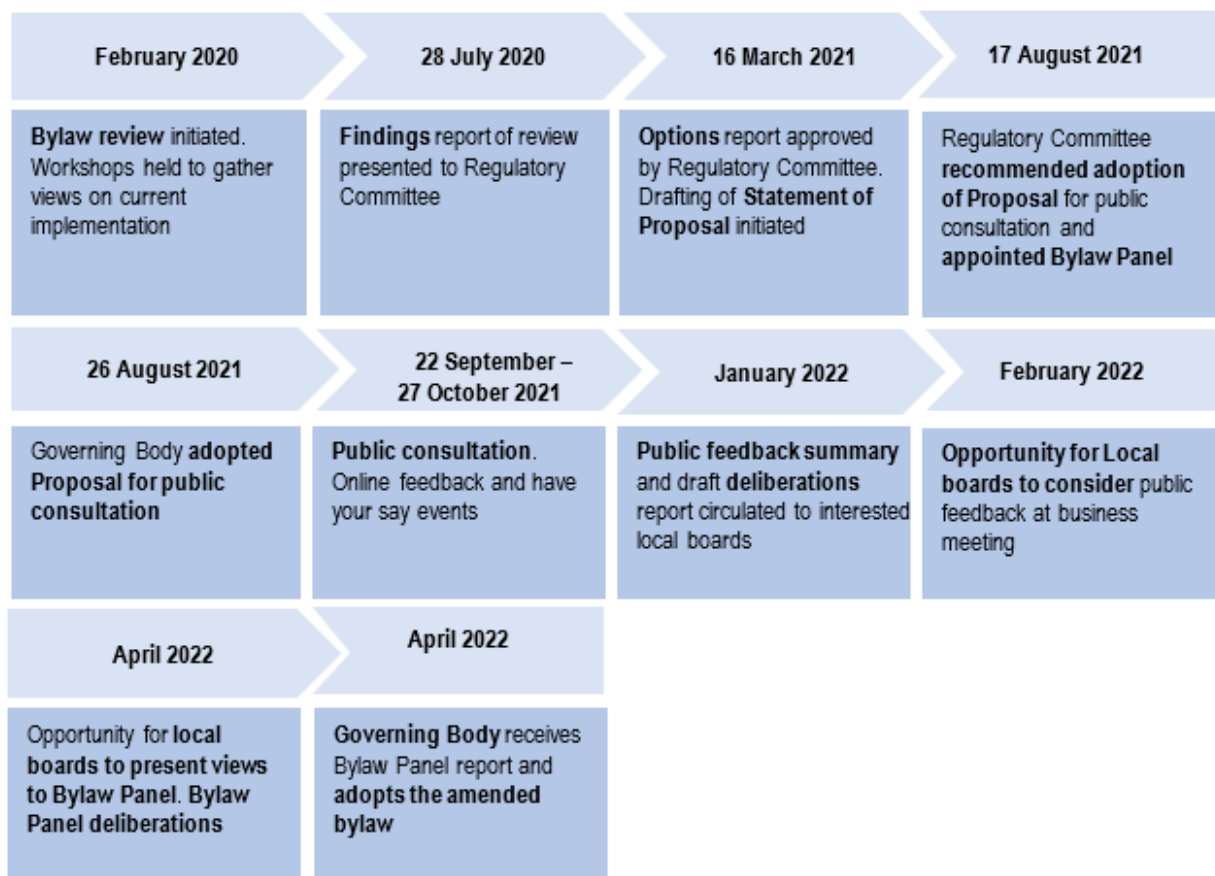
- b) tono / request that staff as delegated by the Chief Executive prepare a decision report to the Governing Body for approval of the Panel.

Horopaki Context

The proposal amends Stormwater Bylaw 2015

9. On 26 August 2021, the Governing Body adopted a [proposal](#) (Attachment B) to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 (Bylaw) for public consultation (GB/2021/102).
10. The proposal arose from a statutory review of the Stormwater Bylaw 2015 by the Regulatory Committee in 2020 (REG/2020/43). Figure 1 describes the process for the statutory review and the proposal to amend the Bylaw.

Figure 1. Process to review and amend the Stormwater Bylaw 2015



11. The proposal seeks to better protect the stormwater network from damage, misuse, interference and nuisance, by:
- specifying controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems
 - considering additional requirements for vesting of public assets and approvals under the Bylaw
 - requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network
 - restricting or excluding certain activities for parts of the stormwater network
 - updating Bylaw wording, format, and definitions.
12. The proposed amended Bylaw supports the Network Discharge Consent and Stormwater Code of Practice and is part of a wider suite of regulatory tools (such as the Auckland Unitary Plan) that are available to help manage the stormwater network and land drainage.

Bylaw Panel was appointed to deliberate on public feedback to the proposal

13. On 17 August 2021, the Regulatory Committee appointed a Bylaw Panel to attend public consultation events, deliberate and make recommendations to the Governing Body on public feedback to the proposal (REG/2021/12).
14. When deliberating, the Panel:²
 - must receive public feedback with an open mind and give it due consideration
 - must provide the decisions and reasons to submitters who gave feedback
 - must ensure all meetings are open to the public
 - may consider or request comment or advice from staff or any other person to assist their decision-making.

Feedback on the proposal was received from 79 people and organisations

15. The proposal was publicly notified for feedback from 22 September to 27 October 2021. Council received [feedback](#) from 61 individuals and 18 organisations from across Auckland during that period (see Table 1).

Table 1. Summary of public notification and feedback

Public consultation initiatives
<ul style="list-style-type: none"> • creation of an 'AK Have Your Say' webpage • public notice in all local suburban papers in September 2021 • article on 'Our Auckland' website in September 2021 • promotion through social media pages (Twitter and Facebook) in September 2021 • promotion through the People's Panel consultation webpages in September 2021 • virtual presentation to the Rural Advisory Panel on 5 November 2021 • email notification to all local board members, advisors, senior advisors and local area managers, and the Chair of the Independent Māori Statutory Board in September 2021 • email notification to stakeholders, business networks and industry representatives; mana whenua; and internal stakeholders (administrative and technical departments) in September 2021
Public feedback opportunities
<ul style="list-style-type: none"> • in writing online, or by email from Wednesday 22 September 2021 to Wednesday 27 October 2021 • two virtual drop-in 'Have Your Say' events on Friday 1 October 2021 and Monday 11 October 2021 • one-on-one sessions for mana whenua (if requested)
Consultation reach (number of responses)
<ul style="list-style-type: none"> • the 'AK Have Your Say' webpage received 553 'visits'³ • feedback received from 79 people and organisations (61 individuals and 18 organisations) as follows: <ul style="list-style-type: none"> ○ 68 submissions received by completing an online feedback form, and 11 submitting via an email ○ two industry stakeholders attended the online 'Have Your Say' events, and one of them provided formal feedback on the online form • no mana whenua opted to attend any one-on-one session.

16. Attachments A to G in this report contain a deliberations table, proposal, summary and full copy of public feedback, summary of operational and non-bylaw-related feedback and local board views on public feedback.

² Sections 82(1)(e), 82(1)(f) and 83(3) of the Local Government Act 2002 and sections 46 and 47 of the Local Government Official Information and Meetings Act 1987.

³ 'AK Have Your Say' webpage 'hits' comprised of 68 'engaged visitors' (people who completed the online survey), 175 'informed visitors' (people who downloaded a document, visited an FAQ page or multiple project pages, or completed the survey) and 405 'aware visitors' (people who visited at least one page).

Tātaritanga me ngā tohutohu

Analysis and advice

17. To assist the Bylaw Panel in its deliberations, staff have summarised bylaw-related public feedback into topics in Attachment A. This enables the Panel to deliberate and record its recommendations on each topic to meet statutory requirements.
18. The majority of submitters supported Proposals One, Three and Five. Proposals Two and Four received marginally less than 50 per cent support as shown in Table 2.

Table 2. Support for proposals for the Stormwater Bylaw 2015

Topic	Support	Description
Proposal One	60 per cent	Controls on public stormwater network and private stormwater systems.
Proposal Two	47 per cent	Additional requirements for vesting of public assets and approvals
Proposal Three	64 per cent	Approving modifications or new engineered wastewater overflow points
Proposal Four	48 per cent	Restricting or excluding activities for parts of the stormwater network
Proposal Five	73 per cent	Updating the bylaw wording, format, and definitions
Other		Other bylaw-related matters raised in public feedback and other additional matters.

19. Key matters for deliberations include:
 - the addition of mana whenua values and carbon lifecycle for vesting and approval of public assets in Proposal Two
 - clarification of scope for restricting or excluding activities for parts of the stormwater network in Proposal Four. For example, whether the restrictions would be applied on a case-by-case basis.
20. Staff have forwarded feedback on operational and non-bylaw matters (summarised in Attachment F) to relevant council units.

Tauākī whakaaweawe āhuarangi

Climate impact statement

21. Effective stormwater management enhances Auckland’s response to climate change by regulating land drainage as a response to increased extreme weather events. Carbon emissions from constructed infrastructure can also contribute to climate change.
22. The proposal enables the council to help meet its climate change goals and align the amended Bylaw with the Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan’s Built Environment priority.
23. Feedback was received in relation to the latest version of the Stormwater Code of Practice, seeking to incorporate the sea rise levels based on the climate change scenario identified in the Auckland Climate Plan. This feedback has been forwarded to the relevant council units for consideration.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

24. The Bylaw impacts the operations of Auckland Council’s Healthy Waters teams as well as teams involved in the regulation, compliance and enforcement of stormwater such as the Regulatory Engineering and Regulatory Compliance. Impacted departments have been consulted with and are aware of the proposals.
25. Healthy Waters staff have also worked closely with Watercare to ensure the amended Bylaw is consistent with the recently updated Water Supply and Wastewater Network Bylaw 2015.
26. Auckland Transport has also submitted its formal feedback on the proposal.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

27. Under the agreed principles and processes for Local Board Involvement in Regional Policy, Plans and Bylaws (2019), the Bylaw has been classified as low interest. It is also considered to be of no impact on local governance for local boards.⁴
28. In February and March 2022, local boards had an opportunity to provide formal views by resolution on how the Bylaw Panel should address matters raised in public feedback to the proposal. In addition, local boards could also choose to present those views in-person to the Bylaw Panel on 4 April 2021.
29. Seventeen local boards provided their views by resolution (Attachment G). Key views include:
 - in general, some local boards explicitly supported the proposals and their views on the proposal aligned with the feedback received from the public
 - five local boards raised concerns about a blanket ban of access to stormwater infrastructure. This is addressed in Proposal 4 of the Deliberations Table (Attachment A)
 - two local boards provided comments about stormwater infrastructure that is constructed and operated within local park areas
 - four local boards advocated for more enforcement, monitoring, and compliance, including appropriate resourcing. Two local boards have also requested that council seeks from central government infringement powers for bylaws created under the Local Government Act 2002.

Tauākī whakaaweawe Māori

Māori impact statement

30. The Bylaw supports the Independent Māori Statutory Board Māori Plan for Tāmaki Makaurau key direction of *Manaakitanga - Improve Quality of Life* by managing land drainage.
31. The Bylaw proposal aligns with the Auckland Council Māori Outcomes Framework – Kia Ora Tāmaki Makaurau: Kia ora te Taiao by enabling mana whenua to exercise kaitiakitanga of stormwater related matters under the Bylaw.
32. Mana whenua were notified of the proposal and given the opportunity to provide feedback through online meetings, in writing via email, or through the online form. There were also hui held with mana whenua during the findings and options development.
33. The majority of submitters who identified as Māori supported Proposals One, Three, Four and Five. There was an even split between those who supported and opposed Proposal Two.
34. Some concerns were raised about Māori customary fishing rights when access to parts of the stormwater network is restricted. Any restrictions for health and safety reasons would be considered on a case-by-case basis with due consideration given to factors including access for cultural reasons. Further explanation on this matter is contained in the deliberations for Proposal Four.

Ngā ritenga ā-pūtea

Financial implications

35. There are no financial implications for the council arising from decisions sought in this report. The cost of reviewing the Bylaw and its implementation will be met within existing budgets.
36. Public feedback raised concerns regarding the financial cost of implementing the latest version of the Stormwater Code of Practice incorporating the sea rise levels based on the

⁴ The decision-making responsibility for Te Arai Drainage District, the Okahuhura Drainage Area and the Glorit Drainage District was reallocated to the Governing Body on 9 December 2020 (GB/2020/140).

climate change scenario identified in the Auckland Climate Plan. This feedback (Attachment F) has been forwarded to the relevant council units for consideration.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

37. The following risks have been identified:

Table 3. Risks and mitigations associated with the consideration of feedback on the Stormwater Bylaw 2015 review

If...	Then...	Mitigation
Some people or organisations feel the feedback they provided was not addressed.	There may be a negative perception about the legitimacy of the deliberations.	The Bylaw Panel considers all public feedback contained in this report and in its decision report to the Governing Body.

Ngā koringa ā-muri Next steps

38. Staff will prepare a report from the Bylaw Panel to the Governing Body to implement the Panel directions on public feedback from its deliberations meeting. If necessary, the report will be circulated to the Panel for approval and the Panel can reconvene.
39. The final step in the statutory process is for the Governing Body to approve recommendations from the Panel on 28 April 2022. If approved, council staff will publicly notify the decision and publish the amended Bylaw.

Ngā tāpirihanga Attachments

No.	Title
A	Deliberations table
B	Statement of Proposal [Click link to view]
C	Summary of public feedback
D	Online and written submissions
E	'Have Your Say' events feedback
F	Operational and non-bylaw-related feedback
G	Local Board views on public feedback

Ngā kaihaina Signatories

Authors	Dean Yee – Senior Healthy Waters Specialist, Healthy Waters Strategy
Authorisers	Andrew Chin – Head of Strategy, Healthy Waters

ATTACHMENT A
DELIBERATIONS TABLE

Attachment A – Deliberations Table

This attachment provides a structure for deliberations. It contains a summary of public feedback on the proposal and local board views.

The Bylaw Panel will have read all the feedback and views in Attachments C to G to ensure that all matters raised receive due consideration.

Note:

- The number of comments for key themes may not equal the total number of comments stated for the proposal because they include general comments or exclude operational and non-bylaw related matters. Some comments may also cover multiple themes and topics.
- Public feedback about operational and non-bylaw related matters is summarised in Attachment F and has been referred to other council units and council-controlled organisations where relevant.

Public feedback topic (Proposal 1) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater systems</p> <p>68 feedback responses: 41 support (60 per cent), 15 oppose (22 per cent), 5 other (7 per cent), 7 don't know (10 per cent), and 47 comments.</p> <p>Key themes in support (17):</p> <ul style="list-style-type: none"> • Proposal is best practice for the network (13): <ul style="list-style-type: none"> ○ Best practice, makes sense; logical; good idea, important (7) ○ Bylaw and Code of Practice give consistent standard to protect public and private stormwater systems (5) <p>Key themes opposed (13):</p> <ul style="list-style-type: none"> • Concerns about specified controls (6) <ul style="list-style-type: none"> ○ Guidance documents should not be listed as controls (6) ○ Request all controls and changes to be consulted upon (3) ○ Remove reference to controls for private properties (3) • Controls on private property (5) • Increased cost for landowners and resources required by council to implement rules (3) <p>Local board views</p>	<p>Current Bylaw:</p> <ul style="list-style-type: none"> • Allows council to specify controls for public network [cl 6] • Requires compliance with Code of Practice and guidelines. [cl 9, 10, 14] <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • Allow controls to apply for the safe and efficient operation of private stormwater systems [cl 6], especially those connected to the public stormwater network as they play a role in land drainage • Reference the Stormwater Code of Practice and guideline documents for clarity. [Schedule 1] <p>About the process to make controls</p> <ul style="list-style-type: none"> • The approach to specifying controls in a separate document is the same as provided for in the current Bylaw. The amendments are for clarity. • The approach to provide for the making of controls is an established practice across Auckland Council bylaws. • The ability to make a control is constrained to the matters specified in the Bylaw and general decision-making requirements of the Local Government Act 2002, including being made by council resolution publicly notified, after considering the views and preferences of persons likely to be affected or have an interest in the particular control. 	<p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p>

Public feedback topic (Proposal 1) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> The views of 17 local boards were received. Henderson-Massey Local Board, Hibiscus and Bays Local Board, Manurewa Local Board, Rodney Local Board, Waitemata Local Board supported Proposal 1. Orakei Local Board raised specific concerns about stormwater infrastructure in parks / reserves. This is further addressed in key changes of Proposal 2. 	<ul style="list-style-type: none"> Feedback related to consultation requirements of the Stormwater Code of Practice is included in Attachment F. 	

Public feedback topic (Proposal 1) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (guidance and code of practice removed as controls) (6)</p> <ul style="list-style-type: none"> Remove guidance documents as they should not be prescribed as a mandatory control document Remove controls with the Code of Practice and Guidance that applies to private properties as they will restrict types of stormwater solutions on private properties 	<ul style="list-style-type: none"> Guidance documents are often referred to and can be controls by reference. For example, guidance documents are also referred to within the Auckland Unitary Plan. The application of the technical matters is considered by the industry professionals. The public stormwater network is largely influenced by private stormwater systems that connect to it. Setting the technical documents as controls does not mandate or limit the application on private properties, but it gives certainty around the design and operation of the system if the technical documents apply. 	<p>That the proposal about specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater systems</p>
<p>Key changes sought (controls to be consulted upon) (3)</p> <ul style="list-style-type: none"> Controls to be consulted upon before specifying in Schedule 1 	<ul style="list-style-type: none"> The Bylaw already requires consideration of the views and preferences of persons likely to be affected or have an interest in the particular control. The nature and extent of consultation to obtain those views will depend on the significance of the matter being considered at council's discretion as prescribed in the general decision-making requirements of the Local Government Act 2002. The contents and amendments to the Stormwater Code of Practice are not part of this proposal to amend the Stormwater Bylaw 2015. Feedback on the Code is captured in Attachment F. The Panel could if it wishes consider further clarifying the process by including a related information note referring to the general decision-making requirements of the Local Government Act 2002. 	<p>Either [Panel to decide] OR be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND</p>

Public feedback topic (Proposal 1) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
	<ul style="list-style-type: none"> • Staff recommend the proposal be changed to replace the register of controls in Schedule 1 with a related information note under relevant clauses (for example, clauses 6 and 8) and to recommend a Governing Body resolution to make the controls which will be publicly notified with the decisions on the other proposed amendments. As drafted, changes to a control under the Bylaw would then require a Bylaw amendment to update its reference in Schedule 1 which is inefficient, confusing and inconsistent with current council bylaw drafting practices. Using a related information would mitigate those disadvantages while still providing the clarity sought by the proposal. 	Reasons include to [Panel to insert].
<p>Key changes sought (remove Schedule 4 NDC) (4)</p> <ul style="list-style-type: none"> • Remove Schedule 4 of the Network Discharge Consent from Schedule 1 Controls 	<ul style="list-style-type: none"> • The reference to Schedule 4: Connection Requirements in Schedule 1 of the Bylaw sets out the requirements for developments to be authorised by the Stormwater Network Discharge Consent granted by the Environment Court. • The Bylaw is a key regulatory tool in ensuring developments that is part of the public stormwater network complies with the requirements of the network including the Stormwater Network Discharge Consent, this is captured in the proposed Bylaw under Clause 9. • Staff recommend removing the reference to Schedule 4: Connection Requirements as a control in Schedule 1. The reference is unnecessary because the requirement to comply with it is contained in Clause 9. 	

Public feedback topic (Proposal 2) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Additional requirements for vesting of public assets and approvals</p> <p>66 feedback responses: 31 support (47 per cent), 22 oppose (33 per cent), 3 other (5 per cent), 10 don't know (15 per cent), and 53 comments.</p> <p>Key themes in support (9):</p> <ul style="list-style-type: none"> • Agrees with proposal for better stormwater network standard (2) 	<p>Current Bylaw:</p> <ul style="list-style-type: none"> • Applications can consider matters such as compliance with Code of Practice, past operational and compliance issues, features of the stormwater system, any policy or guidelines, harmful effects, etc. [cl 19] • Approvals can condition matters relating to the activity, the flow and volume of discharge, appropriateness of devices, bonds, encumbrance, etc. [cl 20] <p>Proposal seeks to:</p>	Not applicable. Recommendations made only in relation to 'key changes sought' below.

Public feedback topic (Proposal 2) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> Important to incorporate climate change and iwi considerations (3) <p>Key themes opposed (21):</p> <ul style="list-style-type: none"> Do not include items relating to race, mana whenua values not related to technicality of stormwater (9) Carbon footprint is nonsense and not technical. Focus should be on stormwater only (5) Add administration costs and fees to the public (5) <p>Local board views</p> <ul style="list-style-type: none"> The views of 17 local boards were received. Hibiscus and Bays Local Board, Māngere-Ōtāhuhu Local Board, Manurewa Local Board, Rodney Local Board, Waitemātā Local Board supported Proposal 2 Ōrākei Local Board raised specific concerns about stormwater infrastructure in parks / reserves. 	<ul style="list-style-type: none"> Add stormwater network discharge consent, stormwater management plans, mana whenua values, and carbon footprint as possible considerations for applications. [cl 19] Add conditions for matters relating to inspection requirements for vesting, mana whenua values, carbon footprint, and the duration of approval. [cl 20] <p>Note: Feedback related to implementation processes on the proposal is included in Attachment F.</p>	

Public feedback topic (Proposal 2) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (remove mana whenua values) (9)</p> <ul style="list-style-type: none"> Remove mana whenua values as a consideration 	<ul style="list-style-type: none"> The Local Government Act 2002 requires council to involve Māori in decision-making processes [s4, s14] and requires council to take into account the relationship of Māori for significant decisions relating to land or body of water [s77]. This aligns with the process and requirements of consideration for resource consents assessed under the Resource Management Act 1991. 	<p>That the proposal about additional requirements for vesting of public assets and approvals Either [Panel to decide] be adopted as publicly notified. OR</p>
<p>Key changes sought (remove carbon footprint) (5)</p> <ul style="list-style-type: none"> Remove carbon footprint as a consideration 	<ul style="list-style-type: none"> The majority of council stormwater assets are built by developers and vested to Auckland Council. In order for council to reduce carbon emissions from infrastructure activities, we need to be able to measure and manage the embodied carbon from stormwater infrastructure. The proposal helps council meet the goals of the Auckland Climate Plan by allowing council to manage our carbon footprint of stormwater infrastructure. 	
<p>Key changes sought (consider effects on private properties) (1)</p>	<ul style="list-style-type: none"> Considerations under clause 19(1) already include premises, private stormwater systems, and public stormwater network. 	

Public feedback topic (Proposal 2) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> • Include under clause 19(1) a requirement to consider the effects on neighbouring landowners and private infrastructure • Further consultation with impacted landowners particularly with any additional support required due to public stormwater impacts on private land 	<ul style="list-style-type: none"> • The Panel could if it wishes consider adding under clause 19(1) “effects on neighbouring land and infrastructure, including landowner views” 	be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert].
<p>Key changes sought from Ōrākei Local Board (additional considerations for approvals)</p> <ul style="list-style-type: none"> • more local board involvement for stormwater infrastructure within local parks and reserves in relation to council landowner approvals. 	<ul style="list-style-type: none"> • Council landowner approvals for stormwater infrastructure within parks and reserves are currently directed to local boards for their involvement through internal non-statutory policies and processes. • Feedback related to landowner approvals have been referred to relevant council staff (captured in Attachment F). 	AND Reasons include to [Panel to insert].

Public feedback topic (Proposal 3) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Approving modifications or new engineered wastewater overflow points</p> <div style="border: 1px solid black; padding: 5px;"> <p>66 feedback responses: 42 support (64 per cent), 3 oppose (5 per cent), 13 (20 per cent), 8 don't know (12 per cent), and 48 comments.</p> </div> <p>Key themes in support (19):</p> <ul style="list-style-type: none"> • Important to protect public health and safety (6) • Prevent wastewater overflows into our waterways (4) • Stormwater assets and overflows need to be regulated and designed properly (2) <p>Key themes opposed (3):</p> <ul style="list-style-type: none"> • Should be covered by resource consents (1) • Increased cost passed onto end users (1) <p>Local board views</p> <ul style="list-style-type: none"> • The views of 17 local boards were received 	<p>Current Bylaw:</p> <ul style="list-style-type: none"> • Does not contain any reference to engineered wastewater overflow points [cl 9]. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • Specify that any new connection or modification of Engineered Overflow Points from the wastewater network into the stormwater network requires approval. This generally only impacts wastewater network utility operators [cl 9]. 	Not applicable. Recommendations made only in relation to 'key changes sought' below.

Public feedback topic (Proposal 3) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> Hibiscus and Bays Local Board, Manurewa Local Board, Rodney Local Board, Waitemata Local Board supported Proposal 3. 		

Public feedback topic (Proposal 3) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (remove engineered overflow points) (1)</p> <ul style="list-style-type: none"> Remove engineered overflow points as it should be covered by resource consents / RMA Rodney Local Board does not support approvals of Engineered Overflow Points unless it leads to improved stormwater outcomes and environmental enhancement 	<ul style="list-style-type: none"> Engineered overflow points are covered by the resource consent process due to their effect on the environment as regulated under the Resource Management Act 1991. However, the overflow points may cause significant impact on the stormwater network and the network utility operator. Auckland wastewater network utility operator, Watercare, supports that a formal mechanism of approval is available for the stormwater network utility operator for engineered overflow points that impact the stormwater network. 	<p>That the proposal about approving modifications or new engineered wastewater overflow points</p> <p>Either [Panel to decide]</p> <p>be adopted as publicly notified.</p> <p>OR</p> <p>be amended to [Panel to insert].</p> <p>OR</p> <p>be rejected and the proposal amended to [Panel to insert].</p> <p>AND</p> <p>Reasons include to [Panel to insert].</p>

Public feedback topic (Proposal 4) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Restricting or excluding activities for parts of the stormwater network</p> <p>69 feedback responses: 33 support (48 per cent), 18 oppose (26 per cent), 15 other (22 per cent), 3 don't know (4 per cent), and 50 comments.</p> <p>Key themes in support (18):</p> <ul style="list-style-type: none"> • Proposal is best practice for public safety (4) • Activity should be done elsewhere (1) <p>Key themes opposed (1):</p> <ul style="list-style-type: none"> • It is not council's responsibility to regulate people on water bodies (6) • The public should continue to have access to waterways and to undertake restoration activities (5) • This will affect iwi rights of gathering kai (1) <p>Key themes in other (1):</p> <ul style="list-style-type: none"> • The restrictions should not be a blanket ban, but evaluated case by case (3) • Safety should be addressed in the design quality of infrastructure (4) <p>Local board views</p> <ul style="list-style-type: none"> • The views of 17 local boards were received • Māngere-Ōtāhuhu Local Board, Ōrākei Local Board, Waitemata Local Board supported Proposal 4 	<p>Current Bylaw:</p> <ul style="list-style-type: none"> • Requires approvals for physical works that are in proximity to the stormwater network. It however does not address when activities are undertaken in or around the stormwater network. [cl 10] <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • Allow council to restrict or exclude access or activity to specific parts of the public stormwater network for safe and efficient operation and to protect public safety. [cl 10] 	<p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p>

Public feedback topic (Proposal 4) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (remove restriction) (6)</p> <ul style="list-style-type: none"> It is not council's responsibility so proposal should be removed 	<ul style="list-style-type: none"> The council is responsible for maintaining and operating an efficient and effective stormwater network and appropriately regulate land drainage. Assets that are constructed or under the responsibility of the council can sometimes pose safety risks to the public. These risks need to be managed under the Health and Safety and Work Act and one way of managing those risks is to remove the public from the hazard. 	<p>That the proposal about restricting or excluding activities for parts of the stormwater network</p>
<p>Key changes sought (iwi rights of gathering kai) (1)</p> <ul style="list-style-type: none"> Restrictions in the proposal could limit iwi rights of gathering kai from waterways 	<ul style="list-style-type: none"> Customary fishing rights of tangata whenua are recognised under Te Tiriti o Waitangi and legislation such as the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The proposal includes the restriction from an operational and health and safety perspective and as such that would be applied on a case-by-case basis (with due consideration given to factors including access for cultural reasons). Panel could if it wishes consider clarifying clause 10(4) to have regard to provide examples of when the clause would be used, for example on artificial (constructed) parts of the network where there is a safety hazard. 	<p>Either [Panel to decide]</p> <p>be adopted as publicly notified.</p> <p>OR</p> <p>be amended to [Panel to insert].</p> <p>OR</p>
<p>Key changes sought (clarify scope of proposal) (11)</p> <ul style="list-style-type: none"> Restrictions should be assessed on a case-by-case basis and not be a blanket ban Franklin Local board, Hibiscus and Bays Local Board, Manurewa Local Board, Upper Harbour Local Board, Waitematā Local Board raised concern about restricting access to community groups undertaking restoration and beautification activities 	<ul style="list-style-type: none"> Proposal is intended for staff to apply restrictions on a limited case-by-case basis with due consideration given to public safety and other factors, with clause 10(4) using the words 'may' and 'specific parts'. 	<p>be rejected and the proposal amended to [Panel to insert].</p> <p>AND</p> <p>Reasons include to [Panel to insert].</p>

Public feedback topic (Proposal 5) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Updating the bylaw wording, format, and definitions</p> <p>67 feedback responses: 49 support (73 per cent), 7 oppose (10 per cent), 7 other</p>	<p>Current Bylaw:</p> <ul style="list-style-type: none"> considers wetlands as part of the natural stormwater network [cl 13] uses outdated language and terminology that can be difficult to understand provides no reference to wider regulatory framework or existing controls. <p>Proposal seeks to:</p>	<p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p>

Public feedback topic (Proposal 5) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>(10 per cent), 4 don't know (6 per cent), and 39 comments.</p> <p>Key themes in support (17):</p> <ul style="list-style-type: none"> • Proposal is reasonable and improves the Bylaw by making it easier to read (10) • Strengthening the enforcement and compliance of the Bylaw is important (2) <p>Key themes opposed (7):</p> <ul style="list-style-type: none"> • More clarity around what the Best Practicable Option is and how Code of Practice applies (3) • Clarify scope of the Bylaw considering council's bylaw making power for stormwater under the Local Government Act (2) • Council is managing effects under the Bylaw which should be an RMA matter (3) <p>Key themes in other (6):</p> <ul style="list-style-type: none"> • Council is wasting resources and money doing this (2) • Clarity around the scope and limitations of the Bylaw (2) <p>Local board views</p> <ul style="list-style-type: none"> • The views of 17 local boards were received. • Albert-Eden Local Board, Manurewa Local Board, Ōrākei Local Board supported Proposal 5 	<ul style="list-style-type: none"> • clarify how vegetation relates to stormwater network in relation to green infrastructure for stormwater management [cl 13] • explain wider regulatory framework (other rules and regulations) • act as a 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages, forms and other rules and permissions • clarify the enforcement and breach provisions around non-compliance with the Bylaw. [cl 21, 23, 25] <p>About 'council's scope on bylaw powers' feedback:</p> <ul style="list-style-type: none"> • proposal does not exceed council's mandate under the Local Government Act 2002 (LGA2002). Under LGA2002, council has bylaw making powers and a legislative mandate as a public body (as opposed to a private body) to regulate land, structures or infrastructure associated with land drainage • proposal is consistent with the Bylaws Act 1910 as it is not repugnant to other legislations such as the Resource Management Act 1991. It does not become invalid merely because it deals with similar matters – stormwater and drainage. 	

Public feedback topic (Proposal 5) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> Albert-Eden Local Board, Devonport-Takapuna Local Board, Puketāpapa Local Board, and Upper Harbour Local Board advocated for more enforcement and compliance activities, as well as resourcing for them Ōrākei Local Board requested for specific enforcement powers. 		

Public feedback topic (Proposal 5) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (definition of BPO) (1)</p> <ul style="list-style-type: none"> Define what Best Practicable Option means as it is unclear 	<ul style="list-style-type: none"> The proposed Bylaw mentions Best Practicable Option only once within the clause for definition of 'stormwater management plan' [cl5]. The Best Practicable Option is a term used when reviewing Stormwater Management Plans for the Network Discharge Consent. It is understood by industry for stormwater assessments and unnecessary to define in the Bylaw. 	<p>That the proposal about updating the bylaw wording, format, and definitions</p>
<p>Key changes sought (definition of Nuisance) (1)</p> <ul style="list-style-type: none"> Danger to life and public health was removed and needs to be put back 	<ul style="list-style-type: none"> The definition is still the same as described in the Health Act 1956. The examples were simplified as some of it were obvious. Panel could if it wishes consider reverting to the original definition. 	<p>Either [Panel to decide]</p>
<p>Key changes sought (include wetland) (1)</p> <ul style="list-style-type: none"> Wetland management removed from Clause 13 eliminates responsibility for people to manage wetlands 	<ul style="list-style-type: none"> Rules around natural wetlands are specifically regulated under the Auckland Unitary Plan and the National Environmental Standard for Freshwater Management. Clause 13 is now referring to green infrastructure as it would be more appropriate in managing stormwater devices that utilises plants, which would include constructed wetlands. 	<p>be adopted as publicly notified.</p>
<p>Key changes sought (clarify permitted activities) (1)</p> <ul style="list-style-type: none"> Seek to clarify the inclusion of 'permitted activities' under clause 15 in alignment with the Auckland Unitary Plan 	<ul style="list-style-type: none"> Clause 15 does not specifically reference permitted activities under the Auckland Unitary Plan because significant discharges won't generally be permitted. There are however still permitted activity standards in the Auckland Unitary Plan. Permitted activities exclusions are mentioned in other parts of the Bylaw such as under clause 14. 	<p>OR</p> <p>be amended to [Panel to insert].</p> <p>OR</p> <p>be rejected and the proposal amended to [Panel to insert].</p> <p>AND</p>

Public feedback topic (Proposal 5) (Number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> Seek to add the inclusion of 'permitted activities' under clause 12 in alignment with the Auckland Unitary Plan 	<ul style="list-style-type: none"> Clause 12 does not specifically reference permitted activities under the Auckland Unitary Plan because there are no 'permitted activity' stormwater provisions that damage or significantly alter hydraulic performance of the network that has not been considered. Panel could if it wishes consider adding to clause 12 and/or 15 'or it is permitted in the Auckland Unitary Plan' to make considerations of the matter consistent. 	Reasons include to [Panel to insert].
<p>Key changes sought (definitions) (staff)</p> <ul style="list-style-type: none"> Seek to amend the definition of Annual exceedance probability / AEP 	<ul style="list-style-type: none"> The current and proposed definition of Annual exceedance probability / AEP has the same meaning as in the Auckland Unitary Plan for consistency in application. Staff have identified that for technical correctness the definition of AEP should read: The probability of an event being equalled or exceeded within a year. Staff recommend editorial changes on the definition of AEP to "The probability of an event being equalled or exceeded within a year". The suggestion to amend the definition in the Auckland Unitary Plan will be raised with relevant staff for consideration as part of the next unitary plan review. 	
<p>Key changes sought (include Transport Design Manual) (Auckland Transport)</p> <ul style="list-style-type: none"> Seek to add Auckland Transport - Transport Design Manual into clause 9(1) of Bylaw 	<ul style="list-style-type: none"> The specific Code of Practices and Design Manuals have not been added into the body of the Bylaw for implementation efficiencies. Including the Transport Design Manual within the Bylaw can be done by setting the Transport Design Manual as a control through the processes under Clause 6. 	
<p>Key changes sought from Ōrākei Local Board (local board enforcement powers)</p> <ul style="list-style-type: none"> Local board enforcement powers requested 	<ul style="list-style-type: none"> The Bylaw is currently administered by council staff on delegation from the Governing Body. This includes any enforcement and compliance activities undertaken under the Bylaw. 	

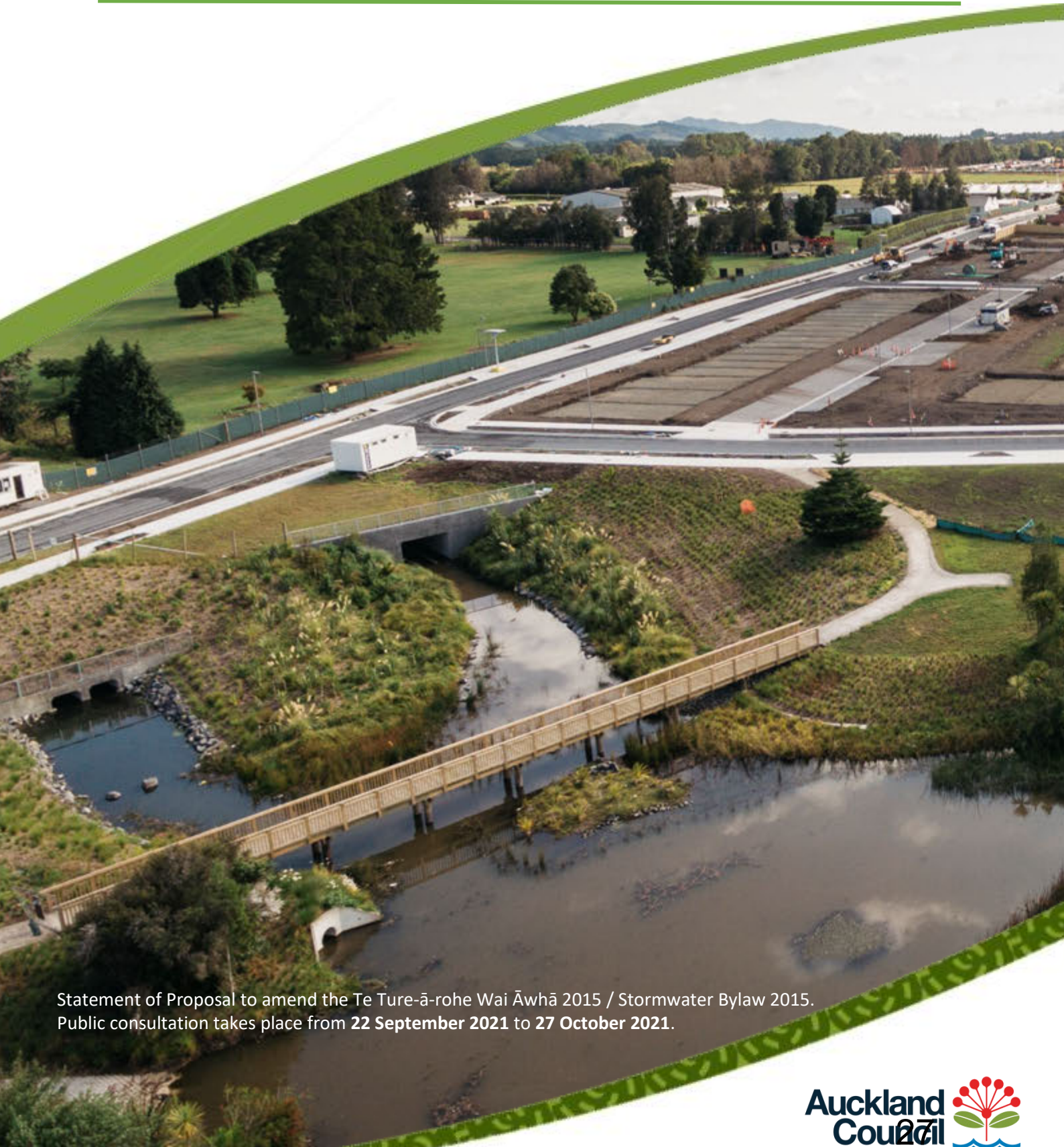
Other Matters from Staff	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key comments / changes recommended (Attachment F)</p> <p>Panel could if it wishes deliberate on any of the matters in Attachment F categorised as follows</p> <ul style="list-style-type: none"> Enforcement, compliance and resourcing 	<ul style="list-style-type: none"> This is an opportunity for the Bylaw Panel to deliberate on any matters contained in Attachment F that it considers require more direction from elected members. Matters in Attachment F contain detail considered by staff to be outside the scope of the proposal and are therefore more appropriately referred to relevant council departments for their consideration. 	That the changes recommended by staff Either [Panel to decide]

Other Matters from Staff	Staff comment (information to assist deliberations)	Panel recommendation
<ul style="list-style-type: none"> • Clarification of Implementation and operational processes • Consultation on the Stormwater Code of Practice • Advocacy to central government. 		be accepted. OR be accepted in part to [Panel to insert]. OR be rejected.
<p>Key comments / changes recommended (Any other matters)</p> <p>Panel should deliberate on any matters contained in public feedback and local board views it considers have not been adequately addressed in this Attachment A.</p>	<ul style="list-style-type: none"> • This is an opportunity for the Bylaw Panel to deliberate on any matters contained in public feedback and local board views it considers have not been adequately addressed in this Attachment A. 	AND Reasons include to [Panel to insert].

ATTACHMENT B
STATEMENT OF PROPOSAL

Helping to protect Auckland's public stormwater network

Reducing damage, misuse, interference and nuisance to stormwater networks by requiring approvals for vesting of new stormwater assets, and ensuring effective maintenance and management of private stormwater systems



Statement of Proposal to amend the Te Ture-ā-rohe Wai Āwhā 2015 / Stormwater Bylaw 2015.
Public consultation takes place from **22 September 2021** to **27 October 2021**.

1 Have your say

Helping to protect Auckland’s public stormwater network

Auckland’s stormwater network is affected by land drainage problems such as property flooding, network contamination from illegal discharges, inconsistent management of pipe connections and operation of private stormwater systems. We aim to regulate land drainage and stormwater management by protecting the public stormwater network from damage, misuse, interference and nuisance, and to ensure effective maintenance and operation of private stormwater systems.

What Auckland Council does

We use a bylaw to make rules that help protect Auckland’s public stormwater networks and ensure maintenance of private stormwater systems. The existing Bylaw rules are included in Te Kaunihera o Tāmaki Makaurau [Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015](#) and provide a consistent regulatory approach for managing the stormwater network. The current Bylaw:

- ensures that the public stormwater network and private stormwater systems are of a consistently high standard throughout Auckland by requiring approvals for vesting
- requires on-site stormwater devices on private land to be well maintained, as they form part of the wider stormwater network
- manages activities on private property that have adverse impacts on the public stormwater network
- enables the council to develop stormwater controls for specific areas and local issues such as setting standards for stormwater discharge.

The Bylaw is administered by the Healthy Waters Department (“Healthy Waters”) of the Auckland Council responsible for operating and maintaining Auckland’s public stormwater network, and the Regulatory Engineering Department where approvals for infrastructure development are assessed. The Council’s Regulatory Compliance units assist with enforcement and compliance of the Bylaw.

Improving the Stormwater Bylaw 2015

We recently checked how the rules are working and identified improvements to the Bylaw that would:

- specify controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems
- consider additional requirements for vesting of public assets and approvals under the Bylaw
- require approvals for modifications or new engineered wastewater overflow points into the stormwater network
- restrict or exclude certain activities for parts of the stormwater network
- update Bylaw wording, format, and definitions.

We want to know what you think

Starting on **22 September 2021** through to **27 October 2021**, we want you to tell us what you think about the proposed amendment to the Stormwater Bylaw 2015. Visit www.aucklandcouncil.govt.nz/have-your-say for more information, to give your feedback and to find out where you can drop in to a ‘have your say’ event.

2 What is the Bylaw

Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 was made on 30 July 2015.

The purpose of the Bylaw is to regulate land drainage, this includes:

- managing and developing the stormwater network including ground soak systems
- providing conditions for connections to the stormwater network
- regulating discharges into the stormwater network
- protecting the stormwater network from damage, misuse, and interference
- protecting the public from nuisance and to promote public health and safety
- ensure private stormwater systems are maintained and operated correctly
- managing redundant stormwater systems.

Stormwater Bylaw 2015 – high level summary

Infrastructure

- Council may specify codes of practice / guidelines to construct or access the stormwater network
- Council must approve work on the existing stormwater network and the construction of new stormwater network prior to work commencing
- Council must approve works and activities in close proximity to the stormwater network
- No one may obstruct and divert stormwater unless approved or permitted in the Auckland Unitary Plan or by resource consent
- Council specifies where stormwater disposal to ground soakage may take place subject to guidelines or codes of practice

Discharges

- No person may discharge a contaminant to the stormwater network likely to cause nuisance or affect its operation
- Council may specify controls for discharges to the stormwater network

Private stormwater systems

- Sets responsibilities for the operation and maintenance of private stormwater systems
 - Sets responsibilities for maintaining the free flow of water on a premises
 - Council may specify controls for new and existing ground soakage systems
 - Sets requirements for keeping records of maintenance of private stormwater systems
 - Sets controls for removal of redundant private stormwater systems to prevent damage to the stormwater network or protect the public from nuisance and maintain health and safety
-

3 What council proposes to change

Improving the Stormwater Bylaw 2015

We recently checked how the rules are working and identified improvements. We are proposing to better protect the stormwater network from damage, misuse, interference, and nuisance by amending the Auckland Council Stormwater Bylaw 2015.

The main proposals in comparison to the current Bylaw are to:

Main proposals	Reasons for proposals
Specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater systems	<ul style="list-style-type: none"> to specify controls for private systems that connect and contribute to the public stormwater network to set standards through the Guidance Documents and Code of Practice for the construction, operation and vesting of public stormwater assets.
Considering additional requirements for vesting of public assets and approvals under the Bylaw	<ul style="list-style-type: none"> to align standards of vested public assets to enable council to comply with the conditions of the Regionwide Stormwater Network Discharge Consent requirements, including stormwater management plans to assess the carbon lifecycle associated with the construction and operation of new stormwater network assets to consider mana whenua values in approvals.
Requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network	<ul style="list-style-type: none"> to enable the council stormwater operator to formally assess and approve wastewater overflow that affects the operation of the public stormwater network and the outcomes of the Regionwide Stormwater Network Discharge Consent to assist with protection of public health and safety when the overflow points activate.
Restricting or excluding certain activities for parts of the stormwater network	<ul style="list-style-type: none"> to protect public health and safety from activities such as fishing or kayaking in stormwater treatment devices such as ponds and wetlands.
Updating Bylaw wording, format, and definitions	<ul style="list-style-type: none"> to ensure that amended Bylaw is easier to read, understand and comply with to clarify the recovery of costs associated with council staff inspection of private stormwater systems to improve clarity of what constitutes a breach of the Bylaw, for example through a notice or approval to comply with the best practice bylaw drafting standards.

If you want to know more, **Appendix A** shows what the proposed amendment to the Stormwater Bylaw 2015 would look like. **Appendix B** provides a copy of the existing Bylaw. **Appendix C** provides a summary of the differences between the current and amended bylaws.

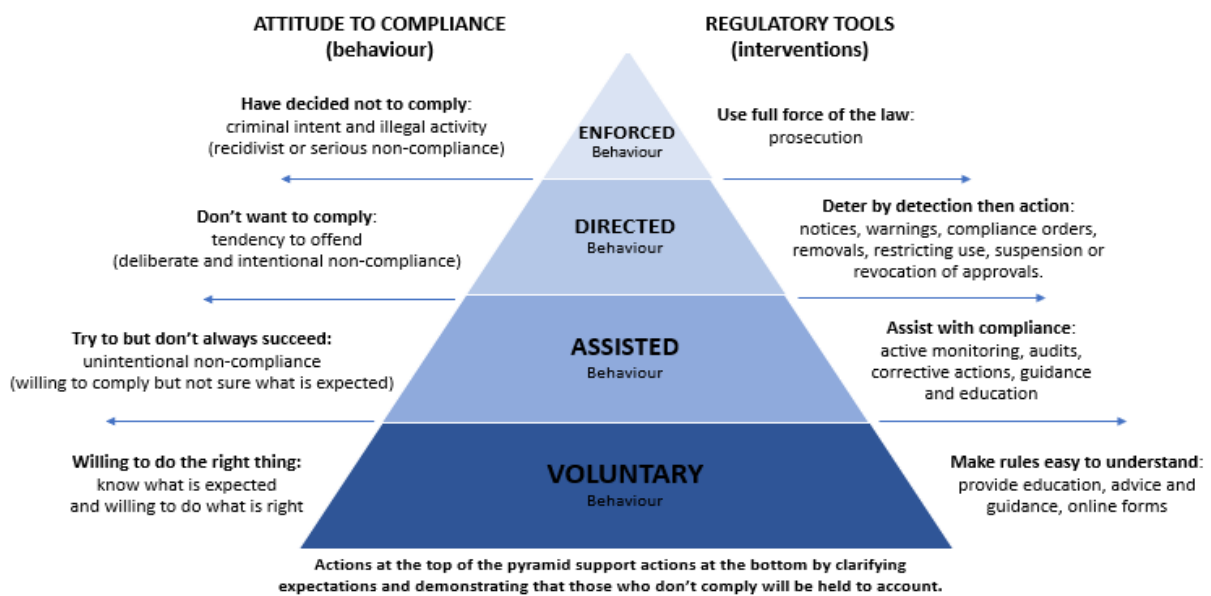
4 How we implement the Bylaw

Several departments administer this Bylaw

The Bylaw is mainly administered by Auckland Council Healthy Waters and Regulatory Engineering departments. In addition, depending on the activity affecting the stormwater network, other council departments may provide technical advice on vesting of public stormwater through Engineering Plan Approvals, or for works in proximity to the stormwater network.

Graduated enforcement approach

Auckland Council Healthy Waters and Licensing and Regulatory Compliance enforcement officers are responsible for this Bylaw enforcement. The Bylaw is enforced reactively for most activities as a result of service requests or complaints using a graduated compliance model (information-education-enforcement) as illustrated in the Figure below.



Council staff investigate complaints and identify the best remedy. In the first instance, they encourage voluntary compliance with the Bylaw through education and guidance or where appropriate, request the situation is rectified within a specified timeframe. If this approach fails, they use the least coercive enforcement such as a verbal or written warning.

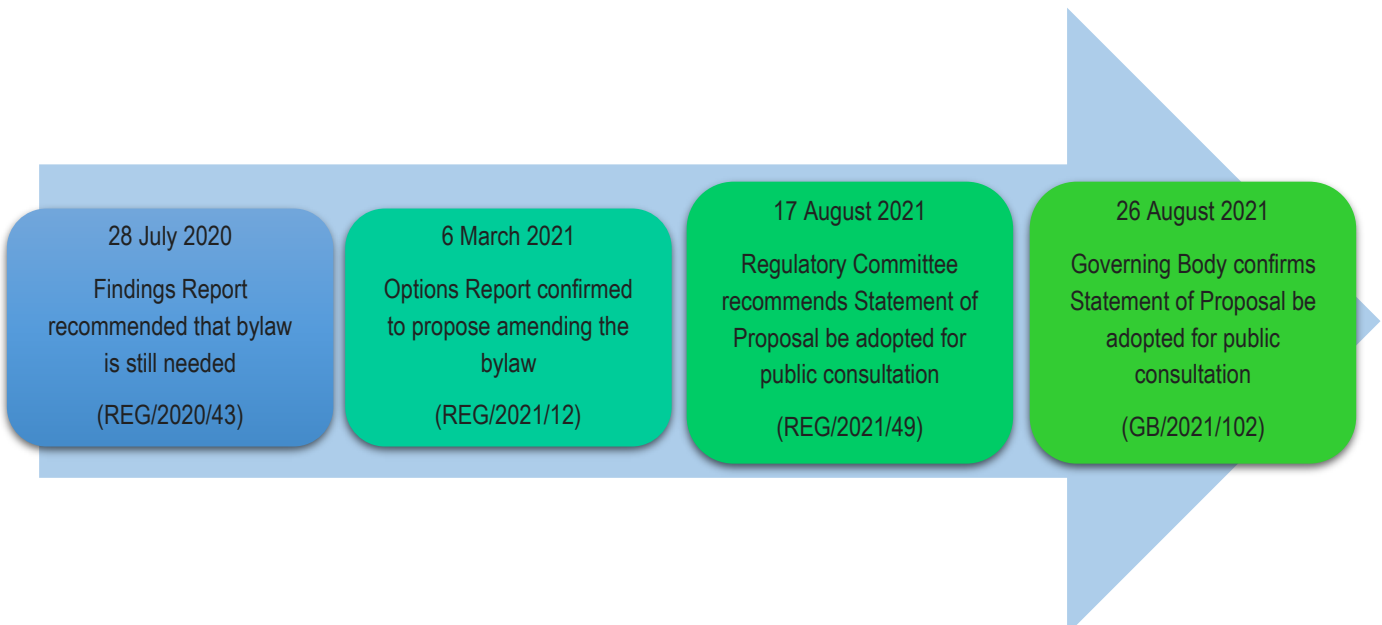
5 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires council to review its bylaws to determine whether they are effective, efficient and still necessary. The Bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

Auckland Council reviewed the existing Bylaw, reported its findings and considered the options at meetings in July 2020 and March 2021.

Bylaw review and approval process



This Statement of Proposal was approved for public consultation by the Governing Body on the 26 August 2021 to commence the process of amending the Stormwater Bylaw 2015

Go to: www.aucklandcouncil.govt.nz/have-your-say for copies of the above decisions including a summary of options considered.

6 We want your input

You have an opportunity to tell us your views

We would like to know what you think about the proposed amendments to the Stormwater Bylaw 2015.

GIVE US YOUR FEEDBACK

Starting on **22 September 2021** to **27 October 2021** we are asking for feedback on the proposed amendment to Te Kaunihera o Tāmaki Makaurau Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.

You can give your feedback:

- **online at our website – www.aucklandcouncil.govt.nz/have-your-say**
- **at one of our ‘Have Your Say’ events (visit our website for details)**

Visit - www.aucklandcouncil.govt.nz/have-your-say for more information.

Please note: online services are available at our libraries. Your name and feedback will be available to the public in our reports and online. All other personal details provided by you will remain private.

Appendix A: Proposed amended Stormwater Bylaw 2015



Te Ture-ā-rohe Wai Āwhā 2015 Stormwater Bylaw 2015

(as at **xx xxxx 2022**)

Made by the Governing Body of Auckland Council

in resolution GB/2015/78

on 30 July 2015

Bylaw made under [sections 145\(a\) and \(b\)](#) and [146\(b\)\(iv\)](#) of the Local Government Act 2002.

Summary

This summary is not part of the Bylaw but explains the general effects and scope.

The safe and efficient operation of stormwater networks is crucial to the wellbeing of Aucklanders. Damage, misuse and interference of these networks can result in risks to public health and safety, and can result in public nuisance. The purpose of this Bylaw is to regulate land drainage and protect the public stormwater network so that it is safe efficient by –

- regulating connections and activities that may damage or interfere with the network (clauses 8, 9, 10, 11, 12, 13)
- specifying controls for the design and construction of ground soakage systems (clause 14)
- protecting the operation of the public stormwater network to ensure council can protect its stormwater assets and assist with complying with any relevant stormwater network discharge consents. This is consistent with council's position that the Stormwater Bylaw focuses on managing activities that have impact on the stormwater network, while the Resource Management Act 1991 considers effects (clause 15)
- regulating the maintenance and operation of private stormwater systems (clauses 16 and 17).

Other parts of this Bylaw assist with administration by –

- stating the name of this Bylaw, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining terms used (clauses 4 and 5)
- specifying certain controls and public notification (clause 6)
- clarifying relationship of the Bylaw with other legislation (clause 7)
- requiring applications for approvals, conditions and compliance (clauses 18,19, 20, 21 and 22)
- enabling Bylaw enforcement (clauses 23, 24, 25 and 26).

This Bylaw is part of a wider framework. The Bylaw is not inconsistent with –

- rules and activities regulated by the [Building Act 2004](#)
- rules and activities regulated by the [Resource Management Act 1991](#) and [Auckland Unitary Plan](#), including discharges of contaminants into the environment.

Cover page reformatted and Summary inserted in accordance with Clause 2(2).

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1 Title

(1) This Bylaw is Te Ture-ā-rohe Wai Āwhā 2015 Stormwater Bylaw 2015.

Clause 1 amended in accordance with Clause 2(2).

2 Commencement

(1) This Bylaw comes into force on 1 November 2015.

(2) Amendments made by resolution GB/2022/XX come into force on XXXX.

Related information about amendments

Council decided on dd month year to make amendments to the Bylaw. Key changes included:

- specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater systems
- considering additional requirements for vesting of public assets and approvals under the Bylaw
- requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network
- restricting or excluding certain activities for parts of the stormwater network
- updating Bylaw wording, format, and definitions.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).

3 Application

(1) This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

(1) The purpose of this Bylaw is to regulate land drainage, including to –

- (a) enable council to manage the development, operation and maintenance of the public stormwater network, and the land, structures, and infrastructure associated with that network, in accordance with the Stormwater Network Discharge Consent, including to comply with the conditions of the Stormwater Network Discharge Consent;
- (b) protect the public stormwater network, and the land, structures, and infrastructure associated with that network, from damage, misuse, interference, and nuisance;
- (c) manage the use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the

- conditions on which connections to the public stormwater network may be made or maintained;
- (d) ensure that discharges into the public stormwater network do not damage the network;
 - (e) prevent interference with the public stormwater network, and the land, structures, and infrastructure associated with that network;
 - (f) manage the public stormwater network, and the land, structures, and infrastructure associated with that network, to protect the public from nuisance and promote and maintain public health and safety;
 - (g) provide measures to manage the ground soakage systems that form part of the stormwater network;
 - (h) ensure the maintenance and operation of private stormwater systems, the removal or de-commissioning of redundant stormwater systems on private land to prevent damage to the stormwater network, to protect the public from nuisance, and to promote and maintain public health and safety.

Clause 4 amended in accordance with Clause 2(2).

5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, –

Annual exceedance probability/AEP has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

Annual exceedance probability - The probability of exceeding a given storm discharge or flood level within a period of one year. For example, a 1 per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a 1 per cent or greater probability of occurring in one year. Equivalent average return intervals (ARI) are:

- 1 per cent AEP = 100-year ARI
- 2 per cent AEP = 50-year ARI
- 10 per cent AEP = 10-year ARI
- 20 per cent AEP = 5-year ARI
- 50 per cent AEP = 2-year ARI

approval means the prior written approval of the council issued under Part 4 of this Bylaw and **approve** has a corresponding meaning.

Auckland has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



Auckland Unitary Plan means any proposed or operative plan made by the council under the Resource Management Act 1991.

Auckland water organisation means an Auckland water organisation as defined in section 4 of the Local Government (Auckland Council) Act 2009.

Code of Practice means the latest approved version of the Auckland Council Code of Practice for Land Development and Subdivision in relation to the public stormwater network made under Part 2 of this Bylaw.

contaminant has the same meaning as in the Resource Management Act 1991.

Related information

The [Resource Management Act 1991](#) states:

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

council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf. In relation to making a control, the Governing Body of Auckland Council may only delegate this power to a committee and / or the Chief Executive of Auckland Council who may sub-delegate to a third-tier manager or above.

Related information

As at 12 November 2019, the Auckland Council Regulatory Committee has delegated authority to hear, determine, and make recommendations to the Governing Body regarding all bylaws and associated controls (GB/2019/109).

Auckland Council's Infrastructure and Environmental Services has delegated authority on the powers, duties and functions in this Bylaw (except clauses 6, 8, 14(1), 14(2), 15(2), 16(5) for specifying controls) as at 28 July 2015 (GB/2015/78).

defence against water has the same meaning as in section 2 of the Soil Conservation and Rivers Control Act 1941.

Related information

Section 2 of the [Soil Conservation and Rivers Control Act 1941](#) states:

defence against water includes any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters.

drain has the same meaning as in section 2 of the Land Drainage Act 1908.

Related information

Section 2 of the [Land Drainage Act 1908](#) states:

drain includes every passage, natural watercourse, or channel on or underground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof.

Engineered Overflow Point means a location where a discharge of wastewater from an engineered overflow structure occurs.

engineering approval means the approval of the council to develop public stormwater infrastructure, including any asset that is to be vested to the council as part of a new development.

floodplain has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

floodplain - the area of land that is inundated by runoff from a specified rainfall event, with an upstream catchment generating 2m³/s or greater of above ground flow, taking into account:

- any increases in impervious areas that would arise from changes in land use enabled by the policies and zonings of the Plan;
- the effects of climate change over a 100-year timeframe in respect of the frequency and duration of rain fall events and a 1m sea level rise; and
- assuming that primary drainage is not blocked.

green infrastructure means natural systems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services for stormwater management. This includes built infrastructure (“green” devices, for example rain gardens), natural elements in modified environments (for example, planted trees in landscaped areas), and natural assets (for example, streams).

infrastructure has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

Infrastructure has the same meaning as in section 2 of the [Resource Management Act 1991](#): and also means:

- bulk storage for wholesale or distribution purposes of natural or manufactured gas over 15 tonnes, or petroleum over 1 million litres;
- storage and treatment facilities for a water supply distribution system;
- storage, treatment and discharge facilities for a drainage or sewerage system;
- municipal landfills;
- national defence facilities; and
- facilities for air quality and meteorological services.

manager means a person who controls or manages any premises, or any activity or event on any premises, or operates a part of the stormwater network on the premises, regardless of whether that person has a proprietary interest in those premises or that activity or event or that part of the stormwater network.

nuisance has the same meaning as in section 29 of the Health Act 1956 and in the context of this Bylaw includes, but is not limited to:

- (a) person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person;
- (b) flooding of any building floor or sub-floor, or public roadway;
- (c) damage to property;
- (d) damage to the stormwater network;
- (e) erosion or subsidence of land;
- (f) adverse loss of riparian vegetation; or
- (g) anything that causes a breach of any stormwater discharge consent condition binding the council, (including an accumulation of chemicals causing a breach).

occupier, in relation to any premises, means the person occupying that premises.

overland flow path has the same meaning as in the Auckland Unitary Plan.

Related information

[The Auckland Unitary Plan](#) states:

Low point in terrain, excluding a permanent watercourse or intermittent river or stream, where surface runoff will flow, with an upstream contributing catchment exceeding 4,000m².

owner means the person or legal entity who owns premises from which stormwater originates or on which stormwater is located.

person includes an individual, a corporation sole, a body corporate, and an unincorporated body and includes the Crown and any successor of a person.

pest plant means any tree or vegetation listed as a plant pest within the Regional Pest Management Plan 2020-2030, Department of Conservation Pest Plants List or the National Pest Plant Accord (excluding research organisms) under the Biosecurity Act 1993.

premises means either:

- (a) a property or allotment which is held under separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has or may be issued; or
- (b) a building that has been defined as an individual unit by a cross lease, unit title or company lease and for which a certificate of title exists; or
- (c) an individual unit in a building where units are separately leased; or
- (d) land held in private or public ownership.
- (e) private land means any land that is not public land.

private stormwater system means any component of the stormwater network that drains water from premises on private land to a receiving environment or up to the point of service connection with the public stormwater network and includes pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, rain water tanks and any stormwater management device or redundant stormwater system.

public land means any land that is not private land and includes land owned, occupied or managed by the council or Auckland Transport, or an Auckland water organisation.

public stormwater network means:

- (a) any stormwater pipe, drain, land drainage work or treatment facility, vested in or under the control of the council; and
- (b) any drain, land drainage work or treatment facility declared by the council to be a public drain under section 462 of the Local Government Act 1974.

redundant system means a system, structure or device that has been replaced by another system, structure or device and is no longer required as part of the stormwater network under any building or resource consent condition or engineering approval related to the site.

resource consent means a resource consent issued under the Resource Management Act 1991 and operative resource consent means a resource consent that has commenced and has not lapsed or been surrendered.

service connection has the same meaning as in section 197 of the Local Government Act 2002.

Related information

Section 197 of the [Local Government Act 2002](#):

service connection means a physical connection to a service provided by, or on behalf of, a territorial authority.

soakage means disposal of stormwater into the ground by way of specifically designed pits, trenches or bores.

stormwater has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

stormwater - rainfall runoff from land, including constructed impervious areas such as roads, pavement, roofs, and urban areas, which may contain dissolved or entrained contaminants, and which is diverted and discharged to land, and water.

stormwater management device has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

stormwater management device - a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. Includes:

- rain gardens
- porous or permeable paving
- infiltration trenches
- swales
- sand filters
- green roofs
- wetlands
- ponds
- proprietary devices.

stormwater management plan means a plan that details the best practicable option for the long-term management of stormwater from a catchment, sub-catchment or development area.

Related information

The [Auckland Design Manual](#) provides guidance on the preparation and content of a stormwater management plan. Minimum requirements may also be specified in a [Stormwater Network Discharge Consent](#).

Stormwater Network Discharge Consent means a resource consent for the diversion and discharge of stormwater from the public stormwater network.

stormwater network means a set of facilities and devices, either natural or built components, which are used to convey run off of stormwater from land, reduce the risk of flooding, and to improve water quality, and includes:

- (a) open drains and watercourses, overland flow paths, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices;
- (b) the public stormwater network; and
- (c) private stormwater systems.

subsoil drain means any drain installed within the ground in order to remove water from the soil and includes any drain with perforations connected to the stormwater network.

vested stormwater asset means a stormwater asset funded privately, either wholly or partially, that if completed and approved will be transferred to the council for incorporation within the public stormwater network.

Related information

In this instance, “privately” means funded outside of the council.

wastewater has the same meaning as in the Auckland Unitary Plan.

Related information

The [Auckland Unitary Plan](#) states:

wastewater - liquid (and liquids containing solids) waste from domestic, industrial, commercial premises including (but not limited to) toilet wastes, sullage, trade wastes and gross solids.

wastewater network means the facilities, pipes and drains and devices used for sewerage and receipt, treatment, and disposal of wastewater and sewage, including any network owned by an Auckland water organisation.

watercourse has the same meaning as section 2 of the Land Drainage Act 1908.

Related information

Section 2 of the [Land Drainage Act 1908](#) states:

watercourse includes all rivers, streams, and channels through which water flows.

wetland has the same meaning as the Resource Management Act 1991.

Related information

Section 2 of the [Resource Management Act 1991](#) states:

wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Local Government Act 2002 and used, but not defined, in this Bylaw has the meaning given by that Act
- (3) Related information and links to webpages do not form part of this Bylaw, and may be inserted, changed or removed without any formality.
- (4) [The Interpretation Act 1999](#) applies to this Bylaw.

Clause 5 amended in accordance with Clause 2(2).

Part 2

General

6 Controls specified under the Bylaw

- (1) Any control specified by council under clauses 8, 14, 15, or 16 of this Bylaw -
 - (a) must be made by a council resolution that is publicly notified, after considering the views and preferences of persons likely to be affected or have an interest in the particular control; and
 - (b) may:
 - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (ii) apply to all activities or to any specified category of activity;
 - (iii) apply to Auckland or to a specified part of Auckland; and/or
 - (iv) apply at all times or at any specified time or period of time.

Clause 6 amended in accordance with Clause 2(2).

7 Relationship with other legislation

- (1) Compliance with the requirements of this Bylaw does not remove the need to comply with the requirements of any Act, regulation, or other Bylaw.
- (2) Unless expressly specified in this Bylaw, compliance with the requirements of any Act, regulation, or other Bylaw does not remove the need to comply with the requirements of this Bylaw.
- (3) Nothing in this Bylaw shall derogate from the Resource Management Act 1991.

Related information

The effect of this clause is to make it clear that works and activities regulated by the [Resource Management Act 1991](#) must be authorised pursuant to that Act before they may be carried out, even if they are in accordance with this Bylaw.

Where activities subject to any consent, licence, permit, or similar approval issued under any Act, regulation, or other Bylaw are also regulated by this Bylaw, compliance with the requirements of this Bylaw may be made a condition of the other consent or approval.

Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this Bylaw in that particular case, and issue an approval under this Bylaw accordingly. This is a matter for council's discretion.

Part 3

Safe and efficient stormwater network

8 Controls and code of practice

- (1) Council may specify controls by guidelines or codes of practice for –
 - (a) the maintenance and construction of any work that affects the public stormwater network;
 - (b) access to the built components of the public stormwater network; or
 - (c) the effective and efficient operation of the stormwater network and private stormwater systems.

Clause 8 amended in accordance with Clause 2(2).

Related information

Controls specified can be found in Schedule 1 at the end of this Bylaw.

9 Stormwater network development and connections

- (1) Unless the council approves otherwise, any vested stormwater asset must comply with the Code of Practice on the date the asset is vested in the council.
- (2) Any vested stormwater asset must be of a type, design, location, and performance that enables council to comply with the relevant conditions of a

stormwater network discharge consent, including any relevant stormwater management plan that has been adopted into a stormwater network discharge consent.

Related information

The conditions of the Auckland [Regionwide Stormwater Network Discharge Consent](#), the [stormwater management plan templates](#), as well as the [adopted stormwater management plans](#) can be found on the Auckland Design Manual.

- (3) A person must obtain approval from the council before:
 - (a) undertaking work to:
 - (i) construct a vested stormwater asset; or
 - (ii) alter or modify any part of the public stormwater network, or existing service connection; or
 - (b) making any new service connection to the public stormwater network.
- (4) A person must obtain approval from the council and the Auckland water organisation before making any new service connection for the discharge of stormwater to the wastewater network.
- (5) Any stormwater asset to be vested remains the responsibility of the owner of the premises until it is vested in the council.
- (6) Any stormwater asset to be vested may be inspected by the council to ensure compliance with approval conditions prior to the asset being vested.
- (7) Any new connection or modification of an Engineered Overflow Point to the public stormwater network requires approval from the council.

Related information

A resource consent under the [Resource Management Act 1991](#) and/or a building consent under the [Building Act 2004](#) may also be required in addition to an approval under this Bylaw.

Clause 9 amended in accordance with Clause 2(2).

10 Works and activities in close proximity to the public stormwater network

- (1) Unless the council approves otherwise, any structure on, over, or within the proximate distances from the public stormwater network specified in the Code of Practice must comply with the Code of Practice with regard to the protection of the public stormwater network.
- (2) A person must obtain approval from the council before:
 - (a) undertaking any excavation that is likely to result in damage to the public stormwater network;
 - (b) removing any existing cover material or placing any additional material over or within the zone of influence of the public stormwater network specified in

the Code of Practice that is likely to result in damage to the public stormwater network;

- (c) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or
- (d) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.

Related information

The council will apply [the New Zealand Transport Agency Bridge Manual](#) that limits the load on infrastructure to that of the soil overburden together with the weight of a HN-HO-72 wheel or axle load in assessing if a load is excessive.

- (3) Every person must comply with the Code of Practice when accessing any built component of the public stormwater network.

Related information

The [Code of Practice](#) prescribes the process of gaining access along with health and safety requirements.

- (4) The council may restrict or exclude access (or activity) to specific parts of the public stormwater network to enable its safe and efficient operation and to protect public safety.

Related information

This includes activities such as recreational fishing or kayaking on stormwater ponds and wetlands.

Clause 10 amended in accordance with Clause 2(2).

11 Obstructions and diversions of stormwater

- (1) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, no person may stop, obstruct, alter, interfere with, or divert any watercourse, flood plain, overland flow path, drain, or wetland on public land, in a manner likely to:
 - (a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;
 - (b) adversely alter the velocity of stormwater; or
 - (c) adversely divert the flow of stormwater.
- (2) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, the owner, occupier, or manager of any premises on private land must ensure that any watercourse, flood plain, overland flow path, drain or wetland on the premises is kept free from obstruction that is likely to:

- (a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;
 - (b) adversely alter the velocity of stormwater; or
 - (c) adversely divert the flow of stormwater.
- (3) No person may discharge stormwater from a premises with an impervious area greater than that permitted in the Auckland Unitary Plan or an operative resource consent.
- (4) The owner, manager, or occupier of a premises must take reasonable preventative measures to avoid nuisance during a flood event.

Clause 11 amended in accordance with Clause 2(2).

Related information

Reasonable preventative measures to avoid nuisance would include measures to reduce risks posed by positioning of materials at a property. For example, a reasonable preventative measure would include not placing, storing, or leaving any material on the premises in a manner or location that may, during a flood event on the premises result in the material obstructing or diverting the flow of stormwater.

12 Alterations or damage to the public stormwater network

- (1) No person may damage, modify, or alter the hydraulic performance of the public stormwater network, unless the council approves or that person is expressly authorised by an operative resource consent.

Clause 12 amended in accordance with Clause 2(2).

13 Alterations or damage to green infrastructure

- (1) No person may remove vegetation from or damage vegetation forming a component of green infrastructure, if the removal or damage is likely to adversely affect the ability of the green infrastructure to continue to providing its stormwater management function, unless the council approves or that person is expressly authorised by an operative resource consent.
- (2) Subclause (1) does not apply to the removal or damage of pest plants.

Clause 13 amended in accordance with Clause 2(2).

14 Ground soakage systems

- (1) The council may specify controls for stormwater disposal that occur by way of ground soakage or recharge, by guidelines or codes of practice.
- (2) The council may specify areas in Auckland on any premises within which stormwater disposal must be by ground soakage or recharge unless site conditions prevent it.
- (3) No person may discharge a contaminant into a ground soakage or recharge system if the discharge is likely to cause nuisance or adversely affect the operation of the ground soakage or recharge system, unless the council

approves, or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent.

- (4) Any new ground soakage or recharge system must comply with the requirements of the Code of Practice and any applicable council soakage design manuals.

Related information

The [Building Code](#) allows territorial authorities to develop alternative verification methods based on hydrological modelling. The controls specified in this Bylaw will not be more stringent than allowed for under the Building Code.

A building consent is required for construction or alteration of any private stormwater disposal system using ground soakage. Areas for soakage include (but are not limited to) parts of Ellerslie, Penrose, Onehunga, Mt Eden, Epsom, Mt Roskill, Mt Albert, Papakura, Takanini, Pukekohe, Waiuku and Mangere Bridge.

15 Discharge of contaminants to the stormwater network

- (1) No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorised by an operative resource consent.

Related information

Contaminants that could affect the stormwater network in Clause 15(1) include (but are not limited to) sediment, concrete, cement slurry, wastewater, effluent, solvents, soap, detergents, dissolved metal, hazardous material, fungicide, insecticide, litter and green waste.

- (2) The council may specify controls for the following matters in relation to the discharge of stormwater to the public stormwater network:
- (a) where on any premises certain sensitive activities, such as machinery wash-down and bulk storage, must be carried out;
 - (b) device maintenance requirements, such as catchpit clearance; and
 - (c) the installation and use of treatment and mitigation measures or devices.
- (3) Any owner, occupier, manager, or person who is present on a premises subject to a control made under subclause (2) must comply with that control.

Clause 15 amended in accordance with Clause 2(2).

16 Maintenance and operation of private stormwater systems

- (1) Unless the council approves otherwise, the owner and manager of any private stormwater system is responsible for the operation of that system.
- (2) The owner and manager of a private stormwater system must ensure that the system:
- (a) is maintained in good operating condition; and
 - (b) does not cause or contribute to nuisance.

- (3) The owner, occupier, and manager of a premises on which there is a watercourse, stop bank, or other defence to water, must maintain that watercourse, stop bank, or other defence to water in an operational state which ensures the free flow of water.
- (4) Subclause (3) does not apply to any watercourses, stop banks, or other defences against water that are part of the public stormwater network.
- (5) The council may specify controls for the disposal of stormwater through ground soakage or recharge, including prescribing an AEP storm event, for sites in a specified area.

Related information

This clause will apply to both new and existing ground soakage systems in a specified area. The controls specified will not be more stringent than the minimum standard required under the [Building Code](#).

- (6) The owner, occupier, or manager of a premises that has a ground soakage or recharge system as part of a private stormwater system which may cause a nuisance must ensure that the ground soakage or recharge system disposes of the stormwater from the site in accordance with any controls the council specifies.
- (7) The owner or manager of a private stormwater management device must, on request by the council:
 - (a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose including not causing nuisance in a storm event up to the standard specified in the control under subclause (5) or by an operative resource consent, consent notice, easement or covenant; and
 - (b) carry out such works as are required to ensure the stormwater management device meets its purpose.
- (8) The owner or manager of a private on-site stormwater management device must:
 - (a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and
 - (b) produce that copy of the owner's manual and as built drawings upon request by the council.

Clause 16 amended in accordance with Clause 2(2).

17 Removal of redundant system

- (1) To prevent damage to the stormwater network, protect the public from nuisance or promote and maintain public health and safety, the council may require the owner of a private stormwater system or any part thereof, including any stormwater management device, culvert, or stormwater detention pond that has become redundant as part of the primary method of stormwater drainage, to remove or de-commission that system or part thereof.

- (2) The owner of a redundant part of the stormwater system that has been removed or de-commissioned must ensure that the premises on which the system is located or was previously located is restored to the satisfaction of the council.

Related information about applications for approval

The removal or de-commissioning of a redundant system may be required to address health and safety concerns and/or potential risks to the stormwater network. The requirement to remove a redundant system will in most cases be determined when the owner, occupier or manager applies for a building consent and/or engineering approval is in relation to installing a new stormwater system at the property.

Part 4

Approvals, permits and administrative matters

18 Application for approval of the council

- (1) An application to obtain the approval of the council under this Bylaw must be:
- (a) made in the prescribed form; and
 - (b) accompanied by:
 - (i) payment of the application and processing fees; and
 - (ii) any further supporting information.
- (2) Having received and considered an application for approval, the council may at its discretion:
- (a) inspect places related to the application; or
 - (b) grant the application subject to such conditions as the council considers fit; or
 - (c) decline the application.

Clause 18 amended in accordance with Clause 2(2).

Related information

Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other Bylaw in a particular case overlap with the activities subject to this Bylaw, compliance with the requirements of this Bylaw may be made a condition of the other consent, licence, permit, or approval. Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this Bylaw in that particular case, and issue an approval under this Bylaw accordingly. This is a matter for council's discretion.

19 Consideration of an application for approval

- (1) When considering an application for approval under this Bylaw, and the conditions to which the approval will be subject should the application be granted, the council may take into account any of the following:

- (a) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;
 - (b) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;
 - (c) any applicable requirements of a stormwater network discharge consent, including conditions and schedules, or a Stormwater Management Plan adopted into a stormwater network discharge consent;
 - (d) compliance with the Code of Practice if applicable;
 - (e) compliance with the Auckland Unitary Plan, and any applicable Acts, regulations, and other Bylaws;
 - (f) the extent to which the approval will promote:
 - (i) the achievement of the council's strategies and policies for the management of stormwater;
 - (ii) the achievement of any applicable national environmental standards; and
 - (iii) the outcomes of any applicable national policy statements.
 - (g) any operational policy, guidance document, or management practice approved by the council;
 - (h) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the council in the affected sub-catchment;
 - (i) the complexity of the issue and the cost required to suitably resolve it;
 - (j) compliance with any related resource consent conditions, consent notices, easements and covenants;
 - (k) mana whenua values and Te Mana o te Wai if the application involves a significant decision in relation to land or a body of water;
 - (l) carbon footprint to construct, maintain, operate and decommission the asset; and
 - (m) any other reasonable considerations the council considers appropriate.
- (2) The council may grant an application for approval only if it is satisfied that:
- (a) the approval will not significantly prejudice council in achieving the Bylaw's purpose; and
 - (b) at least one of the following applies:
 - (i) the work, thing, or issue that approval is applied for is in substantial compliance with the Bylaw and further compliance is unnecessary; or

- (ii) the work, thing, or issue provided for, under the approval is as effective as, or more effective than, compliance with the Bylaw.
- (iii) events have occurred that make compliance with the Bylaw unnecessary or inappropriate in the particular case.
- (iv) the work does not compromise the ability of council to comply with the conditions of any stormwater network discharge consent.

Clause 19 amended in accordance with Clause 2(2).

20 Conditions of approval

- (1) The council may make an approval subject to the following matters:
- (a) the location of the work or activity;
 - (b) the design and specifications of the work or activity;
 - (c) construction and maintenance requirements for the work or activity;
 - (d) the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged;
 - (e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;
 - (f) the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;
 - (g) the frequency with which any equipment required by the approval must be maintained and cleaned;
 - (h) the design, location, and specification of, and any material alteration to, the private stormwater system;
 - (i) the implementation of any stormwater management plan adopted by the council;
 - (j) the provision of a bond or insurance in favour of the council where failure to comply with the approval could result in damage to the public stormwater network or the council being in breach of any statutory obligation;
 - (k) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise;
 - (l) council inspection requirements prior to asset vesting;
 - (m) inspection requirements to ensure appropriate operation;
 - (n) meeting mana whenua cultural requirements;

- (o) the minimising of carbon footprint;
- (p) the duration of approval and period of lapse; and
- (q) any other reasonable conditions the council considers appropriate.

Clause 20 amended in accordance with Clause 2(2).

21 Non-compliance with conditions of approval

- (1) Where a person does not comply with the terms and conditions of the approval granted by the council, the council may take one or more of the following steps:
 - (a) issue a written warning to the person, which may be considered as evidence of a prior breach of a condition or approval during any subsequent review of the approval.
 - (b) review the approval, which may result in:
 - (i) amendment of the approval; or
 - (ii) suspension of the approval; or
 - (iii) withdrawal of the approval; or
 - (iv) no further action.
 - (c) charge fees for the inspection in relation to the non-compliance.
 - (d) initiate enforcement action in accordance with Part 5 of this Bylaw.

Clause 21 amended in accordance with Clause 2(2).

22 Maintenance and construction requirements

- (1) The owner, occupier, or manager of a premises on which work occurs and council approval has been given under this Bylaw must maintain the approved work in good condition and must comply with the conditions of approval, guidelines, and Code of Practice set by the council.
- (2) The council may inspect a private stormwater system at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the council.
- (3) The council may recover costs from the owner, occupier, or manager of a premises associated with the inspection of private stormwater systems required by the council under this Bylaw.

Clause 22 amended in accordance with Clause 2(2).

Part 5

Enforcement, offences and penalties

23 Enforcement

- (1) Council may use its powers under the Local Government Act 2002, the Local Government Act 1974, the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, and the Health Act 1956 to enforce this Bylaw.

Related information about enforcement

The following enforcement provisions available to the council include, but are not limited to:

- Subpart 2 of Local Government Act 2002, sections 162, 163, 164, 165, 168, 171, 172, 175, 176 and 178
- Subpart 3 of Local Government Act 2002, sections 185, 186, 187, and 188
- Local Government Act 1974, sections 451, 462, 467, 168, 511 and Schedule 14
- Land Drainage Act 1908, sections 23, 25, 26, 27, 62, 63 and Part 4
- Soil Conservation and Rivers Control Act 1941, sections 134 and 154
- Health Act 1956, section 33, 34, 128, 134.

- (2) Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this Bylaw in respect of those premises.
- (3) The council may require the owner, occupier or manager of a premises to, in a manner, or within any time specified in a written notice (Bylaw Notice) remedy any breach of this Bylaw.

Clause 23 amended in accordance with Clause 2(2).

Related information about controls

Steps taken by the council will be against the person most able to ensure compliance with the Bylaw. This is a matter for the council's discretion.

As reprinted on 1 July 2021, enforcement powers under the Local Government Act 2002 included court injunction (section 162), seizure and disposal of property (sections 164, 165, 168), powers of entry (sections 171, 172, 173), cost recovery for damage (sections 175, 176), and power to request name and address (section 178).

As reprinted on 29 June 2021, enforcement powers under the Health Act 1956 included court orders (section 33), cost recovery for council to abate nuisance (section 34), powers of entry (section 128), and power to request name and address (section 134).

24 Removal of construction

- (1) The council may, pursuant to section 163 of the Local Government Act 2002:
- (a) remove or alter a work or thing that has been constructed in breach of this Bylaw; and

- (b) recover any costs of removal or alteration from the owner, occupier or manager of the premises who committed the breach.

Clause 24 amended in accordance with Clause 2(2).

25 Breaches of the Bylaw

- (1) A person who fails to comply with this Bylaw (for example a requirement, Bylaw Notice, approval, or conditions of approval) commits a breach of this Bylaw and:
 - (a) is liable to a penalty under sections 239 and 242 of the Act; and
 - (b) in the particular circumstances, may also be liable to a penalty under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaws Act 1910, the Soil Conservation and Rivers Control Act 1941, the Litter Act 1979, or any other applicable Act.

Clause 25 amended in accordance with Clause 2(2).

Related information

A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding \$20,000 under [section 242](#) of the Local Government Act 2002.

26 Exceptions

- (1) A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the written directions of an authorised officer or in accordance with an approval of the council.

Part 6

[Repealed]

Part 6 deleted in accordance with Clause 2(2).

Schedule 1
Register of Controls

Action	Description	Date of Decision	Decision Reference	Commencement
Control	Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater	XX XXXX 2022	GB/2022/XX	XX XXXX 2022
Control	Stormwater Management Devices in the Auckland Region December 2017 Guideline Document 2017/001	XX XXXX 2022	GB/2022/XX	XX XXXX 2022
Control	Water Sensitive Design for Stormwater March 2015 Guideline Document 2015/004	XX XXXX 2022	GB/2022/XX	XX XXXX 2022
Control	Stormwater Soakage and Groundwater Recharge in the Auckland Region 2021 Guideline Document GD2021/007	XX XXXX 2022	GB/2022/XX	XX XXXX 2022
Control	Schedule 4: Connection Requirements of Auckland Council Regionwide Stormwater Network Discharge Consent	XX XXXX 2022	GB/2022/XX	XX XXXX 2022

Schedule 1 added in accordance with Clause 2(2).

Related information, Bylaw History

Date	Description
01 November 2010	Made legacy bylaws about stormwater (section 63 Local Government (Auckland Transitional Provisions) Act 2010))
01 November 2010	Commencement of legacy bylaws about stormwater (section 63 Local Government (Auckland Transitional Provisions) Act 2010)
19 August 2014	Review of legacy bylaws about stormwater completed (RBC/2014/34)
28 August 2014	Proposal to make new bylaw about stormwater and to revoke legacy bylaws (GB/2014/89)
30 July 2015	Made the Auckland Council Stormwater Bylaw 2015 (GB/2015/78)
	Public notice of new Auckland Council Stormwater Bylaw 2015
01 November 2015	Commencement of new Auckland Council Stormwater Bylaw 2015 and revocation of legacy bylaws
28 July 2020	Review of Auckland Council Stormwater Bylaw 2015 completed (REG/2020/43)
26 August 2021	Proposal to amend Auckland Council Stormwater Bylaw 2015 (GB/2021/102)
XX 2022	Made amended Auckland Council Stormwater Bylaw 2015 (GB/2022/XX)
XX 2022	Public notice of amendments to Stormwater Bylaw 2015
XX 2022	Commencement of amendments to Auckland Council Stormwater Bylaw 2015 (GB/2022/XX)

¹ Legacy bylaws made: Auckland City Council Bylaw No 18 Stormwater Management 2008; Papakura District Council Stormwater Bylaw 2008; and Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.

Related information, next bylaw review

This Bylaw must be reviewed by 28 July 2030. If not reviewed by this date, the Bylaw will expire on 28 July 2032.

Find out more: **phone 09 301 0101**
or visit **aucklandCouncil.govt.nz**

Appendix B: Copy of existing Stormwater Bylaw 2015



Stormwater Bylaw 2015
Ture-ā-rohe Wai Āwhā 2015

(as at 30 July 2015)

Made by the Governing Body of Auckland Council
by
Resolution in Council
(GB/2015/78)
on
30 July 2015

Pursuant to sections 145(a) and (b) and 146(b)(iv) of the Local Government Act 2002, the council makes the following bylaw to manage stormwater.

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1 Title
This bylaw is the Stormwater Bylaw 2015.

2 Commencement
This bylaw comes into force on 1 November 2015.

3 Application
This bylaw applies to Auckland.

Part 1 - Preliminary provisions

4 Purpose
The purpose of this bylaw is to regulate land drainage, including to:

- (a) manage the development and maintenance of the public stormwater network, and the land, structures, and infrastructure associated with that network;
- (b) protect the public stormwater network, and the land, structures, and infrastructure associated with that network, from damage, misuse or loss;
- (c) manage the use of the the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained;
- (d) ensure that discharges into the public stormwater network do not damage the network or compromise the council's ability to comply with any applicable network discharge consent;
- (e) prevent interference with the public stormwater network, and the land, structures, and infrastructure associated with that network;
- (f) manage the public stormwater network, and the land, structures, and infrastructure associated with that network, so as to protect the public from nuisance and promote and maintain public health and safety;
- (g) provide measures to manage the ground soakage systems that form part of the stormwater network;
- (h) ensure the maintenance and operation of private stormwater systems, the removal or de-commissioning of redundant stormwater systems on private land to prevent damage to the stormwater network, to protect the public from nuisance and promote and maintain public health and safety.

5 Interpretation

(1) In this bylaw, unless the context otherwise requires,—

Act means the Local Government Act 2002.

Annual exceedance probability/AEP has the same meaning as in the Auckland Unitary Plan. A ten per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a ten per cent or greater probability of occurring in one year.

*Explanatory note: The Auckland Unitary Plan states:
Annual exceedance probability - The probability of exceeding a given storm discharge or flood level within a period of one year. For example, a 1 per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a 1 per cent or greater probability of occurring in one year.*

*Equivalent average return intervals (ARI) are:
1 per cent AEP = 100 year ARI*



2 per cent AEP = 50 year ARI
10 per cent AEP = 10 year ARI
20 per cent AEP = 5 year ARI
50 per cent AEP = 2 year ARI

Approval means the prior written approval of the council issued under Part 4 of this bylaw and **approve** has a corresponding meaning.

Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.

Auckland Unitary Plan means any proposed or operative plan made by the council under the Resource Management Act 1991.

Auckland water organisation means an Auckland water organisation as defined in section 4 of the Local Government (Auckland Council) Act 2009.

Code of Practice means the latest approved version of the Auckland Council Code of Practice in relation to the public stormwater network made under Part 2 of this bylaw.

Contaminant has the same meaning as in the Resource Management Act 1991.

*Explanatory note: The Resource Management Act 1991 states:
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 water; or
(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.*

Council means the Auckland Council or any person delegated or authorised to act on its behalf.

Defence against water has the same meaning as in section 2 of the Soil Conservation and Rivers Control Act 1941

Explanatory note: Section 2 of the Soil Conservation and Rivers Control Act 1941 states:

“defence against water includes any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of whatsoever kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a watercourse, of water including flood waters”

Drain has the same meaning as in section 2 of the Land Drainage Act 1908.

Explanatory note: Section 2 of the Land Drainage Act 1908 states:

“drain includes every passage, natural watercourse, or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof”.

Engineering approval means the approval of the council to develop public stormwater infrastructure, including any asset that is to be vested to the council as part of a new development.

Floodplain means the area that is expected or predicted to be inundated by water during a one per cent Annual Exceedance Probability rainfall event.

Infrastructure has the same meaning as in the Auckland Unitary Plan.

*Explanatory note: The Auckland Unitary Plan states:
Infrastructure - The facilities, services and installations that enable a community to function.
Includes activities, structures, facilities and installations for:*

- airports
- airport approach surfaces
- water supply and wastewater reticulation (including storage and treatment facilities)
- broadcasting
- defence
- education
- electricity generation, transmission and distribution
- healthcare
- hospitals
- transmission, distribution and storage of gas and liquid fuels
- motorways and roads
- walkways and cycleways

- ports
- public parks
- public institutions
- public transport
- railways
- solid waste disposal
- stormwater
- telecommunication and radio communication
- air quality and meteorological services..

Manager means a person who controls or manages any premises, or any activity or event on any premises, or operates a part of the stormwater network on the premises, regardless of whether that person has a proprietary interest in those premises or that activity or event or that part of the stormwater network.

Nuisance has the same meaning as in section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:

- (a) a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person;
- (b) danger to life;
- (c) danger to public health;
- (d) flooding of any building floor or sub-floor, or public roadway;
- (e) damage to property;
- (f) damage to the stormwater network;
- (g) erosion or subsidence of land;
- (h) long or short term adverse effects on the environment;
- (i) adverse loss of riparian vegetation;
- (j) wastewater overflow to land or water; or
- (k) anything that causes a breach of any stormwater discharge consent condition binding the council, (including an accumulation of chemicals causing a breach).

Explanatory note: Section 29 of the Health Act 1956:

Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, that is to say:

(a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:

(b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:

(c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:

(d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:

(e) [Repealed]

(f) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:

(g) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:

(h) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:

(i) where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:

(j) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:

(k) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:

(ka) where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:

(l) where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:

(m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:



(n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:

(o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:

(p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:

(q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.

Occupier, in relation to any premises, means the person occupying that premises.

Overland flow path has the same meaning as in the Auckland Unitary Plan.

Explanatory note: The Auckland Unitary Plan states:

Overland flow path - Low point in terrain, excluding a permanent watercourse, where surface runoff will flow, with an upstream contributing catchment exceeding 4,000m².

Owner means the person who owns premises from which stormwater originates or on which stormwater is located.

Person includes an individual, a corporation sole, a body corporate, and an unincorporated body and includes the Crown and any successor of a person.

Pest Plant means any tree or vegetation listed as a plant pest within the Auckland Regional Plant Pest Management Strategy, Department of Conservation Pest Plants List or the National Pest Plant Accord (excluding research organisms) under the Biosecurity Act 1993.

Premises means either:

- (a) a property or allotment which is held under separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has or may be issued; or
- (b) a building that has been defined as an individual unit by a cross lease, unit title or company lease and for which a certificate of title exists; or
- (c) an individual unit in a building where units are separately leased; or
- (d) land held in private or public ownership.

Private land means any land that is not public land.

Private stormwater system means any component of the stormwater network that drains water from premises on private land to a receiving environment or up to the point of service connection with the public stormwater network and includes pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, rain water tanks and any stormwater management device or redundant stormwater system.

Public land means any land that is not private land and includes land owned, occupied or managed by the council or Auckland Transport, or an Auckland water organisation.

Public stormwater network means:

- (a) any stormwater pipe, drain, land drainage work or treatment facility, vested in or under the control of the council; and
- (b) any stormwater drain, drain, land drainage work or treatment facility declared by the council to be a public drain under section 462 of the Local Government Act 1974.

Redundant system means a system, structure or device that has been replaced by another system, structure or device and is no longer required as part of the stormwater network under any building or resource consent condition or engineering approval related to the site.



Resource consent means a resource consent issued under the Resource Management Act 1991 and **operative resource** consent means a resource consent that has commenced and has not lapsed or been surrendered.

Service connection has the same meaning as in the Local Government Act 2002.

Explanatory note: Section 197 of the Local Government Act 2002:

service connection means a physical connection to a service provided by, or on behalf of, a territorial authority.

Stormwater means the rainfall and surface water runoff from land, including from constructed impervious areas such as roads, pavement, roofs, and urban areas, which may contain dissolved or entrained contaminants, and which is diverted and discharged to land, water or the stormwater network.

Stormwater management device has the same meaning as in the [Auckland Unitary Plan](#).

Explanatory note: The Auckland Unitary Plan states:

Stormwater management devices - A device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge.

Includes:

- rain gardens
- porous paving
- infiltration trenches
- sand filters
- green roofs
- wetlands
- ponds
- propriety devices.

Stormwater network means a set of facilities and devices, either natural or built components, which are used to convey run off of stormwater from land, reduce the risk of flooding, and to improve water quality, and includes:

- (a) open drains and watercourses, overland flow paths, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, treatment structures and devices;
- (b) the public stormwater network; and
- (c) private stormwater systems.

Subsoil drain means any drain installed within the ground in order to remove water from the soil and includes any drain with perforations connected to the stormwater network.

Vested stormwater asset means a stormwater asset funded privately, either wholly or partially, that if completed and approved will be transferred to the council for incorporation within the public stormwater network.

Explanatory note: in this instance, "privately" means funded outside of the council.

Wastewater network means the facilities, pipes and drains and devices used for sewerage and receipt, treatment, and disposal of wastewater and sewage, including any network owned by an Auckland water organisation.

Watercourse has the same meaning as section 2 of the Land Drainage Act 1908.

Explanatory note: Section 2 of the Land Drainage Act 1908 states:

Watercourse includes all rivers, streams, and channels through which water flows.

Wetland has the same meaning as the Resource Management Act 1991.

Explanatory note: Section 2 of the Resource Management Act 1991 states:

wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.



- (3) Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without form process.
- (4) The Interpretation Act 1999 applies to this bylaw.

Part 2 - General

6 Controls specified under the bylaw

- (1) Any control specified by the council under clauses 8, 14, 15, or 16 of this bylaw:
 - (a) must, after giving consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the particular control, be made by a council resolution that is publicly notified; and
 - (b) may:
 - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (ii) apply to all activities or to any specified category of activity;
 - (iii) apply to Auckland or to a specified part of Auckland; and/or
 - (iv) apply at all times or at any specified time or period of time.

7 Relationship with other legislation

- (1) Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, regulation, or other bylaw.
- (2) Unless expressly specified in this bylaw, compliance with the requirements of any Act, regulation, or other bylaw does not remove the need to comply with the requirements of this bylaw.
- (3) Nothing in this bylaw shall derogate from the Resource Management Act 1991.

Explanatory note:

The effect of this clause is to require that works and activities regulated by the Resource Management Act 1991 must first be authorised pursuant to that Act before they may be carried out, notwithstanding that they are authorised by this bylaw. In other words, where necessary, works and activities proposed under this bylaw should first be incorporated in the relevant plan under the Resource Management Act or made the subject of an application for a resource consent.

Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other bylaw in a particular case overlap with the activities subject to this bylaw, compliance with the requirements of this bylaw may be made a condition of the other consent, licence, permit, or approval. Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this bylaw in that particular case, and issue an approval under this bylaw accordingly. This is a matter for council's discretion.

Part 3 - Safe and efficient stormwater network

8 Controls and code of practice

The council may specify controls by guidelines or codes of practice for:

- (a) the maintenance and construction of any work that affects the public stormwater network; or
- (b) access to the built components of the public stormwater network.



9 Stormwater network development and connections

- (1) Unless the council approves otherwise, any vested stormwater asset must comply with the Code of Practice on the date the asset is vested in the council.
- (2) A person must obtain approval from the council before:
 - (a) undertaking work to:
 - (i) construct a vested stormwater asset; or
 - (ii) alter or modify any part of the public stormwater network; or
 - (b) making any new service connection to the public stormwater network.
- (3) A person must obtain approval from the council and the Auckland water organisation before making any new service connection for the discharge of stormwater to the wastewater network.

Explanatory note: A resource consent under the Auckland Unitary Plan and/or a building consent under the Building Act 2004 may also be required.
- (4) Any vested stormwater asset referred to in this clause remains the responsibility of the owner of the premises until it is vested in the council.

10 Works and activities in close proximity to the public stormwater network

- (1) Unless the council approves otherwise, any structure on, over, or within the proximate distances from the public stormwater network specified in the Code of Practice must comply with the Code of Practice with regard to the protection of the public stormwater network.
- (2) A person must obtain approval from the council before:
 - (a) undertaking any excavation that is likely to result in damage to the public stormwater network;
 - (b) removing any existing cover material or placing any additional material over or within the zone of influence of the public stormwater network specified in the Code of Practice that is likely to result in damage to the public stormwater network;
 - (c) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or
 - (d) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network. .

Explanatory note: The council will apply [the New Zealand Transport Agency Bridge Manual](#) that limits the load on infrastructure to that of the soil overburden together with the weight of a HN-HO-72 wheel or axle load in assessing if a load is excessive.
- (3) Every person must comply with the Code of Practice when accessing any built component of the public stormwater network.

Explanatory note: The code of practice prescribes the process of gaining access along with health and safety requirements.



11 Obstructions and diversions of stormwater

- (1) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, no person may stop, obstruct, alter, interfere with, or divert any watercourse, flood plain, overland flow path, drain, or wetland on public land, in a manner likely to:
 - (a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;
 - (b) adversely alter the velocity of stormwater; or
 - (c) adversely divert the flow of stormwater.
- (2) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, the owner, occupier, or manager of any premises on private land must ensure that any watercourse, flood plain, overland flow path, drain or wetland on the premises is kept free from obstruction that is likely to:
 - (a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;
 - (b) adversely alter the velocity of stormwater; or
 - (c) adversely divert the flow of stormwater.
- (3) No person may discharge stormwater from a premises with an impervious area greater than that permitted in the Auckland Unitary Plan or an operative resource consent.
- (4) The owner, manager, or occupier of a premises must take reasonable preventative measures to avoid nuisance during a flood event.

Explanatory note: Reasonable preventative measures to avoid nuisance would include measures to reduce risks posed by positioning of materials at a property. For example, a reasonable preventative measure would include not placing, storing, or leaving any material on the premises in a manner or location that may, during a flood event on the premises result in the material obstructing or diverting the flow of stormwater.

12 Alterations or damage to public stormwater network

A person must obtain approval from the council before damaging, modifying, or altering the hydraulic performance of the public stormwater network.

13 Alterations or damage to natural stormwater network

- (1) No person may remove vegetation from or damage vegetation in any wetland on a premises that the person owns, occupies, or manages, if the removal or damage is likely to adversely affect the ability of the wetland to contribute to the performance of the stormwater network, unless the council approves or that person is expressly authorised by an operative resource consent.
- (2) Subclause (1) does not apply to the removal or damage of pest plants.

14 Ground soakage systems

- (1) The council may specify controls for stormwater disposal that occurs by way of ground soakage by guidelines or codes of practice.
- (2) The council may specify areas in Auckland on any premises within which stormwater disposal must be by ground soakage, unless site conditions prevent it.
- (3) No person may discharge a contaminant into a ground soakage system if the discharge is likely to cause nuisance or adversely affect the operation of the ground soakage



system, unless the council approves or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent.

- (4) Any new ground soakage system must comply with the requirements of the Code of Practice and any applicable council soakage design manuals.

Explanatory note: The Building Code allows territorial authorities to develop alternative verification methods based on hydrological modelling. The controls specified will not be more stringent than allowed for under the Building Code. Generally as a minimum a soakage system shall be designed to receive stormwater from the site up to a ten per cent AEP storm event unless otherwise approved by the council. (See clause 16)

A building consent is required for construction or alteration of any private stormwater disposal system using ground soakage. Areas for soakage include (but are not limited to) parts of Ellerslie, Penrose, Onehunga, Mt Eden, Epsom, Mt Roskill and, Mt Albert. Papakura, Pukekohe, Waiuku and Mangere Bridge..

15 Discharge of contaminants to the stormwater network

- (1) No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorised by an operative resource consent.

Explanatory note: Contaminants include (but are not limited to) sediment, concrete, cement slurry, sewage, effluent, solvents, soap, detergents, dissolved metal, hazardous material, fungicide, insecticide, litter and green waste.

- (2) The council may specify controls for the following matters in relation to the discharge of stormwater to the public stormwater network:
- (a) where on any premises certain sensitive activities, such as machinery wash-down and bulk storage, must be carried out;
 - (b) device maintenance requirements, such as catchpit clearance; and
 - (c) the installation and use of treatment and mitigation measures or devices.
- (3) Any owner, occupier, manager, or person who is present on a premises subject to a control made under subclause (2) must comply with that control.

Explanatory note: The purpose of clause 15 is to protect the operation of the public stormwater network, to ensure the council can protect its stormwater assets and comply with any relevant network discharge consents. This is consistent with the council's position that the stormwater bylaw focuses on managing activities that impact on the stormwater network, while the Resource Management Act 1991 considers effects on the environment. Specifically under the Resource Management Act 1991, a discharge to the public stormwater network is not considered a discharge to the environment; clause 15 enables the council to manage discharges into the public stormwater network.

16 Maintenance and operation of private stormwater systems

- (1) Unless the council approves otherwise, the owner and manager of any private stormwater system is responsible for the operation of that system.
- (2) The owner and manager of a private stormwater system must ensure that the system:
- (a) is maintained in good operating condition; and
 - (b) does not cause or contribute to nuisance.
- (3) The owner, occupier, and manager of a premises on which there is a watercourse, stop bank, or other defence to water, must maintain that watercourse, stop bank, or other defence to water in an operational state which ensures the free flow of water.



- (4) Subclause (3) does not apply to any watercourses, stop banks, or other defences against water that are part of the public stormwater network.
- (5) The council may specify controls for the disposal of stormwater through soakage, including prescribing an AEP storm event, for sites in a specified area.

Explanatory note: This clause will apply to both new and existing ground soakage systems in a specified area. The controls specified will not be more stringent than the minimum standard required under the Building Code. Generally as a minimum a soakage system shall be designed to receive stormwater from the site up to a ten per cent AEP storm event unless otherwise approved by the council.

- (6) The owner, occupier, or manager of a premises that has a soakage system as part of a private stormwater system which may cause a nuisance must ensure that the soakage system disposes of the stormwater from the site in accordance with any controls the council specifies.
- (7) The owner or manager of a private stormwater management device must, on request by the council:
 - (a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose and not cause nuisance in a storm event up to the standard specified in the control under subclause (5) or by an operative resource consent, and
 - (b) carry out such works as are required to ensure the stormwater management device meets its purpose.
- (8) The owner or manager of a private on-site stormwater management device must:
 - (a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and
 - (b) produce that copy of the owner's manual and as built drawings upon request by the council.

17 Removal of redundant system

- (1) To prevent damage to the stormwater network, protect the public from nuisance or promote and maintain public health and safety, the council may require the owner of a private stormwater system or any part thereof, including any stormwater management device, culvert, or stormwater detention pond that has become redundant as part of the primary method of stormwater drainage, to remove or de-commission that system or part thereof.
- (2) The owner of a redundant part of the stormwater system that has been removed or de-commissioned must ensure that the premises on which the system is located or was previously located is restored to the satisfaction of the council.

Explanatory note: The removal or de-commissioning of a redundant system may be required to address health and safety concerns and/or potential risks to the stormwater network. The requirement to remove a redundant system will in most cases be determined when the owner, occupier or manager applies for a building consent and/or engineering approval in relation to installing a new stormwater system at the property.

Part 4 - Approvals, permits and administrative matters

18 Application for approval of the council

- (1) An application to obtain the approval of the council under this bylaw must be:
 - (a) made in the prescribed form; and

- (b) accompanied by:
 - (i) payment of the application and processing fees; and
 - (ii) such further supporting information as the council requires to process the application.
- (2) Having received and considered an application for approval, the council may at its discretion:
 - (a) grant the application subject to such conditions as the council considers fit; or
 - (b) decline the application.

Explanatory note: Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other bylaw in a particular case overlap with the activities subject to this bylaw, compliance with the requirements of this bylaw may be made a condition of the other consent, licence, permit, or approval. Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this bylaw in that particular case, and issue an approval under this bylaw accordingly. This is a matter for council's discretion.

19 Consideration of application for approval

- (1) When considering an application for approval, and the conditions to which the approval will be subject should the application be granted, the council may take into account any of the following:
 - (a) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;
 - (b) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;
 - (c) compliance with the Code of Practice if applicable;
 - (d) compliance with the Auckland Unitary Plan, and any applicable Acts, Regulations, and other bylaws;
 - (e) the extent to which the approval will promote:
 - (i) the achievement of the council's strategies and policies for the management of stormwater;
 - (ii) the achievement of any applicable national environmental standards; and
 - (iii) the outcomes of any applicable national policy statements.
 - (f) any operational policy, guidance document, or management practice approved by the council;
 - (g) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the council in the affected sub-catchment;
 - (h) the complexity of the issue and the cost required to suitably resolve it; and
 - (i) any other reasonable considerations the council considers appropriate.
- (2) The council may grant an application for approval only if it is satisfied that:
 - (a) granting the approval will not significantly prejudice the attainment of the bylaw's purpose; and
 - (b) at least one of the following applies:
 - (i) the work, thing, or issue that approval is applied for is in substantial compliance with the bylaw and further compliance is unnecessary; or

- (ii) the work, thing, or issue provided for, under the approval is as effective as, or more effective than, compliance with the bylaw.
- (iii) events have occurred that make compliance with the bylaw unnecessary or inappropriate in the particular case.

20 Conditions of approval

The council may make an approval subject to the following matters:

- (a) the location of the work or activity;
- (b) the design and specifications of the work or activity;
- (c) construction and maintenance requirements for the work or activity;
- (d) the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged;
- (e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;
- (f) the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;
- (g) the frequency with which any equipment required by the approval must be maintained and cleaned;
- (h) the design, location, and specification of, and any material alteration to, the private stormwater system;
- (i) the implementation of any on-site stormwater management plan;
- (j) the provision of a bond or insurance in favour of the council where failure to comply with the approval could result in damage to the public stormwater network or the council being in breach of any statutory obligation;
- (k) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and
- (l) any other reasonable conditions the council considers appropriate.

21 Non-compliance with conditions of an approval

Where a person does not comply with the terms and conditions of the approval granted by the council, the council may take one or more of the following steps:

- (a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the approval during any subsequent review of the approval;
- (b) Review the approval, which may result in:
 - (i) amendment of the approval; or
 - (ii) suspension of the approval; or
 - (iii) withdrawal of the approval.

22 Maintenance and construction requirements

- (1) The owner, occupier, or manager of a premises on which work occurs for which the council has given approval under this bylaw must maintain the approved work in a



proper state of condition and repair and must comply with the conditions of approval, guidelines and codes of practice set by the council.

- (2) The council may inspect the work at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the council.
- (3) The costs associated with the inspection by the council and maintenance required by the council under this clause must be borne by the owner, occupier, or manager of a premises, unless required otherwise by the council.

Part 5 – Enforcement, offences and penalties

23 Enforcement

- (1) The council may use its powers under the Act, the Local Government Act 1974, the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, and the Health Act 1956 to enforce this bylaw.
- (2) Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this bylaw in respect of those premises.

Explanatory note: Steps taken by the council will be against the person most able to ensure compliance with the bylaw. This is a matter for the council's discretion.

24 Removal of construction

The council may, pursuant to section 163 of the Local Government Act 2002:

- (a) remove or alter a work or thing that has been constructed in breach of this bylaw; and
- (b) recover any costs of removal or alteration from the person who committed the breach.

25 Breaches of the bylaw

- (1) A person who fails to comply with this bylaw commits a breach of this bylaw and:
 - (a) is liable to a penalty under sections 239 and 242 of the Act; and
 - (b) in the particular circumstances, may also be liable to a penalty under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaws Act 1910, the Soil Conservation and Rivers Control Act 1941, the Litter Act 1979, or any other applicable Act.

Explanatory note: breach of the bylaw is an offence under section 239 of the Local Government Act 2002, punishable by a fine of up to \$20,000 under section 242 of that Act. Breach of the bylaw may also be an offence punishable under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaw Act 1910, the Litter Act 1979, and any other applicable Act, depending on the circumstances..

- (2) The council may require the owner, occupier or manager of a premises by written notice to remedy any breach of this bylaw.

26 Exceptions

A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the written directions of an authorised officer or in accordance with an approval of the council.

Part 6 - Savings, transitional provisions and revocation

27 Savings and transitional provisions

- (1) This clause applies to:
 - (a) Auckland City Council Stormwater Bylaw 2008;
 - (b) Papakura District Council Stormwater Bylaw 2008; and
 - (c) Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.
- (2) Any resolution or other decision made under the bylaws referred to in subclause (1) remains in force in the area to which it applies until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.
- (3) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in subclause (1) continues in force but:
 - (a) expires:
 - (i) on the expiry date specified in that approval; or
 - (ii) if no expiry date is specified in that approval, 12 months from the date that this bylaw comes into force; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (4) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences but is not yet determined must be dealt with by the council under the former bylaw as if this bylaw had not been made.

28 Revocations

- (1) The following bylaws are revoked:
 - (a) Auckland City Council Stormwater Bylaw 2008;
 - (b) Papakura District Council Stormwater Bylaw 2008; and
 - (c) Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.



Additional information to Stormwater Bylaw 2015

This document is for information purposes only and does not form part of this bylaw. It contains matters made pursuant to this bylaw, and information to help users understand, use and maintain this bylaw. The document may be updated at any time.

Contents

Section	Description
1	History of bylaw.....
2	Related documents
3	Delegations
4	Register of controls
5	Licences
6	Enforcement powers
7	Offences and penalties
8	Monitoring and review

Section 1: History of bylaw

Action	Description	Date of decision	Decision reference	Commencement
Make	Stormwater Bylaw 2015	30 July 2015	Resolution number GB/2015/78	1 November 2015
Revoke	Auckland City Council Stormwater Bylaw 2008	30 July 2015	Resolution number GB/2015/78	31 October 2015
Revoke	Papakura District Council Stormwater Bylaw 2008	30 July 2015	Resolution number GB/2015/78	31 October 2015
Revoke	Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998	30 July 2015	Resolution number GB/2015/78	31 October 2015

Section 2: Related documents

Title	Description	Location
Appointment of Hearing Panel for the proposed Stormwater Bylaw 2014 (part of report CP2014/08995)	Regulatory and Bylaws Committee resolution of 20 May 2014	RBC/2014/21
Stormwater Bylaw Review 2014 - Statement of Proposal File No.: CP2014/16518	Regulatory and Bylaws Committee resolution of 19 August 2014	Resolution number RBC/2014/34
Stormwater Bylaw Review 2014 - Statement of Proposal – Resolutions from the Regulatory and Bylaws Committee File No.: CP2014/18668	Governing Body resolution of 28 August 2014	Resolution number GB/2014/89
Background Report for the Hearing of Submissions on the proposed Stormwater Bylaw 2014 (report dated 31 October 2014)	Submissions report to the Stormwater Bylaw hearings panel for its hearings meeting on 10 November 2015	
Report to the Hearings Panel on the proposed Stormwater Bylaw 2014 (report dated 25 May 2015)	Deliberations report to the Stormwater Bylaw hearings panel for its deliberations meeting on 28 May 2015	
Report of the Hearings Panel on the proposed Stormwater Bylaw 2015 File No.: CP2015/14733	Stormwater Bylaw Hearings Panel report to the governing body meeting on 30 July 2015	Resolution number GB/2015/78
Resolution making the bylaw and revoking the legacy stormwater bylaws	Governing Body resolution of 30 July 2015	Resolution number GB/2015/78
Public notice	Public notice of the approval of the Stormwater Bylaw 2015	
Auckland Council Code of Practice For Land Development and Subdivision		http://www.aucklandcouncil.govt.nz/en/ratesbuildingproperty/consents/engineeringapprovals/pages/developmentengineering.aspx

Section 3: Delegations

Clause of bylaw	Function, duty or power to be delegated	Delegated authority	Date of delegation decision	Decision reference	Commencement of delegation
6	Any control specified by the council under clauses 8, 14, 15, or 16 of this bylaw.	Regional Strategy and Policy Committee	30 July 2015	Resolution number GB/2015/78	1 November 2015
8	The council may specify controls by guidelines or codes of practice for: (a) the maintenance and construction of any work that affects the public stormwater network; or (b) access to the built components of the public stormwater network.	Regional Strategy and Policy Committee	30 July 2015	Resolution number GB/2015/78	1 November 2015
14(1) and (2)	(1) The council may specify controls for stormwater disposal that occurs by way of ground soakage by guidelines or codes of practice. (2) The council may specify areas in Auckland on any premises within which stormwater disposal must be by ground soakage, unless site conditions prevent it.	Regional Strategy and Policy Committee	30 July 2015	Resolution number GB/2015/78	1 November 2015
15(2)	The council may specify controls for the following matters in relation to the discharge of stormwater to the public stormwater network: (a) where on any premises certain sensitive activities, such as machinery wash-down and bulk storage, must be carried out; (b) device maintenance requirements, such as catchpit clearance; and (c) the installation and use of treatment and mitigation measures	Regional Strategy and Policy Committee	30 July 2015	Resolution number GB/2015/78	1 November 2015

	or devices.				
16(5)	The council may specify controls for the disposal of stormwater through soakage, including prescribing an AEP storm event, for sites in a specified area.	Regional Strategy and Policy Committee	30 July 2015	Resolution number GB/2015/78	1 November 2015
All other clauses in the bylaw		Tier 3 manager – Infrastructure and Environmental Services department	30 July 2015	Resolution number GB/2015/78	1 November 2015

Section 4: Register of controls

Action	Description	Date of decision	Decision reference	Commencement
Control				

Section 5: Licences

Action	Description	Date of decision	Decision reference	Commencement

Section 6: Enforcement powers and related legislation

Legislative provision	Description (section in the statute)
Local Government Act 1974	<p>451 – agreement required before doing work that affects Council drainage works</p> <p>459(1)(f) - the council may require owners of land in certain cases to provide private drains which in the opinion of the council are necessary or expedient for the efficient drainage of the premises and every part thereof. (also provision for drains which service multiple properties)</p> <p>462 - The council may by resolution passed at a meeting of which at least 14 days' public notice has been given, declare any specified private drain in the district to be a public drain. This would allow the council to declare private streams to become public drains</p> <p>467 - cannot connect private drain with public or private drain or covered watercourse without consent</p> <p>468 - removal of tree roots obstructing private drains</p> <p>509 - for public drainage requirements to be constructed.</p> <p>510 - inspection of dams etc.</p> <p>511 - removal of obstructions from drainage channels and watercourses and from a margin no greater than 3m.</p> <p>511 - provides for vehicular access along watercourses and drains for cleaning/clearing/maintenance work etc.</p> <p>Schedule 14 - provides for public works on private property.</p>
Subpart 2 of Local Government Act 2002	<p>162- Injunctions restraining commission of offences and breaches of bylaws</p> <p>163 – Removal of works in breach of bylaws</p> <p>164 - Seizure of property not on private land</p> <p>165 - Seizure of property from private land</p> <p>168 - Power to dispose of property seized and impounded</p> <p>171 - General power of entry</p> <p>172 - Power of entry for enforcement purposes</p> <p>175 - Power to recover for damage by wilful or negligent behaviour</p> <p>176 - Costs of remedying damage arising from breach of bylaw</p> <p>178 - Enforcement officers may require certain information</p>
Subpart 3— of Local Government Act 2002	<p>183 - Removal of fire hazards</p> <p>185 - Occupier may act if owner of premises makes default</p> <p>186 - Local authority may execute works if owner or occupier defaults</p> <p>187 - Recovery of cost of works by local authority</p> <p>188 - Liability for payments in respect of private land</p>
Health Act 1956	34 Power to abate nuisance without notice
Land Drainage Act 1908	<p>23 - may make drains from private lands and attribute costs between benefiting parties. "</p> <p>25 - watercourses not to be allowed to become nuisance. Board is liable for damage.</p> <p>26 - prohibits Interfering with drains (including private drainage to watercourses). Costs can be recovered, works required and a fine of not more than \$60</p> <p>27 - requires the removal of trees where it affects or is likely to affect any public drain. Cost recovery provisions also.</p> <p>62 - removal of obstructions</p> <p>63 – the council required to act within 28 days notice from a customer of weeds and obstructions</p> <p>Part 4 - provides for drainage across multiple properties</p>
Soil and Conservation and Rivers Control Act 1941	<p>134 - provides for pest animal management and afforestation.</p> <p>154 - every person who wilfully destroys or damages any watercourse or defence against water, any plantation or work under the control of the Minister or of any Board, commits an offence and is liable to a fine not exceeding \$10,000.</p>
Miscellaneous legislation	<p>Infrastructure (Amendments Relating to Utilities Access) Act 2010 – access by utility providers</p> <p>Land Transport Act 1998 - drainage into the public system</p> <p>Land Transport Management Act 2003 - the Transport agency may determine what part of a road is a drain</p>



	North Shore Boroughs (Auckland) Water Conservation Act 1944 provides for the creation of bylaws that secure or maintain the purity of the water in the lake
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Section 7: Offences and penalties

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
Clause 24(1)(a)	A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Act	Under sections 239 and 242 of the Act person who is convicted of an offence against a bylaw made under the Act is liable to a fine not exceeding \$20,000.	nil	
Clause 24(1)(b)	A person who commits a breach of this bylaw that is also an offence under any other Act may also be liable to the penalty under those Acts. Such Acts may include: Resource Management Act 1991; Land Drainage Act 1908; Litter Act 1979; Health Act 1956; Hazardous Substances New Organisms Act 1996; Local Government Act 1974.			

Section 8: Monitoring and review

Performance indicator	Measured by	Target

Appendix C: Comparison of the existing Bylaw and proposed amendments

Appendix C: Summary of the differences between the current Bylaw and proposed amended bylaw

The table below shows a comparison of the current and proposed amended bylaw by topic.

In general, the amended bylaw uses a different structure and different words. The reason for this change to is make the bylaw easier to understand and to comply with the best practice bylaw drafting standards.

The differences between the structure and wording make a direct comparison difficult and the size of the table long. To mitigate this the table:


- follows the order of the current Stormwater Bylaw 2015
- only new, amended or removed definitions are shown in the Interpretation clause
- unchanged clauses are not shown
- changes to the current bylaw Sections are summarised.

Differences between the current Bylaw and amended Stormwater Bylaw 2015

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>Stormwater Bylaw 2015 Ture-ā-rohe Wai Āwhā 2015</p> <p>(as at 30 July 2015)</p> <p>Made by the Governing Body of Auckland Council by Resolution in Council (GB/2015/78)</p> <p>on</p> <p>30 July 2015</p> <p>Pursuant to sections 145(a) and (b) and 146(b)(iv) of the Local Government Act 2002, the council makes the following bylaw to manage stormwater.</p>	<p>Te Ture-ā-rohe Wai Āwhā 2015</p> <p>Stormwater Bylaw 2015</p> <p>(as at xx xxxx 2022)</p> <p>Made by the Governing Body of Auckland Council</p> <p>in resolution GB/2015/78</p> <p>on 30 July 2015</p> <p>Bylaw made under sections 145(a) and (b) and 146(b)(iv) of the Local Government Act 2002.</p>	<p>Updated for consistency with best practice bylaw drafting standards.</p>
<p>Summary table - not included in the 2015 Bylaw</p>	<p>Summary</p> <p>This summary is not part of the Bylaw but explains the general effects and scope.</p> <p>The safe and efficient operation of stormwater networks is crucial to the wellbeing of Aucklanders. Damage, misuse and interference of these networks can result in risks to public health and safety, and can result in public nuisance. The purpose of this Bylaw is to regulate land drainage and protect the public stormwater network so that it is safe efficient by –</p> <ul style="list-style-type: none"> • regulating connections and activities that may damage or interfere with the network (clauses 8, 9, 10, 11, 12, 13) • specifying controls for the design and construction of ground soakage systems (clause 14) • protecting the operation of the public stormwater network to ensure council can protect its stormwater assets and assist with complying with any relevant stormwater network discharge consents. This is consistent with council's position that the Stormwater Bylaw focuses on managing activities that have impact on the stormwater network, while the Resource Management Act 1991 considers effects (clause 15) 	<p>Improves certainty and understanding of what the Bylaw does.</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
	<ul style="list-style-type: none"> regulating the maintenance and operation of private stormwater systems (clauses 16 and 17). <p>Other parts of this Bylaw assist with administration by –</p> <ul style="list-style-type: none"> stating the name of this Bylaw, when it comes into force and where it applies (clauses 1, 2 and 3) stating the purpose of this Bylaw and defining terms used (clauses 4 and 5) specifying certain controls and public notification (clause 6) clarifying relationship of the Bylaw with other legislation (clause 7) requiring applications for approvals, conditions and compliance (clauses 18,19, 20, 21 and 22) enabling Bylaw enforcement (clauses 23, 24, 25 and 26). <p>This Bylaw is part of a wider framework. The Bylaw is not inconsistent with –</p> <ul style="list-style-type: none"> rules and activities regulated by the Building Act 2004 rules and activities regulated by the Resource Management Act 1991 and Auckland Unitary Plan, including discharges of contaminants into the environment. 	
<p>1. Title This bylaw is the Stormwater Bylaw 2015.</p>	<p>1. Title This bylaw is the Te Ture-ā-rohe Wai Āwhā 2015 Stormwater Bylaw 2015.</p>	<p>Updated for consistency with best practice bylaw drafting standards.</p>
<p>2. Commencement This bylaw comes into force on 1 November 2015</p>	<p>2. Commencement (1) This Bylaw comes into force on 1 November 2015 (2) Amendments made by resolution GB/2022/XX come into force on XXXX.</p> <p>Related information about amendments Council decided on dd month year to make various amendments to the Bylaw. Key changes included:</p> <ul style="list-style-type: none"> Specify controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems Consider additional requirements for vesting of public assets and approvals under the Bylaw Require approvals for modifications or new engineered wastewater overflow points into the stormwater network Restrict or exclude certain activities for parts of the stormwater network Update the wording, Bylaw format and definitions <p>A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.</p>	<p>Added subclause for amendment dates of Bylaw</p> <p>Capital in Bylaw and all subsequent Bylaw references throughout the document</p>
<p>3. Application [Not shown]</p>	<p>3. Application [Not shown, no change]</p>	

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>4. Purpose</p> <p>The purpose of this bylaw is to regulate land drainage, including to:</p> <ul style="list-style-type: none"> (a) manage the development and maintenance of the public stormwater network, and the land, structures, and infrastructure associated with that network; (b) protect the public stormwater network, and the land, structures, and infrastructure associated with that network, from damage, misuse or loss; (c) manage the use of the the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained; (d) ensure that discharges into the public stormwater network do not damage the network or compromise the council's ability to comply with any applicable network discharge consent; (e) prevent interference with the public stormwater network, and the land, structures, and infrastructure associated with that network; (f) manage the public stormwater network, and the land, structures, and infrastructure associated with that network, so as to protect the public from nuisance and promote and maintain public health and safety; (g) provide measures to manage the ground soakage systems that form part of the stormwater network; (h) ensure the maintenance and operation of private stormwater systems, the removal or de-commissioning of redundant stormwater systems on private land to prevent damage to the stormwater network, to protect the public from nuisance and promote and maintain public health and safety. 	<p>4. Purpose</p> <p>(1) The purpose of this Bylaw is to regulate land drainage, including to –</p> <ul style="list-style-type: none"> (a) enable council to manage the development, operation and maintenance of the public stormwater network, and the land, structures, and infrastructure associated with that network, in accordance with the Stormwater Network Discharge Consent, including to comply with the conditions of the Stormwater Network Discharge Consent; (b) protect the public stormwater network, and the land, structures, and infrastructure associated with that network, from damage, misuse, interference, and nuisance; (c) manage the use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained; (d) ensure that discharges into the public stormwater network do not damage the network; (e) prevent interference with the public stormwater network, and the land, structures, and infrastructure associated with that network; (f) manage the public stormwater network, and the land, structures, and infrastructure associated with that network, to protect the public from nuisance and promote and maintain public health and safety; (g) provide measures to manage the ground soakage systems that form part of the stormwater network; (h) ensure the maintenance and operation of private stormwater systems, the removal or de-commissioning of redundant stormwater systems on private land to prevent damage to the stormwater network, to protect the public from nuisance, and to promote and maintain public health and safety. 	<p>Clarifies the objective, activities regulated, and the regulatory approach</p>
<p>5. Interpretation</p>	<p>5. Interpretation [new, amended, or removed definitions only]</p>	<p>Please note: Only new, amended or</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
(1) In this bylaw, unless the context otherwise requires,—	(1) In this Bylaw, unless the context otherwise requires, –	removed definitions are shown
Act means the Local Government Act 2002		Definition not necessary
Annual exceedance probability/AEP has the same meaning as in the Auckland Unitary Plan. A ten per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a ten per cent or greater probability of occurring in one year.	Annual exceedance probability/AEP has the same meaning as in the Auckland Unitary Plan	Repetition
Council means the Auckland Council or any person delegated or authorised to act on its behalf.	<p>Council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf. In relation to making a control, the Governing Body of Auckland Council may only delegate this power to a committee and / or the Chief Executive of Auckland Council who may sub-delegate to a third-tier manager or above.</p> <div data-bbox="786 647 1845 815" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>As at 12 November 2019, the Auckland Council Regulatory Committee has delegated authority to hear, determine, and make recommendations to the Governing Body regarding all bylaws and associated controls (GB/2019/109).</p> </div>	Updated definition and related information on delegations.
Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.	<p>Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.</p> <div data-bbox="786 863 1845 1078" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled LGC-Ak-R1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.</p>  </div>	Clarity Note global change in the amended bylaw replacing 'explanatory note' with 'Related information'
Code of Practice means the latest approved version of the Auckland Council Code of Practice in relation to the public stormwater network made under Part 2 of this bylaw.	Code of Practice means the latest approved version of the Auckland Council Code of Practice for Land Development and Subdivision in relation to the public stormwater network made under Part 2 of this bylaw.	Clarity
	Engineered Overflow Point means a location where a discharge of wastewater from an engineered overflow structure occurs.	New term – "Engineered Overflow Point".
Floodplain means the area that is expected or predicted to be inundated by water during a one per cent Annual Exceedance Probability rainfall event.	<p>floodplain has the same meaning as in the Auckland Unitary Plan.</p> <div data-bbox="786 1374 1845 1481" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Auckland Unitary Plan states:</p> </div>	Clarity

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
	<p>Floodplain - the area of land that is inundated by runoff from a specified rainfall event, with an upstream catchment generating 2m³/s or greater of above ground flow, taking into account:</p> <ul style="list-style-type: none"> • any increases in impervious areas that would arise from changes in land use enabled by the policies and zonings of the Plan; • the effects of climate change over a 100-year timeframe in respect of the frequency and duration of rain fall events and a 1m sea level rise; and • assuming that primary drainage is not blocked. 	
	<p>green infrastructure means natural systems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services for stormwater management. This includes built infrastructure (“green” devices, for example rain gardens), natural elements in modified environments (for example, planted trees in landscaped areas), and natural assets (for example, streams).</p>	New term – ‘green infrastructure’
<p>Nuisance has the same meaning as in section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:</p> <ol style="list-style-type: none"> (a) a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person; (b) danger to life; (c) danger to public health; (d) flooding of any building floor or sub-floor, or public roadway; (e) damage to property; (f) damage to the stormwater network; (g) erosion or subsidence of land; (h) long or short term adverse effects on the environment; (i) adverse loss of riparian vegetation; (j) wastewater overflow to land or water; or (k) anything that causes a breach of any stormwater discharge consent condition binding the council, (including an accumulation of chemicals causing a breach). 	<p>nuisance has the same meaning as in section 29 of the Health Act 1956 and in the context of this bylaw includes, but is not limited to:</p> <ol style="list-style-type: none"> (a) a person, thing, or circumstance causing distress or annoyance or unreasonable interference with the peace, comfort, or convenience of another person; (b) flooding of any building floor or sub-floor, or public roadway; (c) damage to property; (d) damage to the stormwater network; (e) erosion or subsidence of land; (f) adverse loss of riparian vegetation; (g) anything that causes a breach of any stormwater discharge consent condition binding the council, (including an accumulation of chemicals causing a breach). 	Clarity, renumbering.
<p>Pest Plant means any tree or vegetation listed as a plant pest within the Auckland Regional Plant Pest Management Strategy, Department of Conservation Pest Plants List or the National Pest</p>	<p>pest plant means any tree or vegetation listed as a plant pest within the Regional Pest Management Plan 2020-2030, Department of Conservation Pest Plants List or the National Pest Plant Accord (excluding research organisms) under the Biosecurity Act 1993.</p>	Updated definition

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
Plant Accord (excluding research organisms) under the Biosecurity Act 1993.		
<p>Public stormwater network means:</p> <p>(a) any stormwater pipe, drain, land drainage work or treatment facility, vested in or under the control of the council; and</p> <p>(b) any stormwater drain, drain, land drainage work or treatment facility declared by the council to be a public drain under section 462 of the Local Government Act 1974.</p>	<p>public stormwater network means:</p> <p>(a) any stormwater pipe, drain, land drainage work or treatment facility, vested in or under the control of the council; and</p> <p>(b) any drain, land drainage work or treatment facility declared by the council to be a public drain under section 462 of the Local Government Act 1974.</p>	Clarity
	<p>soakage means disposal of stormwater into the ground by way of specifically designed pits, trenches or bores.</p>	New Term – ‘Soakage’
<p>Stormwater means the rainfall and surface water runoff from land, including from constructed impervious areas such as roads, pavement, roofs, and urban areas, which may contain dissolved or entrained contaminants, and which is diverted and discharged to land, water or the stormwater network.</p>	<p>stormwater has the same meaning as in the Auckland Unitary Plan</p> <div data-bbox="790 584 1845 810" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Auckland Unitary Plan states:</p> <p>stormwater - rainfall runoff from land, including constructed impervious areas such as roads, pavement, roofs, and urban areas, which may contain dissolved or entrained contaminants, and which is diverted and discharged to land, and water.</p> </div>	Clarity
	<p>stormwater management plan means a plan that details the best practicable option for the long-term management of stormwater from a catchment, sub-catchment or development area.</p> <div data-bbox="790 890 1845 1059" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Auckland Design Manual provides guidance on the preparation and content of a stormwater management plan. Minimum requirements may also be specified in a Stormwater Network Discharge Consent.</p> </div>	New term – ‘Stormwater Management Plan’
	<p>Stormwater Network Discharge Consent means a resource consent for the diversion and discharge of stormwater from the public stormwater network.</p>	New term – ‘Stormwater Network Discharge Consent’
	<p>wastewater has the same meaning as in the Auckland Unitary Plan.</p> <div data-bbox="790 1264 1845 1455" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Auckland Unitary Plan states:</p> <p>wastewater - Liquid (and liquids containing solids) waste from domestic, industrial, commercial premises including (but not limited to) toilet wastes, sullage, trade wastes and gross solids.</p> </div>	New term – ‘Wastewater’

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>5. Interpretation</p> <p>(2) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw has the meaning given by the Act</p> <p>(3) Explanatory notes have been included for information purposes only. They do not form part of this Bylaw, and may be made, amended, or revoked without form process.</p> <p>(4) The Interpretation Act 1999 applies to this Bylaw.</p>	<p>5. Interpretation</p> <p>(2) Unless the context requires another meaning, a term or expression that is defined in the Local Government Act 2002 and used, but not defined, in this Bylaw has the meaning given by that Act.</p> <p>(3) Related information and links to webpages do not form part of this Bylaw, and may be inserted, changed or removed without any formality.</p> <p>(4) The Interpretation Act 1999 applies to this Bylaw</p>	Clarity
<p>6. Controls specified under this Bylaw</p> <p>(1) Any control specified by the council under clauses 8, 14, 15, or 16 of this bylaw:</p> <p>(a) must, after giving consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the particular control, be made by a</p> <p>(b) council resolution that is publicly notified; and</p> <p>(c) may:</p> <p>(i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;</p> <p>(ii) apply to all activities or to any specified category of activity;</p> <p>(iii) apply to Auckland or to a specified part of Auckland; and/or</p> <p>(iv) apply at all times or at any specified time or period of time.</p>	<p>6. Controls specified under this Bylaw</p> <p>(1) Any control specified by council under clauses 8, 14, 15, or 16 of this Bylaw -</p> <p>(a) must be made by a council resolution that is publicly notified, after considering the views and preferences of persons likely to be affected or have an interest in the particular control; and</p> <p>(b) may:</p> <p>(i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;</p> <p>(ii) apply to all activities or to any specified category of activity;</p> <p>(iii) apply to Auckland or to a specified part of Auckland; and/or</p> <p>(iv) apply at all times or at any specified time or period of time.</p>	Clarity
<p>7. Relationship with other legislation</p> <p>(1) Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, regulation, or other bylaw.</p> <p>(2) Unless expressly specified in this bylaw, compliance with the requirements of any Act, regulation, or other bylaw does not remove the need to comply with the requirements of this bylaw.</p> <p>(3) Nothing in this bylaw shall derogate from the Resource Management Act 1991.</p> <p><i>Explanatory note:</i> The effect of this clause is to require that works and activities regulated by the Resource Management Act 1991 must first be authorised pursuant to that Act before they may be carried</p>	<p>7. Relationship with other legislation</p> <p>(1) Compliance with the requirements of this Bylaw does not remove the need to comply with the requirements of any Act, regulation, or other Bylaw.</p> <p>(2) Unless expressly specified in this Bylaw, compliance with the requirements of any Act, regulation, or other Bylaw does not remove the need to comply with the requirements of this Bylaw.</p> <p>(3) Nothing in this Bylaw shall derogate from the Resource Management Act 1991.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Related information</p> <p>The effect of this clause is to make it clear that works and activities regulated by the Resource Management Act 1991 must be authorised pursuant to that Act before they may be carried out, even if they are in accordance with this Bylaw.</p> </div>	Clarity in Related Information

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p><i>out, notwithstanding that they are authorised by this bylaw. In other words, where necessary, works and activities proposed under this bylaw should first be incorporated in the relevant plan under the Resource Management Act or made the subject of an application for a resource consent.</i></p> <p><i>Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other bylaw in a particular case overlap with the activities subject to this bylaw, compliance with the requirements of this bylaw may be made a condition of the other consent, licence, permit, or approval.</i></p> <p><i>Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this bylaw in that particular case, and issue an approval under this bylaw accordingly. This is a matter for council's discretion.</i></p>	<p>Where activities subject to any consent, licence, permit, or similar approval issued under any Act, regulation, or other Bylaw are also regulated by this Bylaw, compliance with the requirements of this Bylaw may be made a condition of the other consent or approval.</p> <p>Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this Bylaw in that particular case, and issue an approval under this Bylaw accordingly. This is a matter for council's discretion.</p>	
<p>8. Controls and code of practice</p> <p>The council may specify controls by guidelines or codes of practice for:</p> <p>(a) the maintenance and construction of any work that affects the public stormwater network; or</p> <p>(b) access to the built components of the public stormwater network.</p>	<p>8. Controls and code of practice</p> <p>(1) Council may specify controls by guidelines or codes of practice for –</p> <p>(a) the maintenance and construction of any work that affects the public stormwater network;</p> <p>(b) access to the built components of the public stormwater network; or</p> <p>(c) the effective and efficient operation of the stormwater network and private stormwater systems.</p> <p>Related information</p> <p>Controls specified can be found in Schedule 1 at the end of this Bylaw.</p>	<p>The provision for the council to specify guidelines or codes of practice for private systems is not in the current bylaw which will be a tool to assist with implementation.</p>
<p>9. Stormwater network development</p> <p>(1) Unless the council approves otherwise, any vested stormwater asset must comply with the Code of Practice on the date the asset is vested in the council.</p> <p>(2) A person must obtain approval from the council before:</p> <p>(a) undertaking work to:</p> <p>(i) construct a vested stormwater asset; or</p> <p>(ii) alter or modify any part of the public stormwater network; or</p> <p>(b) making any new service connection to the public stormwater network.</p> <p>(3) A person must obtain approval from the council and the Auckland water organisation before making any new service</p>	<p>9. Stormwater network development</p> <p>(1) Unless the council approves otherwise, any vested stormwater asset must comply with the Code of Practice on the date the asset is vested in the council.</p> <p>(2) Any vested stormwater asset must be of a type, design, location, and performance that enables council to comply with the relevant conditions of a stormwater network discharge consent, including any relevant stormwater management plan that has been adopted into a stormwater network discharge consent.</p> <p>(3) A person must obtain approval from the council before:</p> <p>(a) undertaking work to:</p> <p>(i) construct a vested stormwater asset; or</p> <p>(ii) alter or modify any part of the public stormwater network, or existing service connection; or</p> <p>(b) making any new service connection to the public stormwater network.</p> <p>Related information</p>	<p>New Subclause (2) to clarify existence of Stormwater Network Discharge consent</p> <p>New Subclause (6) to clarify asset inspection requirements prior to vesting with the council</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>connection for the discharge of stormwater to the wastewater network. <i>Explanatory note: A resource consent under the Auckland Unitary Plan and/or a building consent under the Building Act 2004 may also be required.</i></p> <p>(4) Any vested stormwater asset referred to in this clause remains the responsibility of the owner of the premises until it is vested in the council.</p>	<p>The conditions of the Auckland Regionwide Stormwater Network Discharge Consent, the stormwater management plan templates, as well as the adopted stormwater management plans can be found on the Auckland Design Manual.</p> <p>(4) A person must obtain approval from the council and the Auckland water organisation before making any new service connection for the discharge of stormwater to the wastewater network.</p> <p>(5) Any stormwater asset to be vested remains the responsibility of the owner of the premises until it is vested in the council.</p> <p>(6) Any stormwater asset to be vested may be inspected by the council to ensure compliance with approval conditions prior to the asset being vested.</p> <p>(7) Any new connection or modification of an Engineered Overflow Point to the public stormwater network requires approval from the council.</p> <p>Related information</p> <p>A resource consent under the Resource Management Act 1991 and/or a building consent under the Building Act 2004 may also be required in addition to an approval under this Bylaw.</p>	<p>New Subclause (7) to require approval for new or modifications to engineered overflow points</p> <p>Clarification to the explanatory note.</p>
<p>10. Works and activities in close proximity to the public stormwater network</p> <p>(1) Unless the council approves otherwise, any structure on, over, or within the proximate distances from the public stormwater network specified in the Code of Practice must comply with the Code of Practice with regard to the protection of the public stormwater network.</p> <p>(2) A person must obtain approval from the council before:</p> <p>(a) undertaking any excavation that is likely to result in damage to the public stormwater network;</p> <p>(b) removing any existing cover material or placing any additional material over or within the zone of influence of the public stormwater network specified in the Code of Practice that is likely to result in damage to the public stormwater network;</p> <p>(c) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or</p> <p>(d) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network. .</p>	<p>10. Works and activities in close proximity to the public stormwater network</p> <p>(1) Unless the council approves otherwise, any structure on, over, or within the proximate distances from the public stormwater network specified in the Code of Practice must comply with the Code of Practice with regard to the protection of the public stormwater network.</p> <p>(2) A person must obtain approval from the council before:</p> <p>(a) undertaking any excavation that is likely to result in damage to the public stormwater network;</p> <p>(b) removing any existing cover material or placing any additional material over or within the zone of influence of the public stormwater network specified in the Code of Practice that is likely to result in damage to the public stormwater network;</p> <p>(c) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or</p> <p>(d) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.</p> <p>Related information</p> <p>The council will apply the New Zealand Transport Agency Bridge Manual that limits the load on infrastructure to that of the soil overburden together with the weight of a HN-HO-72 wheel or axle load in assessing if a load is excessive.</p>	

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p><i>Explanatory note: The council will apply the New Zealand Transport Agency Bridge Manual that limits the load on infrastructure to that of the soil overburden together with the weight of a HN-HO-72 wheel or axle load in assessing if a load is excessive.</i></p> <p>(3) Every person must comply with the Code of Practice when accessing any built component of the public stormwater network.</p> <p><i>Explanatory note: The code of practice prescribes the process of gaining access along with health and safety requirements</i></p>	<p>(3) Every person must comply with the Code of Practice when accessing any built component of the public stormwater network.</p> <div data-bbox="869 304 1919 395" style="border: 1px solid black; padding: 5px;"> <p>Related information The Code of Practice prescribes the process of gaining access along with health and safety requirements.</p> </div> <p>(4) The council may restrict or exclude access (or activity) to specific parts of the public stormwater network to enable its safe and efficient operation and to protect public safety.</p> <div data-bbox="869 531 1919 622" style="border: 1px solid black; padding: 5px;"> <p>Related information This includes activities such as recreational fishing or kayaking on stormwater ponds and wetlands.</p> </div>	<p>New Subclause (4) to restrict or exclude certain activities or access to the public stormwater network</p>
<p>11. Obstructions and diversions of stormwater [Not shown]</p>	<p>11. Obstructions and diversions of stormwater [Not shown, no change]</p>	
<p>12. Alterations or damage to the public stormwater network</p> <p>A person must obtain approval from the council before damaging, modifying, or altering the hydraulic performance of the public stormwater network.</p>	<p>12. Alterations or damage to the public stormwater network</p> <p>(1) No person may damage, modify, or alter the hydraulic performance of the public stormwater network, unless the council approves or that person is expressly authorised by an operative resource consent.</p>	<p>Clarity</p>
<p>13. Alterations or damage to the natural stormwater network</p> <p>(1) No person may remove vegetation from or damage vegetation in any wetland on a premises that the person owns, occupies, or manages, if the removal or damage is likely to adversely affect the ability of the wetland to contribute to the performance of the stormwater network, unless the council approves or that person is expressly authorised by an operative resource consent.</p> <p>(2) Subclause (1) does not apply to the removal or damage of pest plants.</p>	<p>13. Alterations or damage to green infrastructure</p> <p>(1) No person may remove vegetation from or damage vegetation forming a component of green infrastructure if the removal or damage is likely to adversely affect the ability of the green infrastructure to continue providing its stormwater management function, unless the council approves or that person is expressly authorised by an operative resource consent.</p> <p>(2) Subclause (1) does not apply to the removal or damage of pest plants.</p>	<p>Proposed addition to Subclause (1) to capture the protection of green infrastructure</p>
<p>14. Ground soakage systems</p> <p>(1) The council may specify controls for stormwater disposal that occurs by way of ground soakage by guidelines or codes of practice.</p> <p>(2) The council may specify areas in Auckland on any premises within which stormwater disposal must be by ground soakage, unless site conditions prevent it.</p>	<p>14. Ground soakage systems</p> <p>(1) The council may specify controls for stormwater disposal that occur by way of ground soakage or recharge, by guidelines or codes of practice.</p> <p>(2) The council may specify areas in Auckland on any premises within which stormwater disposal must be by ground soakage or recharge unless site conditions prevent it.</p> <p>(3) No person may discharge a contaminant into a ground soakage or recharge system if the discharge is likely to cause nuisance or adversely affect the operation of the ground soakage or recharge system, unless the council</p>	<p>Clarity</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>(3) No person may discharge a contaminant into a ground soakage system if the discharge is likely to cause nuisance or adversely affect the operation of the ground soakage system, unless the council approves or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent.</p> <p>(4) Any new ground soakage system must comply with the requirements of the Code of Practice and any applicable council soakage design manuals.</p> <p><i>Explanatory note: The Building Code allows territorial authorities to develop alternative verification methods based on hydrological modelling. The controls specified will not be more stringent than allowed for under the Building Code. Generally as a minimum a soakage system shall be designed to receive stormwater from the site up to a ten per cent AEP storm event unless otherwise approved by the council. (See clause 16)</i></p> <p><i>A building consent is required for construction or alteration of any private stormwater disposal system using ground soakage. Areas for soakage include (but are not limited to) parts of Ellerslie, Penrose, Onehunga, Mt Eden, Epsom, Mt Roskill and, Mt Albert. Papakura, Pukekohe, Waiuku and Mangere Bridge.</i></p>	<p>approves, or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent.</p> <p>(4) Any new ground soakage or recharge system must comply with the requirements of the Code of Practice and any applicable council soakage design manuals.</p> <div data-bbox="792 352 1917 651" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>The Building Code allows territorial authorities to develop alternative verification methods based on hydrological modelling. The controls specified in this Bylaw will not be more stringent than allowed for under the Building Code.</p> <p>A building consent is required for construction or alteration of any private stormwater disposal system using ground soakage.</p> <p>Areas for soakage include (but are not limited to) parts of Ellerslie, Penrose, Onehunga, Mt Eden, Epsom, Mt Roskill, Mt Albert, Papakura, Takanini, Pukekohe, Waiuku and Mangere Bridge.</p> </div>	
<p>15. Discharge of contaminants to the stormwater network</p> <p>(1) No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorised by an operative resource consent.</p> <p><i>Explanatory note: Contaminants include (but are not limited to) sediment, concrete, cement slurry, sewage, effluent, solvents, soap, detergents, dissolved metal, hazardous material, fungicide, insecticide, litter and green waste.</i></p> <p>(2) The council may specify controls for the following matters in relation to the discharge of stormwater to the public stormwater network:</p>	<p>15. Discharge of contaminants to the stormwater network</p> <p>(1) No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorised by an operative resource consent.</p> <div data-bbox="842 1078 1917 1201" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>Contaminants that could affect the stormwater network in Clause 15(1) include (but are not limited to) sediment, concrete, cement slurry, wastewater, effluent, solvents, soap, detergents, dissolved metal, hazardous material, fungicide, insecticide, litter and green waste.</p> </div> <p>(2) The council may specify controls for the following matters in relation to the discharge of stormwater to the public stormwater network:</p> <p>(a) where on any premises certain sensitive activities, such as machinery wash-down and bulk storage, must be carried out;</p> <p>(b) device maintenance requirements, such as catchpit clearance; and</p> <p>(c) the installation and use of treatment and mitigation measures or devices.</p> <p>(3) Any owner, occupier, manager, or person who is present on a premises subject to a control made under subclause (2) must comply with that control.</p>	<p>Clarity</p> <p>Clarification of related information for Clause 15(1).</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>(a) where on any premises certain sensitive activities, such as machinery washdown and bulk storage, must be carried out;</p> <p>(b) device maintenance requirements, such as catchpit clearance; and</p> <p>(c) the installation and use of treatment and mitigation measures or devices.</p> <p>(3) Any owner, occupier, manager, or person who is present on a premises subject to a control made under subclause (2) must comply with that control.</p> <p><i>Explanatory note: The purpose of clause 15 is to protect the operation of the public stormwater network, to ensure the council can protect its stormwater assets and comply with any relevant network discharge consents. This is consistent with the council's position that the stormwater bylaw focuses on managing activities that impact on the stormwater network, while the Resource Management Act 1991 considers effects on the environment. Specifically under the Resource Management Act 1991, a discharge to the public stormwater network is not considered a discharge to the environment; clause 15 enables the council to manage discharges into the public stormwater network.</i></p>		<p>Related information regarding purpose moved to the summary table at the front of the Bylaw</p>
<p>16. Maintenance and operation of private stormwater systems</p> <p>(1) Unless the council approves otherwise, the owner and manager of any private stormwater system is responsible for the operation of that system.</p> <p>(2) The owner and manager of a private stormwater system must ensure that the system:</p> <p>(a) is maintained in good operating condition; and</p> <p>(b) does not cause or contribute to nuisance.</p> <p>(3) The owner, occupier, and manager of a premises on which there is a watercourse, stop bank, or other defence to water, must maintain that watercourse, stop bank, or other defence to water in an operational state which ensures the free flow of water.</p> <p>(4) Subclause (3) does not apply to any watercourses, stop banks, or other defences against water that are part of the public stormwater network.</p>	<p>16. Maintenance and operation of private stormwater systems</p> <p>(1) Unless the council approves otherwise, the owner and manager of any private stormwater system is responsible for the operation of that system.</p> <p>(2) The owner and manager of a private stormwater system must ensure that the system:</p> <p>(a) is maintained in good operating condition; and</p> <p>(b) does not cause or contribute to nuisance.</p> <p>(3) The owner, occupier, and manager of a premises on which there is a watercourse, stop bank, or other defence to water, must maintain that watercourse, stop bank, or other defence to water in an operational state which ensures the free flow of water.</p> <p>(4) Subclause (3) does not apply to any watercourses, stop banks, or other defences against water that are part of the public stormwater network.</p> <p>(5) The council may specify controls for the disposal of stormwater through ground soakage or recharge, including prescribing an AEP storm event, for sites in a specified area.</p> <div data-bbox="790 1321 1919 1437" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>This clause will apply to both new and existing ground soakage systems in a specified area. The controls specified will not be more stringent than the minimum standard required under the Building Code.</p> </div>	<p>Minor clarifications.</p> <p>Clarification to include other legal documents such as consent notices, easements or covenants.</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>(5) The council may specify controls for the disposal of stormwater through soakage, including prescribing an AEP storm event, for sites in a specified area.</p> <p><i>Explanatory note: This clause will apply to both new and existing ground soakage systems in a specified area. The controls specified will not be more stringent than the minimum standard required under the Building Code. Generally as a minimum a soakage system shall be designed to receive stormwater from the site up to a ten per cent AEP storm event unless otherwise approved by the council.</i></p> <p>(6) The owner, occupier, or manager of a premises that has a soakage system as part of a private stormwater system which may cause a nuisance must ensure that the soakage system disposes of the stormwater from the site in accordance with any controls the council specifies.</p> <p>(7) The owner or manager of a private stormwater management device must, on request by the council:</p> <p>(a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose and not cause nuisance in a storm event up to the standard specified in the control under subclause (5) or by an operative resource consent, and</p> <p>(b) carry out such works as are required to ensure the stormwater management device meets its purpose.</p> <p>(8) The owner or manager of a private on-site stormwater management device must:</p> <p>(a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and</p> <p>(b) produce that copy of the owner's manual and as built drawings upon request by the council.</p>	<p>(6) The owner, occupier, or manager of a premises that has a ground soakage or recharge system as part of a private stormwater system which may cause a nuisance must ensure that the ground soakage or recharge system disposes of the stormwater from the site in accordance with any controls the council specifies.</p> <p>(7) The owner or manager of a private stormwater management device must, on request by the council:</p> <p>(a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose including not causing nuisance in a storm event up to the standard specified in the control under subclause (5) or by an operative resource consent, consent notice, easement or covenant and</p> <p>(b) carry out such works as are required to ensure the stormwater management device meets its purpose.</p> <p>(8) The owner or manager of a private on-site stormwater management device must:</p> <p>(a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and</p> <p>(b) produce that copy of the owner's manual and as built drawings upon request by the council.</p>	
<p>17. Removal of redundant system [Not shown]</p>	<p>17. Removal of redundant system [Not shown, no change]</p>	
<p>18. Application for approval of the council</p> <p>(1) An application to obtain the approval of the council under this bylaw must be:</p> <p>(a) made in the prescribed form; and</p> <p>(b) accompanied by:</p> <p>(i) payment of the application and processing fees; and</p>	<p>18. Application for approval of the council</p> <p>(1) An application to obtain the approval of the council under this Bylaw must be:</p> <p>(a) made in the prescribed form; and</p> <p>(b) accompanied by:</p> <p>(i) payment of the application and processing fees; and</p> <p>(ii) any further supporting information.</p>	<p>Clarity</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>(ii) such further supporting information as the council requires to process the application.</p> <p>(2) Having received and considered an application for approval, the council may at its discretion:</p> <p>(a) grant the application subject to such conditions as the council considers fit; or</p> <p>(b) decline the application.</p> <p><i>Explanatory note: Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other bylaw in a particular case overlap with the activities subject to this bylaw, compliance with the requirements of this bylaw may be made a condition of the other consent, licence, permit, or approval. Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this bylaw in that particular case, and issue an approval under this bylaw accordingly. This is a matter for council's discretion.</i></p>	<p>(2) Having received and considered an application for approval, the council may at its discretion:</p> <p>(a) inspect places related to the application;</p> <p>(b) grant the application subject to such conditions as the council considers fit; or</p> <p>(c) decline the application.</p> <div data-bbox="869 373 1919 611" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>Where activities subject to any consent, licence, permit, or other approval issued under any Act, regulation, or other Bylaw in a particular case overlap with the activities subject to this Bylaw, compliance with the requirements of this Bylaw may be made a condition of the other consent, licence, permit, or approval. Alternatively, the council may determine that the terms of the other consent, licence, permit, or approval are sufficient to satisfy the requirements of this Bylaw in that particular case, and issue an approval under this Bylaw accordingly. This is a matter for council's discretion.</p> </div>	
<p>19. Consideration of an application for approval</p> <p>(1) When considering an application for approval, and the conditions to which the approval will be subject should the application be granted, the council may take into account any of the following:</p> <p>(a) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;</p> <p>(b) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;</p> <p>(c) compliance with the Code of Practice if applicable;</p> <p>(d) compliance with the Auckland Unitary Plan, and any applicable Acts, Regulations, and other bylaws;</p> <p>(e) the extent to which the approval will promote:</p> <p>(i) the achievement of the council's strategies and policies for the management of stormwater;</p> <p>(ii) the achievement of any applicable national environmental standards; and</p> <p>(iii) the outcomes of any applicable national policy statements.</p> <p>(f) any operational policy, guidance document, or management practice approved by the council;</p>	<p>19. Consideration of an application for approval</p> <p>(1) When considering an application for approval <u>under this Bylaw</u>, and the conditions to which the approval will be subject should the application be granted, the council may take into account any of the following:</p> <p>(a) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;</p> <p>(b) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;</p> <p>(c) any applicable requirements of a stormwater network discharge consent, including conditions and schedules, or a Stormwater Management Plan adopted into a stormwater network discharge consent;</p> <p>(d) compliance with the Code of Practice if applicable;</p> <p>(e) compliance with the Auckland Unitary Plan, and any applicable Acts, regulations, and other Bylaws;</p> <p>(f) the extent to which the approval will promote:</p> <p>(i) the achievement of the council's strategies and policies for the management of stormwater;</p> <p>(ii) the achievement of any applicable national environmental standards; and</p> <p>(iii) the outcomes of any applicable national policy statements.</p> <p>(g) any operational policy, guidance document, or management practice approved by the council;</p> <p>(h) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the council in the affected sub-catchment;</p> <p>(i) the complexity of the issue and the cost required to suitably resolve it;</p> <p>(j) compliance with any related resource consent conditions, consent notices, easements and covenants;</p> <p>(k) mana whenua values and Te Mana o te Wai if the application involves a significant decision in relation to land or a body of water;</p> <p>(l) carbon footprint to construct, maintain, operate and decommission the asset; and</p>	<p>Subclauses added to expand the scope of applications for approval. Carbon footprint to assess carbon lifecycle and respond to the climate emergency. Mana whenua values for council's obligations under Local Government Act and the Treaty Principles.</p> <p>Subclause (2)(b)(iv) clarifies role of network discharge consent compliance in considering</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>(g) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the council in the affected sub-catchment;</p> <p>(h) the complexity of the issue and the cost required to suitably resolve it; and</p> <p>(i) any other reasonable considerations the council considers appropriate.</p> <p>(2) The council may grant an application for approval only if it is satisfied that:</p> <p>(a) granting the approval will not significantly prejudice the attainment of the bylaw's purpose; and</p> <p>(b) at least one of the following applies:</p> <p>(i) the work, thing, or issue that approval is applied for is in substantial compliance with the bylaw and further compliance is unnecessary; or</p> <p>(ii) the work, thing, or issue provided for, under the approval is as effective as, or more effective than, compliance with the bylaw.</p> <p>(iii) events have occurred that make compliance with the bylaw unnecessary or inappropriate in the particular case.</p>	<p>(m) any other reasonable considerations the council considers appropriate.</p> <p>(2) The council may grant an application for approval only if it is satisfied that:</p> <p>(a) the approval will not significantly prejudice council in achieving the bylaw's purpose; and</p> <p>(b) at least one of the following applies:</p> <p>(i) the work, thing, or issue that approval is applied for is in substantial compliance with the bylaw and further compliance is unnecessary; or</p> <p>(ii) the work, thing, or issue provided for, under the approval is as effective as, or more effective than, compliance with the bylaw.</p> <p>(iii) events have occurred that make compliance with the bylaw unnecessary or inappropriate in the particular case.</p> <p>(iv) the work does not compromise the ability of council to comply with the conditions any stormwater network discharge consent</p>	<p>applications for approval.</p>
<p>20. Conditions of approval</p> <p>The council may make an approval subject to the following matters:</p> <p>(a) the location of the work or activity;</p> <p>(b) the design and specifications of the work or activity;</p> <p>(c) construction and maintenance requirements for the work or activity;</p> <p>(d) the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged;</p> <p>(e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;</p> <p>(f) the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other</p>	<p>20. Conditions of approval</p> <p>(1) The council may make an approval subject to the following matters:</p> <p>(a) the location of the work or activity;</p> <p>(b) the design and specifications of the work or activity;</p> <p>(c) construction and maintenance requirements for the work or activity;</p> <p>(d) the specific approved point(s) of service connection to the stormwater network into which the stormwater must be discharged;</p> <p>(e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;</p> <p>(f) the provision by the owner, occupier, and manager of the premises, at his or her expense, of appropriate screens, grease traps, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;</p> <p>(g) the frequency with which any equipment required by the approval must be maintained and cleaned;</p> <p>(h) the design, location, and specification of, and any material alteration to, the private stormwater system;</p> <p>(i) the implementation of any stormwater management plan adopted by the council;</p> <p>(j) the provision of a bond or insurance in favour of the council where failure to comply with the approval could result in damage to the public stormwater network or the council being in breach of any statutory obligation;</p>	<p>Additional matters that may be included as approval conditions.</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>characteristics of stormwater prior to the point of discharge to the public stormwater network;</p> <p>(g) the frequency with which any equipment required by the approval must be maintained and cleaned;</p> <p>(h) the design, location, and specification of, and any material alteration to, the private stormwater system;</p> <p>(i) the implementation of any on-site stormwater management plan;</p> <p>(j) the provision of a bond or insurance in favour of the council where failure to comply with the approval could result in damage to the public stormwater network or the council being in breach of any statutory obligation;</p> <p>(k) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and</p> <p>(l) any other reasonable conditions the council considers appropriate.</p>	<p>(k) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise;</p> <p>(l) council inspection requirements prior to asset vesting;</p> <p>(m) inspection requirements to ensure appropriate operation;</p> <p>(n) the management of mana whenua values;</p> <p>(o) the minimising of carbon footprint;</p> <p>(p) the duration of approval and period of lapse; and</p> <p>(q) any other reasonable conditions the council considers appropriate.</p>	
<p>21. Non-compliance with conditions of approval</p> <p>Where a person does not comply with the terms and conditions of the approval granted by the council, the council may take one or more of the following steps:</p> <p>(a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the approval during any subsequent review of the approval;</p> <p>(b) Review the approval, which may result in:</p> <p>(i) amendment of the approval; or</p> <p>(ii) suspension of the approval; or</p> <p>(iii) withdrawal of the approval.</p>	<p>21. Non-compliance with conditions of approval</p> <p>(1) Where a person does not comply with the terms and conditions of the approval granted by the council, the council may take one or more of the following steps:</p> <p>(a) issue a written warning to the person, which may be considered as evidence of a prior breach of a condition or approval during any subsequent review of the approval.</p> <p>(b) review the approval, which may result in:</p> <p>(i) amendment of the approval; or</p> <p>(ii) suspension of the approval; or</p> <p>(iii) withdrawal of the approval; or</p> <p>(iv) no further action.</p> <p>(c) charge fees for the inspection in relation to the non-compliance.</p> <p>(d) initiate enforcement action in accordance with Part 5 of this Bylaw.</p>	Clarity
<p>22. Maintenance and construction requirements</p> <p>(1) The owner, occupier, or manager of a premises on which work occurs for which the council has given approval under this bylaw must maintain the approved work in a proper state of condition and repair and must comply with the conditions of approval, guidelines and codes of practice set by the council.</p> <p>(2) The council may inspect the work at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be</p>	<p>22. Maintenance and construction requirements</p> <p>(1) The owner, occupier, or manager of a premises on which work occurs for which the council has given approval under this bylaw must maintain the approved work in good condition and must comply with the conditions of approval, guidelines, and Code of Practice set by the council.</p> <p>(2) The council may inspect a private stormwater system at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the council.</p> <p>(3) The council may recover costs from the owner, occupier, or manager of a premises associated with the inspection of private stormwater systems required by the council under this Bylaw.</p>	Clarification of inspections of private stormwater systems and provision for cost recovery of council staff time.

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change
<p>carried out within the advised timeframe and to the standard specified by the council.</p> <p>(3) The costs associated with the inspection by the council and maintenance required by the council under this clause must be borne by the owner, occupier, or manager of a premises, unless required otherwise by the council.</p>		
<p>23. Enforcement</p> <p>(1) The council may use its powers under the Act, the Local Government Act 1974, the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, and the Health Act 1956 to enforce this Bylaw.</p> <p>(2) Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this Bylaw in respect of those premises.</p> <p><i>Explanatory note: Steps taken by the council will be against the person most able to ensure compliance with the Bylaw. This is a matter for the council's discretion.</i></p>	<p>23. Enforcement</p> <p>(1) Council may use its powers under the Local Government Act 2002, the Local Government Act 1974, the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, and the Health Act 1956 to enforce this Bylaw.</p> <div data-bbox="790 555 1921 839" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <ul style="list-style-type: none"> • Subpart 2 of Local Government Act 2002, sections 162, 163, 164, 165, 168, 171, 172, 175, 176 and 178. • Subpart 3 of Local Government Act 2002, sections 185, 186, 187, and 188. • Local Government Act 1974, sections 451, 462, 467, 168, 511 and Schedule 14. • Land Drainage Act 1908, sections 23, 25, 26, 27, 62, 63 and Part 4. • Soil Conservation and Rivers Control Act 1941, sections 134 and 154. • Health Act 1956, section 33, 34, 128, 134. </div> <p>(2) Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this Bylaw in respect of those premises.</p> <p>(3) The council may require the owner, occupier or manager of a premises to, in a manner, or within any time specified in a written notice (Bylaw Notice) remedy any breach of this Bylaw.</p> <div data-bbox="790 1054 1921 1355" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>Steps taken by the council will be against the person most able to ensure compliance with the Bylaw. This is a matter for the council's discretion.</p> <p>As reprinted on 1 July 2021, enforcement powers under the Local Government Act 2002 included court injunction (section 162), seizure and disposal of property (sections 164, 165, 168), powers of entry (sections 171, 172, 173), cost recovery for damage (sections 175, 176), and power to request name and address (section 178).</p> <p>As reprinted on 29 June 2021, enforcement powers under the Health Act 1956 included court orders (section 33), cost recovery for council to abate nuisance (section 34), powers of entry (section 128), and power to request name and address (section 134).</p> </div>	<p>Clarity</p> <p>Clause 23(3) moved from existing Bylaw Clause 25(2)</p> <p>New related information table summarising section 6 of the current Bylaw.</p> <p>Additions to current explanatory note</p>
<p>24. Removal of construction</p> <p>The council may, pursuant to section 163 of the Local Government Act 2002:</p>	<p>24. Removal of construction</p> <p>The council may, pursuant to section 163 of the Local Government Act 2002:</p> <p>(a) remove or alter a work or thing that has been constructed in breach of this bylaw; and</p>	<p>Clarification of responsible parties.</p>

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<p>(a) remove or alter a work or thing that has been constructed in breach of this bylaw; and</p> <p>(b) recover any costs of removal or alteration from the person who committed the breach.</p>	<p>(b) recover any costs of removal or alteration from the owner, occupier or manager of the premises who committed the breach.</p>	
<p>25. Breaches of the bylaw</p> <p>(1) A person who fails to comply with this bylaw commits a breach of this bylaw and:</p> <p>(a) is liable to a penalty under sections 239 and 242 of the Act; and</p> <p>(b) in the particular circumstances, may also be liable to a penalty under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaws Act 1910, the Soil Conservation and Rivers Control Act 1941, the Litter Act 1979, or any other applicable Act.</p> <p><i>Explanatory note: breach of the bylaw is an offence under section 239 of the Local Government Act 2002, punishable by a fine of up to \$20,000 under section 242 of that Act. Breach of the bylaw may also be an offence punishable under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaw Act 1910, the Litter Act 1979, and any other applicable Act, depending on the circumstances.</i></p> <p>(2) The council may require the owner, occupier or manager of a premises by written notice to remedy any breach of this bylaw.</p>	<p>25. Breaches of the bylaw</p> <p>(1) A person who fails to comply with this Bylaw (for example a requirement, Bylaw Notice, approval, or conditions of approval) commits a breach of this Bylaw and:</p> <p>(a) is liable to a penalty under sections 239 and 242 of the Act; and</p> <p>(b) in the particular circumstances, may also be liable to a penalty under the Resource Management Act 1991, the Health Act 1956, the Land Drainage Act 1908, the Bylaws Act 1910, the Soil Conservation and Rivers Control Act 1941, the Litter Act 1979, or any other applicable Act.</p> <div data-bbox="790 616 1919 746" style="border: 1px solid black; padding: 5px;"> <p>Related information</p> <p>A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding \$20,000 under section 242 of the Local Government Act 2002</p> </div>	<p>Clarification of what constitutes a breach of the bylaw.</p> <p>Clause 25(2) moved to Clause 23(3)</p> <p>Include Related information regarding breaches.</p>
<p>26. Exceptions [Not shown]</p>	<p>26. Exceptions [Not shown, no change]</p>	
<p>Part 6 - Savings, transitional provisions and revocation</p> <p>27 Savings and transitional provisions</p> <p>(1) This clause applies to:</p> <p>(a) Auckland City Council Stormwater Bylaw 2008;</p> <p>(b) Papakura District Council Stormwater Bylaw 2008; and</p> <p>(c) Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.</p> <p>(2) Any resolution or other decision made under the bylaws referred to in subclause (1) remains in force in the area to which it</p>	<p>Part 6</p> <p>[Repealed]</p>	<p>Removed or updated as related information for consistency with best practice bylaw drafting standards.</p>

Current Bylaw clause (2015)	Proposed amendment (2021)	Reasons for change																				
<p>applies until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.</p> <p>(3) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in subclause (1) continues in force but:</p> <p>(a) expires:</p> <p>(i) on the expiry date specified in that approval; or</p> <p>(ii) if no expiry date is specified in that approval, 12 months from the date that this bylaw comes into force; and</p> <p>(c) can be renewed only by application made and determined under this bylaw.</p> <p>(4) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in subclause (1) that was filed before the day on which this bylaw commences but is not yet determined must be dealt with by the council under the former bylaw as if this bylaw had not been made.</p> <p>28 Revocations</p> <p>(1) The following bylaws are revoked:</p> <p>(a) Auckland City Council Stormwater Bylaw 2008;</p> <p>(b) Papakura District Council Stormwater Bylaw 2008; and</p> <p>(c) Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.</p>																						
<p>Section 4: Register of Controls</p>	<p>Schedule 1 Register of Controls</p> <table border="1" data-bbox="786 1018 1845 1481"> <thead> <tr> <th>Action</th> <th>Description</th> <th>Date of Decision</th> <th>Decision Reference</th> <th>Commencement</th> </tr> </thead> <tbody> <tr> <td>Control</td> <td>Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater</td> <td>XX XXXX 2022</td> <td>GB/2022/XX</td> <td>XX XXXX 2022</td> </tr> <tr> <td>Control</td> <td>Stormwater Management Devices in the Auckland Region December 2017 Guideline Document 2017/001</td> <td>XX XXXX 2022</td> <td>GB/2022/XX</td> <td>XX XXXX 2022</td> </tr> <tr> <td>Control</td> <td>Water Sensitive Design for Stormwater March 2015 Guideline Document 2015/004</td> <td>XX XXXX 2022</td> <td>GB/2022/XX</td> <td>XX XXXX 2022</td> </tr> </tbody> </table>	Action	Description	Date of Decision	Decision Reference	Commencement	Control	Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater	XX XXXX 2022	GB/2022/XX	XX XXXX 2022	Control	Stormwater Management Devices in the Auckland Region December 2017 Guideline Document 2017/001	XX XXXX 2022	GB/2022/XX	XX XXXX 2022	Control	Water Sensitive Design for Stormwater March 2015 Guideline Document 2015/004	XX XXXX 2022	GB/2022/XX	XX XXXX 2022	<p>Section 4 amended to Schedule 1 to include controls under the Bylaw.</p>
Action	Description	Date of Decision	Decision Reference	Commencement																		
Control	Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater	XX XXXX 2022	GB/2022/XX	XX XXXX 2022																		
Control	Stormwater Management Devices in the Auckland Region December 2017 Guideline Document 2017/001	XX XXXX 2022	GB/2022/XX	XX XXXX 2022																		
Control	Water Sensitive Design for Stormwater March 2015 Guideline Document 2015/004	XX XXXX 2022	GB/2022/XX	XX XXXX 2022																		

Current Bylaw clause (2015)	Proposed amendment (2021)					Reasons for change
	Control	Stormwater Soakage and Groundwater Recharge in the Auckland Region 2021 Guideline Document GD2021/007	XX XXXX 2022	GB/2022/XX	XX XXXX 2022	
	Control	Schedule 4: Connection Requirements of Auckland Council Regionwide Stormwater Network Discharge Consent	XX XXXX 2022	GB/2022/XX	XX XXXX 2022	
<p>Section 1: History of bylaw</p> <p>Section 2: Related documents</p> <p>Section 3: Delegations</p> <p>Section 5: Licences</p> <p>Section 6: Enforcement powers and related legislation</p> <p>Section 7: Offences and penalties</p> <p>Section 8: Monitoring and review</p>	<p>Section 1: History of bylaw <i>[added as related information]</i></p> <p>Section 2: Related documents <i>[added as related information]</i></p> <p>Section 3: Delegations <i>[added as related information]</i></p> <p>Section 5: Licences <i>[removed, not necessary]</i></p> <p>Section 6: Enforcement powers and related legislation <i>[added as related information]</i></p> <p>Section 7: Offences and penalties <i>[added as related information]</i></p> <p>Section 8: Monitoring and review <i>[removed, not necessary]</i></p>					<p>Removed or updated as related information for consistency with best practice bylaw drafting standards.</p>

Find out more: phone **09 301 0101**
or visit **aucklandcouncil.govt.nz/**

ATTACHMENT C
SUMMARY OF PUBLIC FEEDBACK

PROPOSAL TO AMEND THE STORMWATER BYLAW 2015

FEEDBACK OVERVIEW

Te take mō te pūrongo

Purpose of the report

The information in this report summarises feedback received during the consultation period of 22 September to 27 October 2021 on the proposal to amend the Stormwater Bylaw 2015.

Whakarāpopototanga matua

Executive summary

We consulted with the public on the proposal to amend the Stormwater Bylaw 2015. Submitters were asked their views on the proposal to amend the Stormwater Bylaw 2015 that aims to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network. This includes:

- specifying controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems;
- considering additional requirements for vesting of public assets and approvals under the bylaw, including the ability to assess the carbon lifecycle associated with the construction and operation of new stormwater network assets;
- requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network to assist with the protection of public health and safety when the overflow points activate;
- restricting or excluding certain activities for parts of the stormwater network to protect public health and safety from activities such as fishing or kayaking in stormwater treatment devices like ponds and wetlands;
- updating the bylaw wording, format, and definitions.

We received public feedback via an online form, and e-mail.

Overall:

- A total of 79 pieces of feedback were received.
- 68 pieces of feedback (86%) were received via the online form and 11 (14%) via email.
- We heard from 18 organisations (24% of all submissions).

Consultation items

Proposal 1: Controls on public stormwater network and private stormwater systems

Over half of the submitters (60%) **agreed** with the proposal. 21% of comments related to specific controls.

Proposal 2: Additional requirements for vesting of public assets and approvals

Just under half of the submitters (47%) **agreed** with the proposal. A third of the submitters (33%) **disagreed** with the proposal. 20% of the comments related to mana whenua values.

Proposal 3: Approving modifications or new engineered wastewater overflow points

Almost two-thirds of the submitters (64%) **agreed** with the proposal. 5% **disagreed**.

11% of comments related to wastewater management, and further 11% of comments related to public health and safety.

Proposal 4: Restricting or excluding activities for parts of the stormwater network

Just under half of the submitters (48%) **agreed** with the proposal and 26% disagreed. The largest number of comments related to the scope of the restrictions.

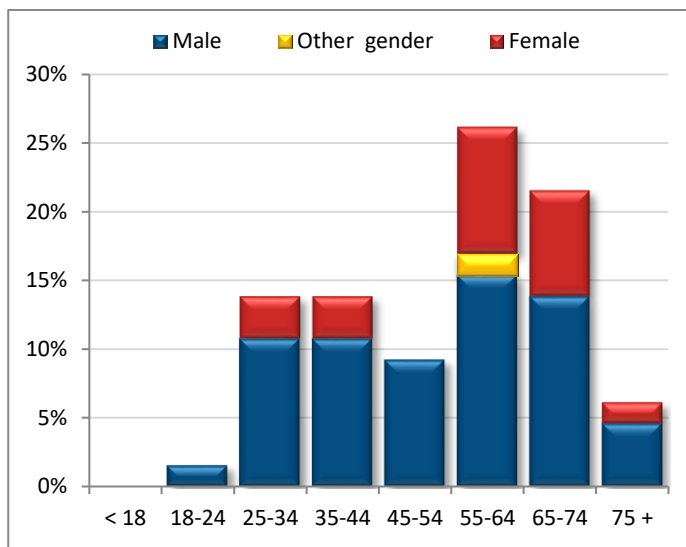
Proposal 5: Updating the bylaw wording, format, and definitions

Almost three quarters (73%) of submitters **agreed** with the proposal. The largest number of comments related to easier reading.

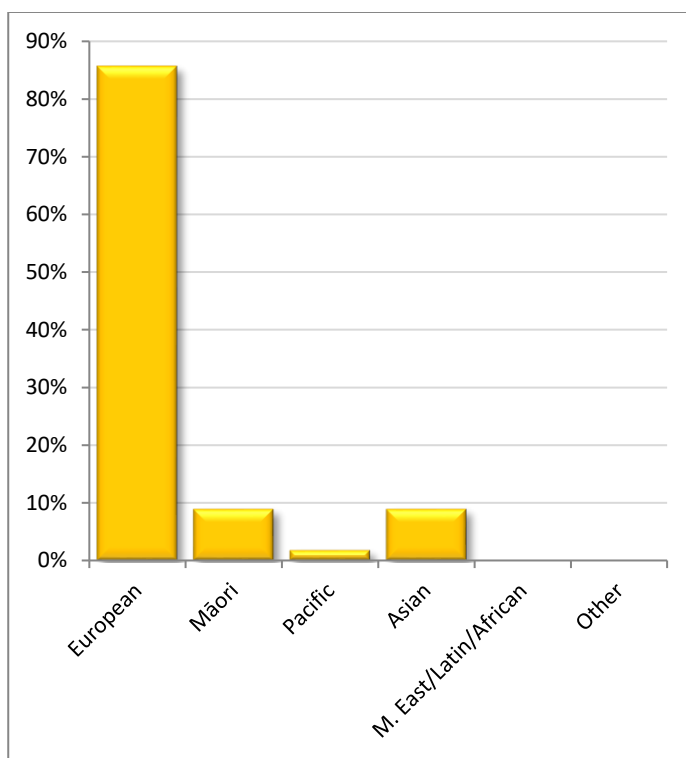
Who we heard from

The tables below indicate the demographic profile of those that answered the demographic questions.

AGE	Male	Female	Diverse	Total	%
< 18	0	0	0	0	0%
18 – 24	1	0	0	2	3%
25 – 34	7	2	0	9	14%
35 – 44	7	2	0	9	14%
45 – 54	6	0	0	8	12%
55 – 64	10	6	1	18	28%
65 – 74	9	5	0	15	23%
75 +	3	1	0	4	6%
Total				65	100%



ETHNICITY	#	%
European	48	86%
Pākehā/NZ European	45	80%
Other European	3	5%
Māori	5	9%
Pacific	1	2%
Samoan	1	2%
Tongan	0	0%
Other Pasifika	0	0%
Asian	5	9%
Chinese	0	0%
Korean	0	0%
South East Asian	0	0%
Indian	5	9%
Other Asian	0	0%
Middle Eastern/Latin American/African	0	0%
Other (incl. Kiwi/New Zealander)	0	0%
Total	56	NA



The table below indicates the total number of feedback received by the local board that submitters live in.

LOCAL BOARD	Total	Percentage
Albert-Eden	5	6%
Aotea/Great Barrier	0	0%
Devonport-Takapuna	7	9%
Franklin	6	8%
Henderson-Massey	4	5%
Hibiscus and Bays	2	3%
Howick	5	6%
Kaipātiki	2	3%
Māngere-Ōtāhuhu	1	1%
Manurewa	1	1%
Maungakiekie-Tāmaki	6	8%
Ōrākei	7	9%
Ōtara-Papatoetoe	1	1%
Papakura	2	3%
Puketāpapa	3	4%
Rodney	3	4%
Upper Harbour	1	1%
Waiheke	3	4%
Waitākere Ranges	4	5%
Waitematā	4	5%
Whau	2	3%
Regional organisation	7	9%
Not supplied	3	4%
Outside Auckland	0	0%
TOTAL	79	100%

Urupare

Feedback

Proposal 1: Controls on public stormwater network and private stormwater systems

Submitters were asked to choose a response and then to provide a comment in an open comment field.

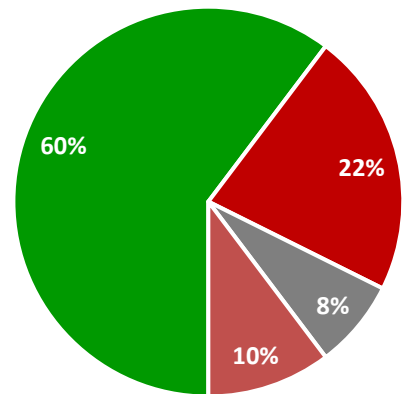
(n=79 submitters made submissions whilst 68 selected a response to this question)

SUMMARY OF FEEDBACK

Over half of submitters (60%) **agreed** with the proposal specifying controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems

RESPONSE	TOTAL	%
Agree	41	60%
Disagree	15	22%
Other	5	7%
Don't know	7	10%
TOTAL	68	100%

- Agree
- Disagree
- Other
- I don't know



Most common theme

21% of comments related to specified controls

(14 comments)



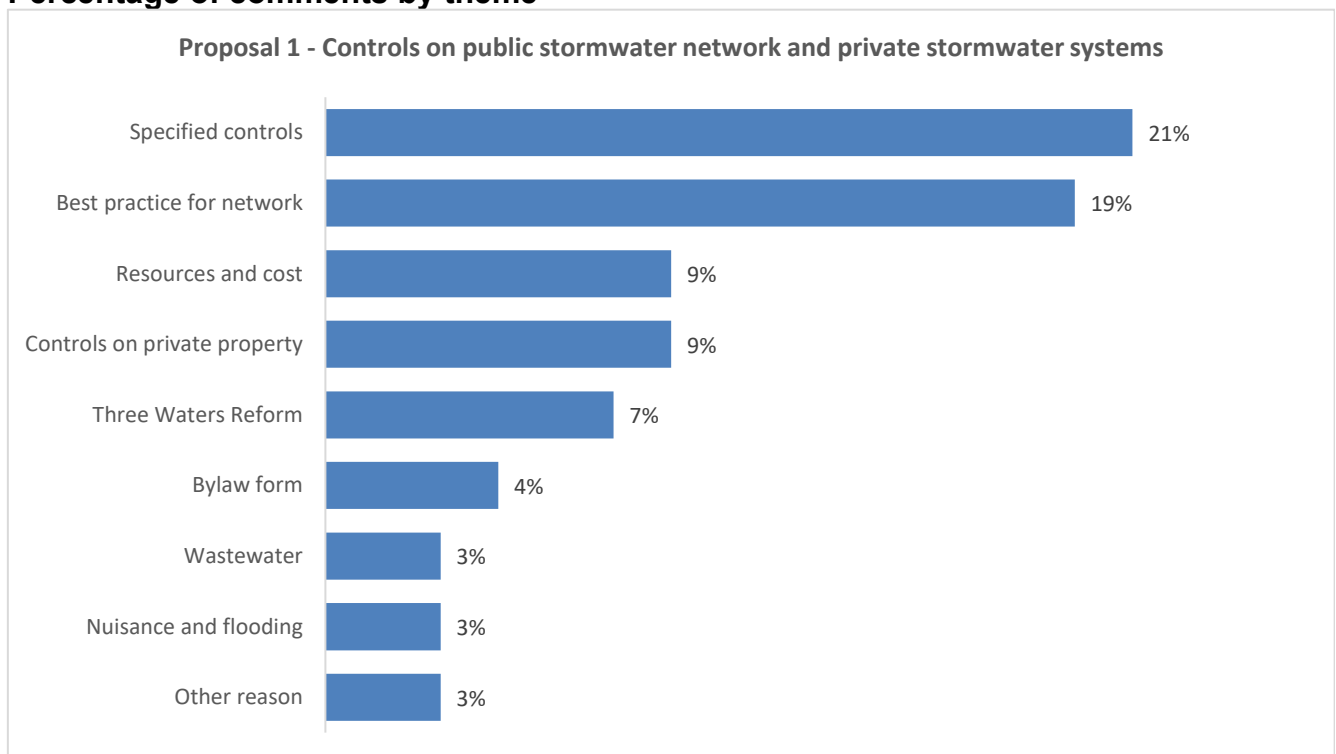
Two comments were received from submitters supporting the proposal, six selected the 'disagree' option.

Comments included:

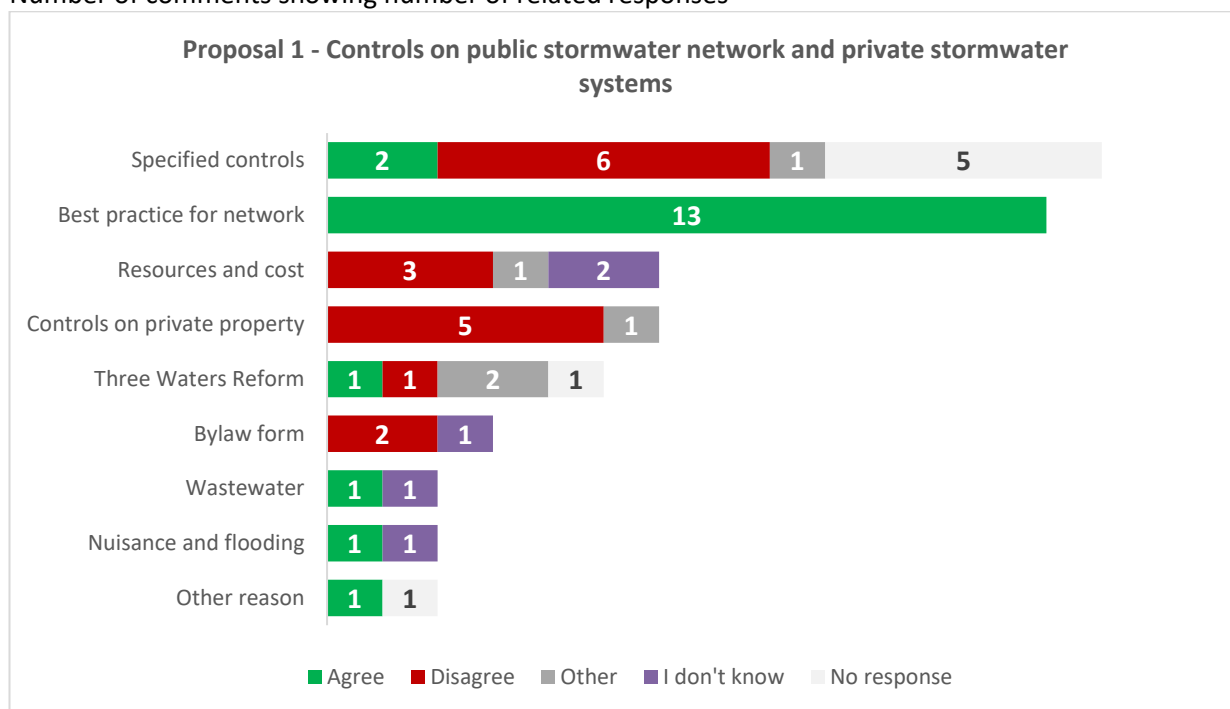
- It is time to update codes and guidelines. When preparing code and guides, provide enough help to design stormwater systems.
- Many of the documents being included in the Register of Controls are "Guidance Documents". The inherent nature of these documents is that they provide guidance, and they are not voluntary and do not prescribe a mandatory standard.

THEMES	TOTAL	%
Specified controls	14	21%
Best practice for network	13	19%
Resources and cost	6	9%
Controls on private property	6	9%
Three Waters Reform	5	7%
Bylaw form	3	4%
Wastewater	2	3%
Nuisance and flooding	2	3%
Other reason	2	3%

Percentage of comments by theme



Number of comments showing number of related responses



Proposal 2: Additional requirements for vesting of public assets and approvals

Submitters were asked to choose a response and then to provide a comment in an open comment field.

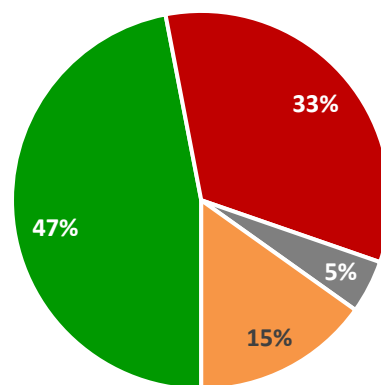
(n=79 submitters made submissions whilst 66 selected a response to this question)

SUMMARY OF FEEDBACK

Just under half of the submitters (47%) **agreed** with the proposal for additional requirements for vesting of public assets and approvals, whilst a third of the submitters (33%) disagreed with the proposal.

RESPONSE	TOTAL	%
Agree	31	47%
Disagree	22	33%
Other	3	5%
Don't know	10	15%
TOTAL	66	100%

- Agree
- Disagree
- Other
- I don't know



Most common theme

20% of comments related to mana whenua values.

(13 comments) Nine of submitters providing comments disagreed with the proposal, three agreed



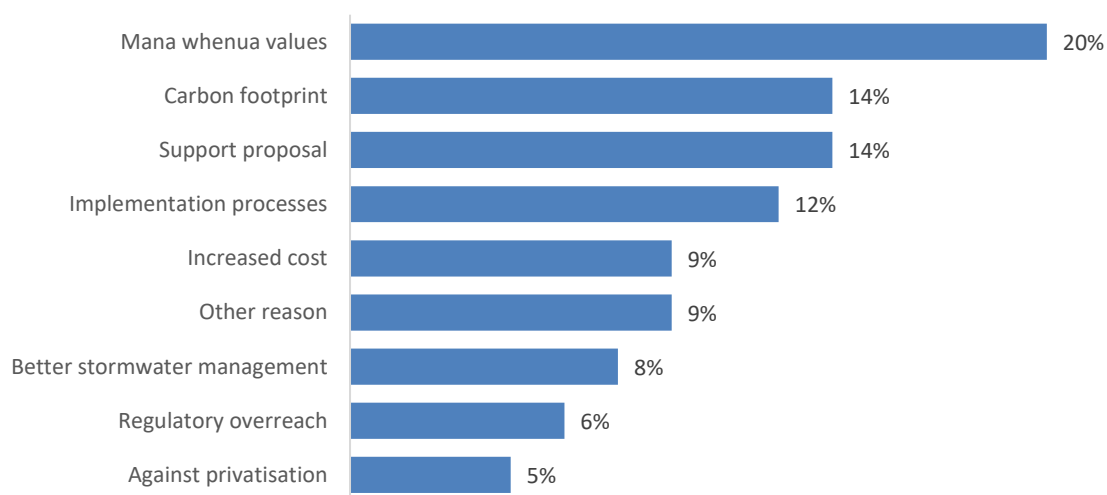
Comments included:

- Mana whenua values should be considered and consulted on. Such values are not universal and often disputed. They should be considered and included in framework, not an ongoing reinterpretation.
- Stick to technical requirements only. Don't include anything to do with carbon footprint and mana whenua values.

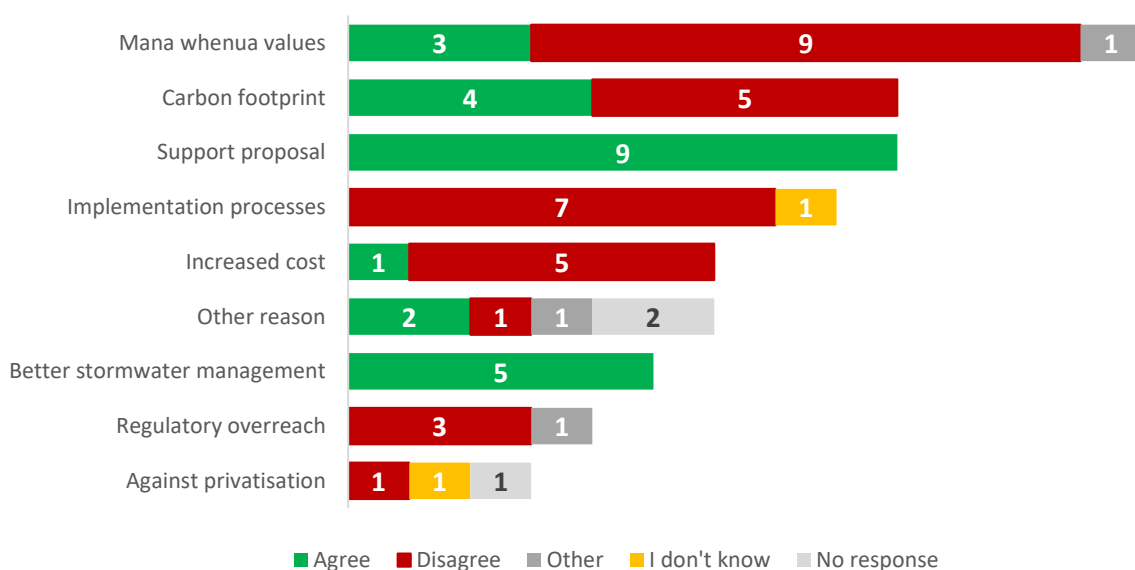
THEMES	TOTAL	%
Mana whenua values	13	20%
Carbon footprint	9	14%
Support proposal	9	14%
Implementation processes	8	12%
Increased cost	6	9%
Other reason	6	9%
Better stormwater management	5	8%
Regulatory overreach	4	6%
Against privatisation	3	5%

Percentage of comments by theme

Proposal 2 - Additional requirements for vesting of public assets and approvals



Proposal 2 - Additional requirements for vesting of public assets and approvals



Proposal 3: Approving modifications or new engineered wastewater overflow points

Submitters were asked to choose a response and then to provide a comment in an open comment field.

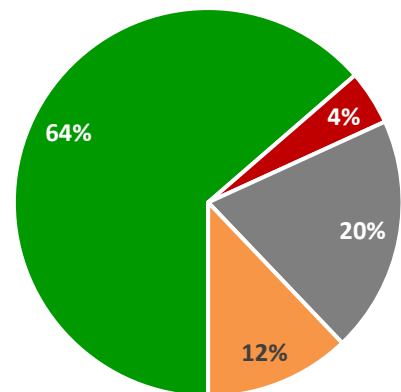
(n=79 submitters made submissions whilst 66 selected a response to this question)

SUMMARY OF FEEDBACK

Almost two-thirds of the submitters (64%) **agreed** with the proposal for approving modifications or new engineered wastewater overflow points whilst 5% (3 submitters) disagreed with the proposal.

RESPONSE	TOTAL	%
Agree	42	64%
Disagree	3	5%
Other	13	20%
I don't know	8	12%
TOTAL	66	100%

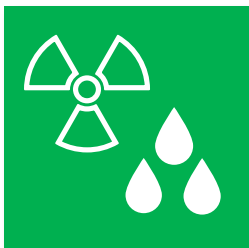
- Agree
- Disagree
- Other
- I don't know



Most common theme

11% of comments related to wastewater management
And 11% of comments related to public health and safety

(7 comments each)



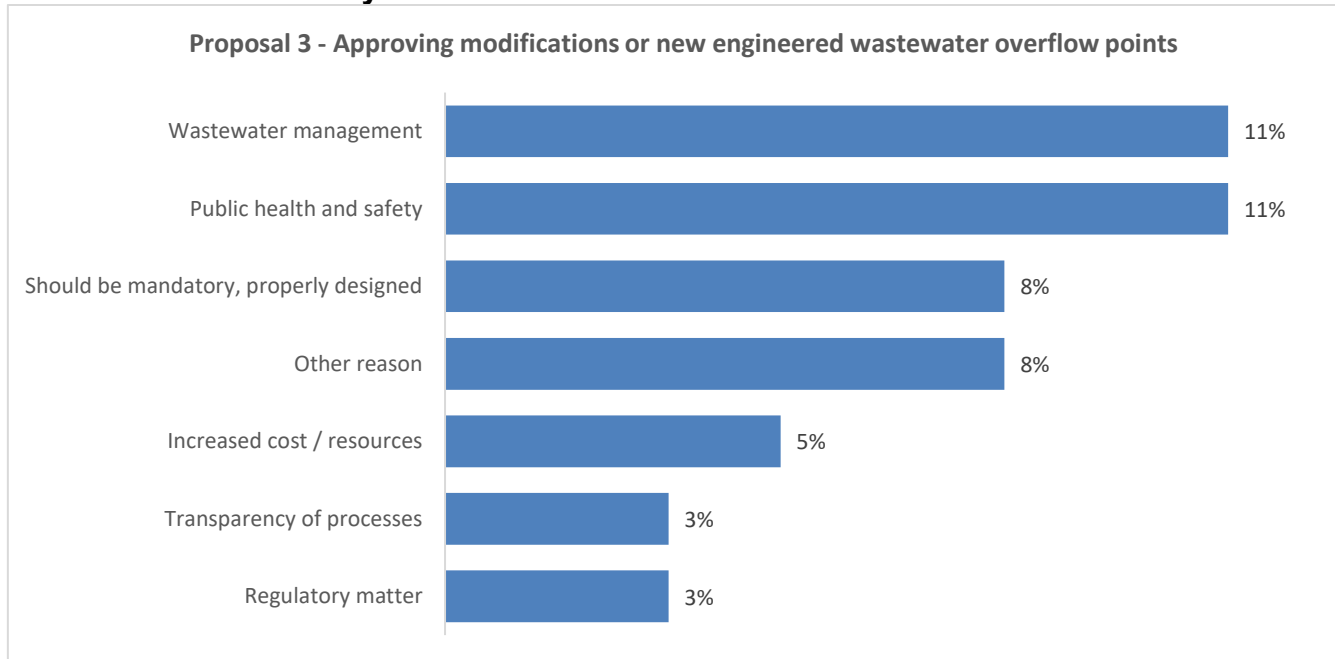
Comments included:

- Qualified operators need to be in total control of wastewater outlets to ensure the protection of our waterways for public health and safety.
- I would hope this would help prevent wastewater overflow from entering our waterways and oceans, though you haven't actually said that.

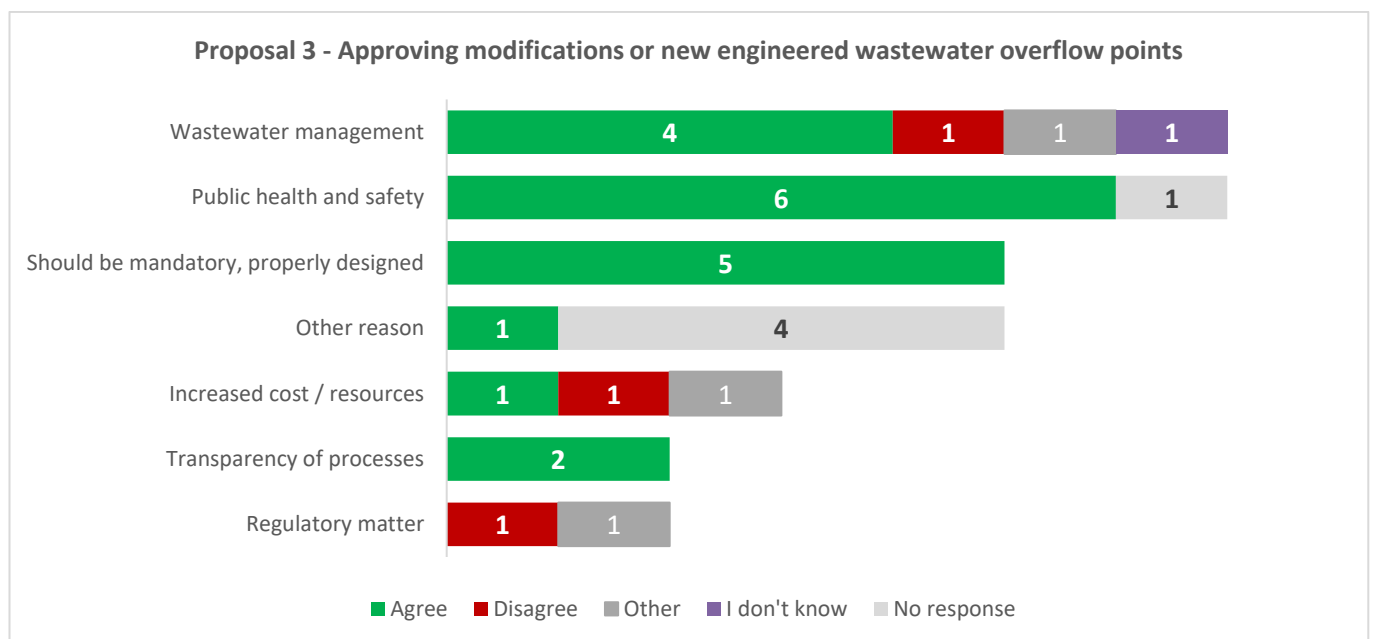
Percentage of comments by theme

THEMES	TOTAL	%
Wastewater management	7	11%
Public health and safety	7	11%
Should be mandatory, properly designed	5	8%
Other reason	5	8%
Increased cost / resources	3	5%
Transparency of processes	2	3%
Regulatory matter	2	3%

Percent of comments by theme



The following themes had one response: **Private property issues** and **bylaw form**



Proposal 4: Restricting or excluding activities for parts of the stormwater network

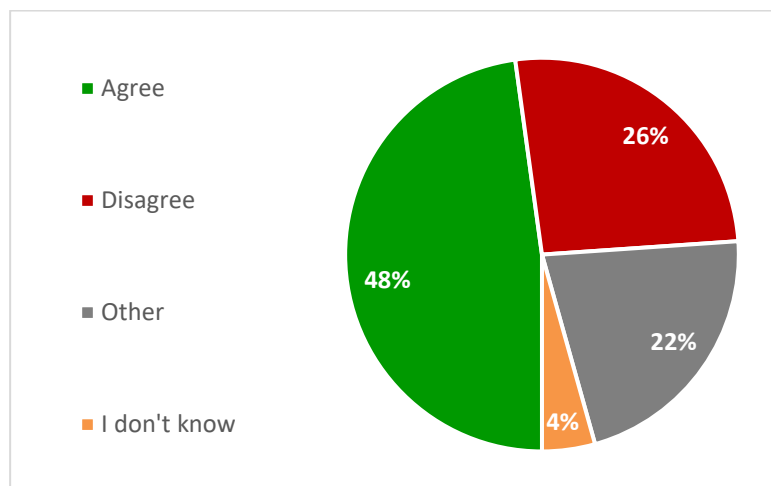
Submitters were asked to choose a response and then to provide a comment in an open comment field.

(n=79 submitters made submissions whilst 69 selected a response to this question)

SUMMARY OF FEEDBACK

Just under half of the submitters (48%) **agreed** with the proposal for restricting or excluding activities for parts of the stormwater network, whilst (26%) disagreed with the proposal.

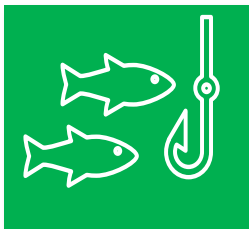
RESPONSE	TOTAL	%
Agree	33	48%
Disagree	18	26%
Other	15	22%
I don't know	3	4%
TOTAL	69	100%



Most common theme

16% of comments related to the scope of the restrictions.

(11 comments)

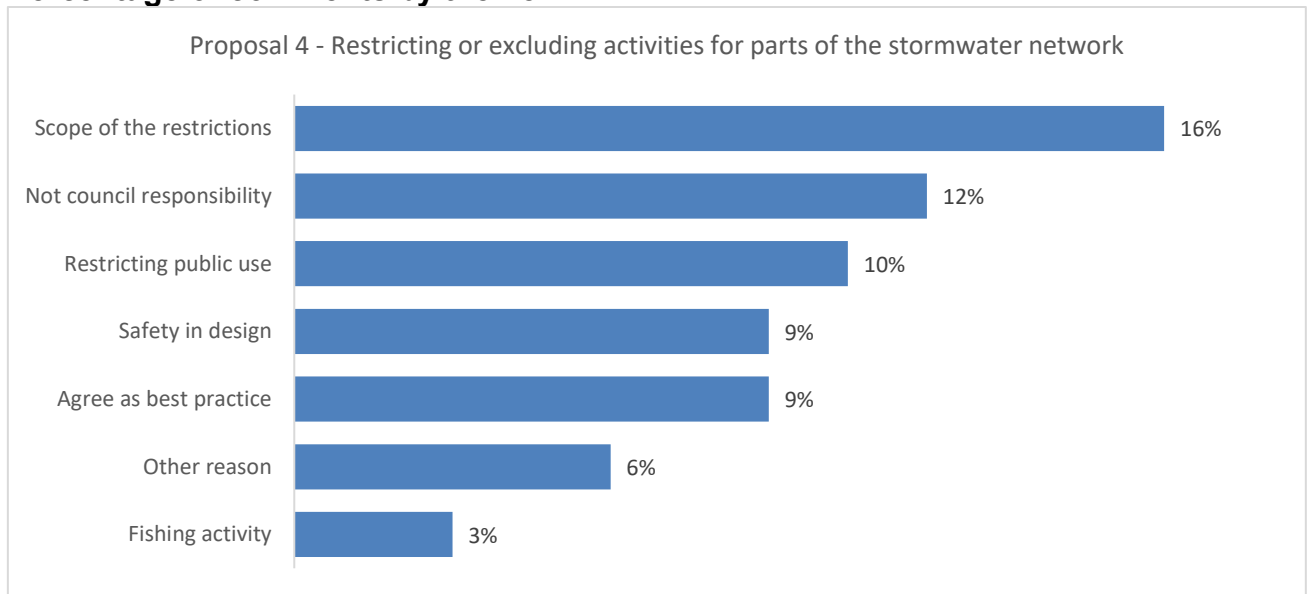


Comments included:

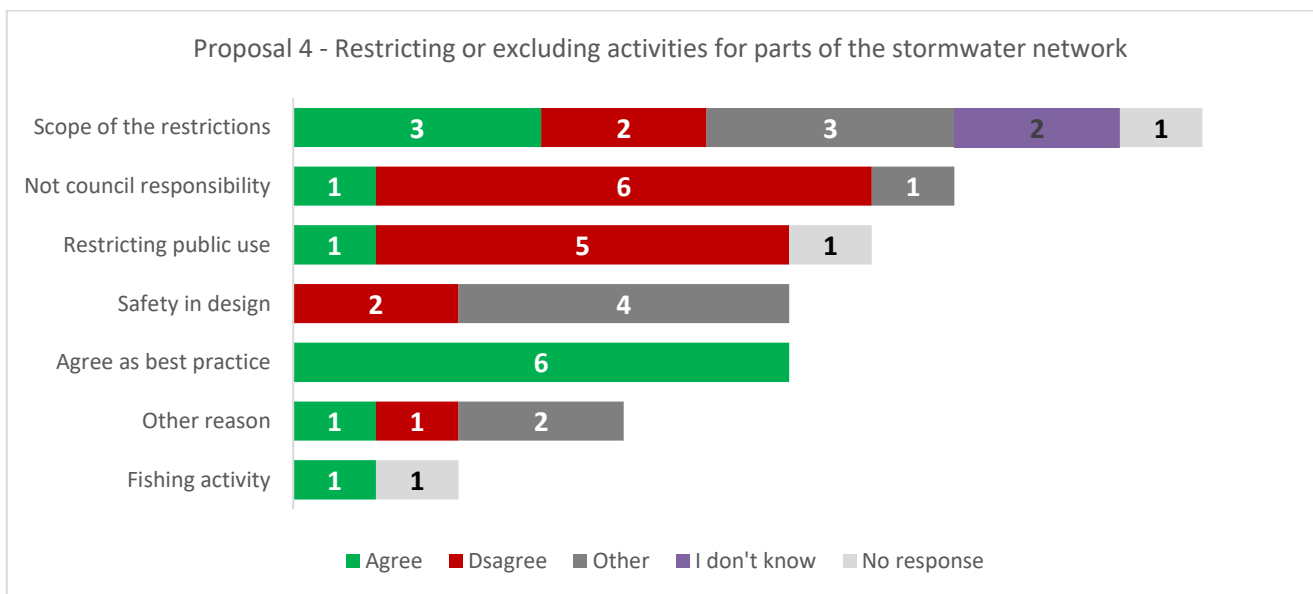
- Every case depends on the risk of danger, your ban on activities should be based on a case-by-case evaluation... not all risks will be equal.
- I agree with restricting / banning some recreational activities. However, they should still be accessible for some, safer, purposes, for example larger stormwater ponds and wetlands can hold important wildlife, I would like to access some of these for recreational birding.

THEMES	TOTAL	%
Scope of the restrictions	11	16%
Not council responsibility	8	12%
Restricting public use	7	10%
Safety in design	6	9%
Agree as best practice	6	9%
Other reason	4	6%
Fishing activity	2	3%

Percentage of comments by theme



The following themes had one response: **Increased cost; Man made device only not natural ones** and **Iwi rights on gathering**.



Proposal 5: Updating the bylaw wording, format, and definitions

Submitters were asked to choose a response and then to provide a comment in an open comment field.

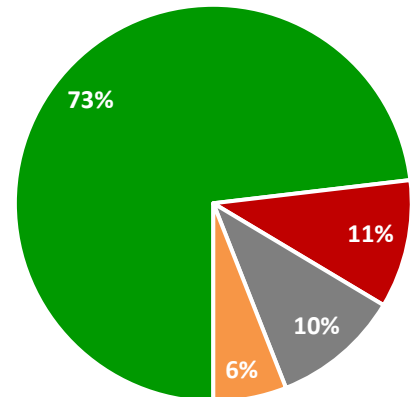
(n=79 submitters made submissions whilst 67 selected a response to this question)

SUMMARY OF FEEDBACK

Almost three quarters of submitters (73%) **agreed** with the proposal to update the wording, format and definitions in the bylaw. Ten percent of submitters disagreed and the same number selected “other” as a response.

RESPONSE	TOTAL	%
Agree	49	73%
Disagree	7	10%
Other	7	10%
I don't know	4	6%
TOTAL	67	100%

- Agree
- Disagree
- Other
- I don't know



Most common theme

16% Agreed that the proposal would provide easier reading

(11 comments)



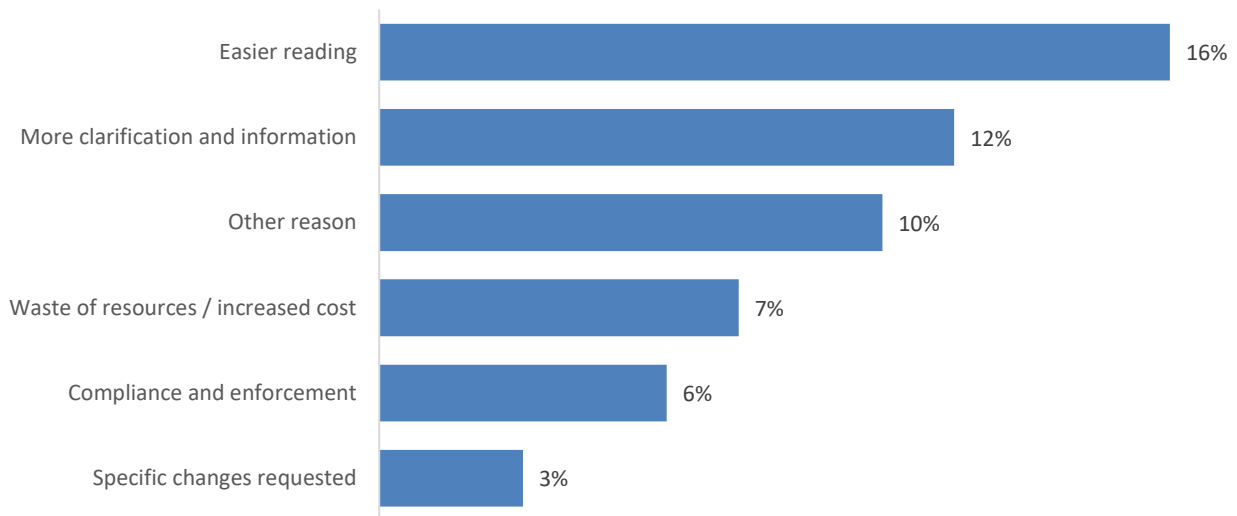
Comments included:

- ALL rules should be easy to understand otherwise how can people follow them?
- These things need to be easy for anyone to read and comprehend.
- Whatever helps and can easily be accessed and understood by citizens.

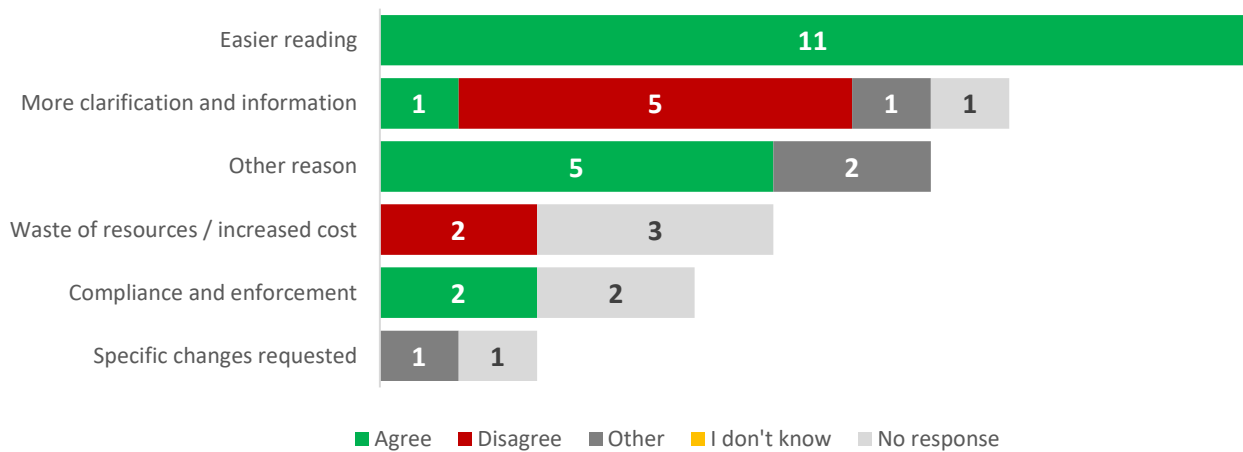
THEMES	TOTAL	%
Easier reading	11	16%
More clarification and information	8	12%
Other reason	7	10%
Waste of resources / increased cost	5	7%
Compliance and enforcement	4	6%
Specific changes requested	2	3%

Percentage of comments by theme

Proposal 5 - Updating the bylaw wording, format, and definitions



Proposal 5 - Updating the bylaw wording, format, and definitions



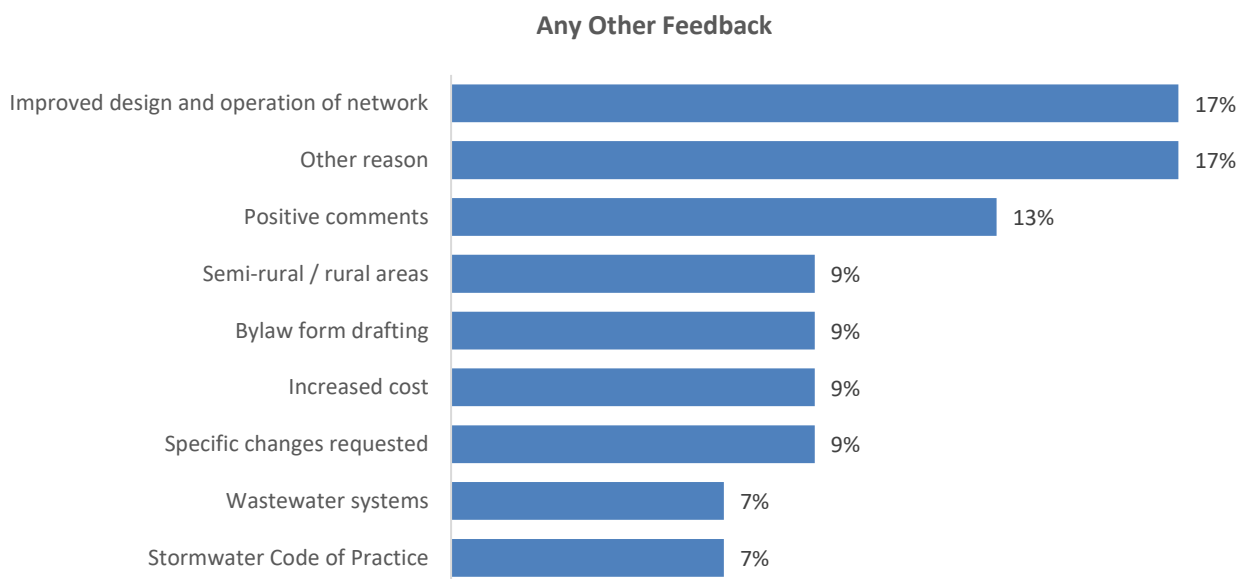
Do you have any other feedback on proposed amendments to the Stormwater Bylaw 2015?

Submitters were asked to provide their comments in an open comment field.

(n=46 responses)

THEMES	TOTAL	%
Improved design and operation of network	8	17%
Other reason	8	17%
Positive comments	6	13%
Semi-rural / rural areas	4	9%
Bylaw form drafting	4	9%
Increased cost	4	9%
Specific changes requested	4	9%
Wastewater systems	3	7%
Stormwater Code of Practice	3	7%

Percentage of comments by theme



The following themes had one response ***Focus on the receiving environment; Consider businesses; Against privatisation; Private property stormwater and Māori related comments.***

ATTACHMENT D
ONLINE AND WRITTEN SUBMISSIONS

**PROPOSAL TO AMEND
TE KAUNIHERA O TĀMAKI MAKĀURAU TE
TURE-Ā-ROHE WAI ĀWHĀ / AUCKLAND
COUNCIL STORMWATER BYLAW 2015**

**SUBMISSIONS
OCTOBER 2021**

Submission Number	Organization Name	Local Board	Source
1		Maungakiekie-Tāmaki	Online
2		Devonport-Takapuna	Online
3		Waitākere Ranges	Online
4		Albert-Eden	Online
5		Ōrākei	Online
6		Devonport-Takapuna	Online
7		Howick	Online
8		Franklin	Online
9			Online
10		Franklin	Online
11		Franklin	Online
12		Ōrākei	Online
13		Hibiscus and Bays	Online
14			Online
15		Devonport-Takapuna	Online
16		Hibiscus and Bays	Online
17		Waitākere Ranges	Online
18		Ōrākei	Online
19		Maungakiekie-Tāmaki	Online
20		Howick	Online
21		Devonport-Takapuna	Online
22		Kaipātiki	Online
23		Henderson-Massey	Online
24		Waiheke	Online
25		Albert-Eden	Online
26		Waitākere Ranges	Online
27		Maungakiekie-Tāmaki	Online
28		Maungakiekie-Tāmaki	Online
29		Rodney	Online
30		Maungakiekie-Tāmaki	Online
31		Henderson-Massey	Online
32		Henderson-Massey	Online
33		Henderson-Massey	Online
34		Franklin	Online
35			Online
36		Ōrākei	Online
37		Rodney	Online
38		Waiheke	Online
39		Whau	Online
40		Waitematā	Online
41		Ōrākei	Online
42		Devonport-Takapuna	Online
43	Awhitu Coastcare	Franklin	Online

Submission Number	Organization Name	Local Board	Source
44		Waitematā	Online
45		Ōrākei	Online
46		Māngere-Ōtāhuhu	Online
47		Papakura	Online
48		Howick	Online
49		Devonport-Takapuna	Online
50		Franklin	Online
51		Whau	Online
52		Waitākere Ranges	Online
53		Ōrākei	Online
54		Rodney	Online
55		Papakura	Online
56		Howick	Online
57		Maungakiekie-Tāmaki	Online
58		Manurewa	Online
59		Howick	Online
60		Albert-Eden	Online
61		Waitematā	Online
62	Fulton & Hogan Land Development Ltd	Puketāpapa	Online
63	Woods	Puketāpapa	Online
64	Federated Farmers Auckland	I don't know	Online
65		Devonport-Takapuna	Online
66	Grafton Downs Limited	Puketāpapa	Online
67	MPS Limited	Albert-Eden	Online
68	100 Prices Road Limited	Ōtara-Papatoetoe	Online
69	Business North Harbour Incorporated	Upper Harbour	Email
70	Z Energy Ltd, BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd	Regional Organisation	Email
71	Templeton Group Limited	Albert-Eden	Email
72	Waiohau-Tamaki Ropu	Waitematā	Email
73	Auckland Transport	Regional Organisation	Email
74	Chelsea Regional Park Association	Kaipatiki	Email
75	Protect our Gulf	Waiheke	Email
76	Woolworths New Zealand Limited	Regional Organisation	Email
77	Drury South Limited	Regional Organisation	Email
78	Summerset Group Holdings Limited	Regional Organisation	Email
79	Bunnings Limited	Regional Organisation	Email



Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: It makes sense to follow best practice

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: as above

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Makes sense, its your asset

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Stormwater ponds often become the dumping ground for unwanted fish, turtles, and fish as part of a cultural ritual. Auckland Council needs to better educate and manage this issue to give our native flora and fauna a chance to survive.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Of all the Council departments Healthy Waters (in particular the design team and operations) do a great job and are well respected in the community.

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Automated monitoring of new EOPs should be mandatory in most cases.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal?

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Waitākere Ranges**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Whether is it public or private system, in order to function properly it has to be designed, maintained and operated to an acceptable/appropriate standard.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: The understanding of stormwater and the now known complexity of the stormwater system has exceeded the current requirements. Additional consideration need to be added to capture this as above (to ensure a better and sustainable operation).

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: Would agree to the point where only when all other options have been exhausted before an overflow discharge is approved.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: Stormwater assets should connect people closer with the water not ban them from it. Any concerns regarding public safety should be addressed through the design codes and standards to ensure these assets can be used for kayaking etc.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Simplification is great as long as it doesn't simplify too much and "cloud" critical information.

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Albert-Eden**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Other

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Are there activities that could still be allowed: for example sailing model yachts would not seem to present any health risk.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal?

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Perhaps not on the bylaw, unless the bylaw could feed into this:

The steady reduction in permeable space on private properties is one of the activities that increases pressure on our storm water system. This reduction is partly driven by overall planning rules, but much of it seems driven by interpretation, implementation and enforcement. Examples: concrete paths along side yards often leave no permeable ground, and yet are excluded from coverage calculations. The addition of paving after a build is often done without consents.

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Your details

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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal?

Tell us why: Do not take up the 3 Waters proposal that the Government is currently offering.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why: Auckland City needs to retain the ownership of all its water infrastructure.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why: Keep control of Aucklands water assets with people that are elected into the role

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal?

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal?

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Howick**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Without being specific, the proposals seems to empower more requests from specialists, more report, testing, consultation that will 100% add to the cost of compliance. This is reaching levels already that is fuelling unbearable costs for any subdivision - passed on by the developer and disconnecting the public from any form of housing affordability. The level of compliance is already so onerous and nothing in the proposal seems to suggest you are in any way trying to curb this.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: You are adding costs by the spadeful.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Waste of time and money changing it for no gain. FFS it was only 6 year ago this was updates and our little place in the world hasn't changed that much.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Carbon footprint doesn't have any relevance if we're unable to reasonably deal with the basics like storm water management. You don't have any mechanism to input Maori language feedback so why bother including mana whenua values in the first place. Changing the title does nothing to deal with storm water in case you were wondering.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: Personal responsibility.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: Wasting money.

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board:

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: Don't know what is to be added

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: Ehhh!

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: If Activities were banned Events such as Litter Clean ups would be restricted as to how much effect they could have. Waterways could not be cleaned up to improve there health.

General members of the Public like myself would be in breach of the bylaw if we cleaned litter out of Streams.

Fishing is low risk and it could affect iwi rights to gather kai

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Re Question 4 Restricting or excluding activities for parts of the stormwater network

Litter Clean ups: Charities such as Sea Cleaners could be in breach when they work is Stream mouths that open to the ocean so restrictions if any would have to be very well defined

Waterways could not be cleaned up to improve there health: Groups like Manukau beatification Trust who run Te Puhinui Clean Up Days could be in breach

General members of the Public: Couldn't just grab a boat or kayak and do a clean up they would be in breach.

Fishing is low risk and it could affect iwi rights to gather kai

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Don't need further council control over private assets

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Sewage and storm water are not cultural treasures even if they are maori poo. Basically keeping untreated sewage out of the ocean should be a far higher priority than carbon zero bullshit.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Disagree

Tell us why: Basically keeping untreated sewage out of the ocean should be a far higher priority than making it an easy approved process.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: there are considerable amenity use from storm water assets. Stupid people will still get hurt and will only punish responsible members of public

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: No idea what you are asking opinion on.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: You aren't saying what the hell it is you intend to change

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: This is bollocks.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: People can look after themselves

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? I don't Know

Tell us why: Define easier?

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Hibiscus and Bays**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: If navigatable should be allowed as long as no damage. Some of our creeks are been returned to former glory by volunteers for purpose of public been able to use. This would stop them from using small boats, kayaks etc in their work

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Simple that way no one can say they don't understand

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Name of organisation/business:

Your local board:

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

In addition the Stormwater Bylaw should include for the provision of a drainage master plan for the elimination of all combined sewers in Auckland City. As the owner and operator of the stormwater drainage infrastructure Auckland Council has a public health obligation and duty to prepare and regularly update a drainage master plan that covers both stormwater and sewage collection and disposal.

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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Giving council control of anything to do with our private properties is costly, prohibitive and restrictive.... Council should rather focus on public stormwater distribution, fresh water supply and waste water treatment.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: I disagree with the vesting of assets paid for by the public into another government body for a fraction of their cost and value. Its theft or fraud at best!

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: This is a better focus for council

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: This is turning into police state like behaviour! I dont pay my rates for this...

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? I don't Know

Tell us why: Need to see what is proposed in more detail and why.

6. Do you have any other feedback on Stormwater Bylaw?

Focus on dealing with where it goes rather than where it comes from unless you can change the weather!!!

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Your details

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Name of organisation/business:

Your local board: **Hibiscus and Bays**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: I have recently seen the mess that stormwater discharge on building sites makes in our streams, and I would like to see regulations and controls on this tightened.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: As long as it does not affect the quality of our waterways.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? I don't know

Tell us why: It would depend upon the safety of the stormwater ponds, both environmentally and in the case of accidents.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Anything that makes reading easier is an improvement.

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Waitākere Ranges**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: I have no idea what you are talking about. What are you proposing to add?

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? I don't know

Tell us why: What parts? What activities are occurring there now? Have you consulted interested parties?

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: I don't know what "improving enforcement provisions" means in this context. Does this mean increasing fines?

6. Do you have any other feedback on Stormwater Bylaw?

your explanations of the reforms are very poor.

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Your details

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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

All the above are sound proposals that give clarity and transparency

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Your details

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Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Good idea, you can't trust industry to do the right thing

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Great to see you considering the carbon footprint of the infrastructure

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: I am sick of our beaches being closed due to overflows, anything you can do to keep poo out of the water has my vote

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: This is excellent, my understanding is that you need to change the Unity Plan to change someones right to fish. We should stop all fishing in wetlands as target species and bycatch are threatened with extinction.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: This is excellent, I often find Council laws hard to read.

6. Do you have any other feedback on Stormwater Bylaw?

Attached is a photo of sewage coming out of a manhole today, you have a lot of work to do!

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Name of organisation/business:

Your local board: **Howick**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Mana Whenua values should be considered and consulted on such values are not universal and often disputed. they should be considered and included in in framework. not a ongoing reinteretation.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: every new

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? I don't Know

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

we need to reduce the size/cubic volume of new connections applicant should show they have taken reasonable measure to contain within there own site storm water by such things as ponds/wet areas and reduced areas of imperious surfaces. as a simple example a supermarket open parking area which can be very expansive should have ways of retain the storm water on their site. by creating a pond say On a housing site vast areas of parking turnaround areas should be limited

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Your details

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Name of organisation/business:

Your local board: **Kaipātiki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: 1. Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

2. Rate Payers have funded these assets and therefore, through council, must retain ownership of these assets.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

- Tell us why:** 1. Solve waste water overflow issues at their source.
2. Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

- Tell us why:** 1. Fix the hazards.
2. Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

- Tell us why:** 1. In English
2. Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

6. Do you have any other feedback on Stormwater Bylaw?

Vigorously Push Back against the Labour .govt 3 Waters Takeover !!!

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Henderson-Massey**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: Uncharted water diversions from Public Roads, Council Land, Council Parks, Council Walkways etc, directed through private properties. Creating streams and creek runoff through private properties.

An asset register of all Under Road Pass Through Storm Water Pipes must be created by Councils.

Storm water pass through pipes under roads with no concrete encased ends and outlets causing road side Slips where whole road lanes are washed away.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: I had a situation inside my prior property at 33 Vermont Street where the combined 150 mm public sewer turned into a private combined sewer/storm water issue between Vermont Street and Summer Street, Ponsonby.

Auckland City Council designed and installed the common 150mm combined sewer main from 15 to 33 Vermont street. Through to Summer Street more than 100 years ago connecting into the Summer Street Sewer main. This was done for property development of new housing at that time.

Auckland City Council later on then claimed the sewer was not their asset. As the drainage/sewer line had no manholes it missed being allocated man hole numbers. So no Council asset was created through this area of private land ownership. Then Auckland City Council passed to drainage onto Metrowater. Auckland City Council did not want to rebuild a condemned asset at their own cost and passed the problem on to Metrowater. Metrowater did not want to accept that it was their problem maintaining and servicing their old Auckland City Council asset. Water care was created and the same problems and false policy claims existed.

My Lawyer Kevin Pearson 21 Vermont Street from Davenports City Law, is a property owned caught up in this scenario.

His sewer connects and runs through my old place. Diagonally passing across under land into the Summer Street Road Centre Connection Point.

Still today the Council Pipe network is not shown on the GIS Viewer.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Insurance, Health and Safety issues.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: Public safety and protection. Fishing, Children Swimming etc.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Simple people need to understand. We are not all Lawyers etc.

6. Do you have any other feedback on Stormwater Bylaw?

Bring it on to make life better, healthy and quality living in cities towns, rivers and lakes etc.

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Waiheke**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Other

Tell us why: Concern that this will result in heavy-handed rule-bound wastewater decisions on Waiheke that will destroy natural runoff that is essential to keep our ancient roadside reserve native podocarps alive thru summer droughts

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: insufficient information provided

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Essential to have special provisions for semi-rural parts of the Councils area

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Albert-Eden**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Stick to technical requirements only. Don't include anything to do with carbon footprint and mana whenua values.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Disagree

Tell us why: This should be covered by the consents obtained by the network utility operator. This should not be for the stormwater network asset owner / operator to decide. Surley this would put storm water operator in in a conflict of interest position as they are not going to want anything which impacts on them even if it is the most appropriate action.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Waitākere Ranges**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: It has a huge effect on people downstream when things aren't done properly.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: I don't understand this point. Wastewater should never be overflowing into the stormwater?

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: People kayaking & fishing should be aware that river, stream & lake levels have the potential to rise when there's been rain. They need to be allowed to develop common sense.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: ALL rules should be easy to understand otherwise how can people follow them?

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: It is obvious that there will be fees associated with this.. It will be the end user that cannot pass the expenses on to others. IE the average person on the street pays. The Auckland fuel tax is an example of this, not only does the end user pay the tax for the vehicles that they drive, these costs are also built into the goods that they purchase, so they also end up paying for that as well. If people understood this concept there would be a lot more opposition to a lot of things that end up having fees charged for.

The current permitting system should already have enough controls and if not minor changes that will not add to fees charged is all that is required. If this is followed up by inspections to verify compliance as part of the inspection that are already required anyway.

The last thing that is needed is yet more rhetoric that will slow down building projects.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: It is obvious that there will be fees associated with this.. It will be the end user that cannot pass the expenses on to others. IE the average person on the street pays. The Auckland fuel tax is an example of this, not only does the end user pay the tax for the vehicles that they drive, these costs are also built into the goods that they purchase, so they also end up paying for that as well. If people understood this concept there would be a lot more opposition to a lot of things that end up having fees charged for.

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The last thing that is needed is yet more rhetoric that will slow down building projects.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Disagree

Tell us why: It is obvious that there will be fees associated with this.. It will be the end user that cannot pass the expenses on to others. IE the average person on the street pays. The Auckland fuel tax is an example of this, not only does the end user pay the tax for the vehicles that they drive, these costs are also built into the goods that they purchase, so they also end up paying for that as well. If people understood this concept there would be a lot more opposition to a lot of things that end up having fees charged for.

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4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: It is obvious that there will be fees associated with this.. It will be the end user that cannot pass the expenses on to others. IE the average person on the street pays. The Auckland fuel tax is an example of this, not only does the end user pay the tax for the vehicles that they drive, these costs are also built into the goods that they purchase, so they also end up paying for that as well. If people understood this concept there would be a lot more opposition to a lot of things that end up having fees charged for.

The current permitting system should already have enough controls and if not minor changes that will not add to fees charged is all that is required. If this is followed up by inspections to verify compliance as part of the inspection that are already required anyway.

The last thing that is needed is yet more rhetoric that will slow down building projects.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: It is obvious that there will be fees associated with this.. It will be the end user that cannot pass the expenses on to others. IE the average person on the street pays. The Auckland fuel tax is an example of this, not only does the end user pay the tax for the vehicles that they drive, these costs are also built into the goods that they purchase, so they also end up paying for that as well. If people understood this concept there would be a lot more opposition to a lot of things that end up having fees charged for.

The current permitting system should already have enough controls and if not minor changes that will not add to fees charged is all that is required. If this is followed up by inspections to verify compliance as part of the inspection that are already required anyway.

The last thing that is needed is yet more rhetoric that will slow down building projects.

6. Do you have any other feedback on Stormwater Bylaw?

Concentrate on the engineering of the system so that it is robust enough to cope with the growth of the city so that effluent is not being discharged into the local harbours every time that there is a bit of rain.

This would be more beneficial than generating more rhetoric designed to generate more fees.

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Rodney**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: These activities should be done at sea, not on the stormwater network

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

As this is a key review point it seems fitting to look at best practice around approvals and use of alternative drainage systems including bioswales and under natural storm water contaminant management options. These are currently limited in their use in Auckland and can be difficult and costly to implement but are excellent for storm water management and pollution control.

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Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Henderson-Massey**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: Because you haven't provided any info on what the controls are specifically, I can't tell if they are effective ones or not. I support mandating effective controls on this.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: I am not sure what you mean by this proposal. What does vesting mean?

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: I would hope this would help prevent wastewater overflow from entering our waterways and oceans, though you haven't actually said that.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: It just makes sense.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: These things need to be easy for anyone to read and comprehend

6. Do you have any other feedback on Stormwater Bylaw?

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Henderson-Massey**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: The council should be also upgrading and checking damage caused on private property, at the cost of the council, not the land owner as it put in place by the council

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

The council should be also upgrading and checking damage caused on private property, at the cost of the council, not the land owner as it put in place by the council

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Henderson-Massey**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: Seems like window dressing. If industry do this now, why bother changing it? Unless it's simply to ensure that you waste more ratepayer monies

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: No more MOARI RACISM. STOP CEASE AND DESIST

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: Why are you not already doing this? And, please, not yet-another-delay-and-extra-costs

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Stupid public

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: Another waste of time and money

6. Do you have any other feedback on Stormwater Bylaw?

Stop being moari brown noses

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board:

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: So long as the operation is not more complicated by restrictive regulations. You cannot gain competence with regulations.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Please explain just what 'mana whenua values' actually are and what happens if they change. I am concerned that there are political motives that are not in the best long term interests of all citizens.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Don't develop formal process that ends up creating unproductive practices given every site is going to be different.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: But this needs to be best practice given the health factors, and ill change.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Standards can inform on best practice which puts responsibility on the people rather than fear based enforcement that brings negative results.

6. Do you have any other feedback on Stormwater Bylaw?

Get experienced wise and practical people to do the final draft changes. NZ currently suffers hugely by the current very foolish control given the H&S. Productivity and wisdom is costing Auckland Council and its ratepayers massively.

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: No to anything race based.

Everyone should be treated equally.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Restrict only when there is a risk, such as after a storm etc.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Makes

Sense

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Rodney**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: There is already significant administration issues when vesting new assets...additional requirements would achieve little

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: surely there are procedures in place for this already, including under the RMA

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? I don't Know

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Waiheke**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: stormwater network discharge consents, These are obtained by council, and any requirements should be contained within the stormwater related guidelines and codes of practice

carbon footprint; The best way to address this is bottom of catchment treatment (secondary) in the form of wetlands. Rain gardens have been an abject failure, and their inclusion is to burden the ratepayer (unfairly) with massive maintenance costs, for ill conceived, poorly designed treatment devices all driven by council ideology. Addressing the carbon footprint of stormwater and stormwater management is in a similar vein.

mana whenua values. The issue here is that they are ill defined, and vary from area to area, catchment to catchment, hapu to hapu, iwi to iwi. Until there is defined "values" throughout we are chasing rainbows.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board: **Whau**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal?

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why: Totally opposed to any form of privatisation

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Totally opposed to any form of privatisation and any destruction of trees.

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Waitematā**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Other

Tell us why: I am opposed to any changes at this time because of their possible effect on Auckland ratepayers ownership of the infrastructure that we have paid for over decades. I am opposed to the Three Waters proposals.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Other

Tell us why: I am opposed to any actions that would enable the Three Waters proposals and would remove ownership of Auckland's water infrastructure from Auckland's ratepayers who own it.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: Why are you not consulting the public on the Three Waters proposal when the closing date is 1 October and there has been nothing like consultation with the Ratepayers of Auckland on the Three Waters proposals?

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Let's get you our elected Council to support Auckland Ratepayers and oppose the Three Waters Proposals and then discuss this when ownership of Ratepayers' assets have been secured for the Ratepayers of Auckland.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: You as our elected Council representatives have a responsibility to consult with us the Ratepayers and owners of Auckland's water infrastructure hear us when we say NO to the Three Waters Proposals. the deadline is 1 October where is the consultation? Are you going to lie and say there was one and we don't seem to care? Or will you blame it on Covid and we lose control of our water assets without a chance to express our views.

6. Do you have any other feedback on Stormwater Bylaw?

NO changes until you consult on the Three Waters proposals and tell the Government that Auckland ratepayers will continue to own their water related infrastructure. Thank you very much.

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Your proposal makes good sense

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: A good idea

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Overflows can be very damaging & need to be regulated as far is possible to achieve minimum damage

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Every case depends on the risk of danger, your ban on activities should be based on a case by case evaluation... not all risks will be equal

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Of course

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Presume this is what mainly exists already but strengthens the councils control overall.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: I am cautious of vesting public assets to private business as I suspect them of sometimes being too profit driven rather than efficient.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Again I hope the council will act in the public interest better than a profit driven business such as some developers might be tempted to shortcut .

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: The safety of the public is paramount. There may be special circumstances that I am not aware of?

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: It hopefully will make it easier for the layperson to understand without having to employ a lawyer.

6. Do you have any other feedback on Stormwater Bylaw?

No.

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Name of organisation/business: **Awhitu Coastcare**

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal?

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal?

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal?

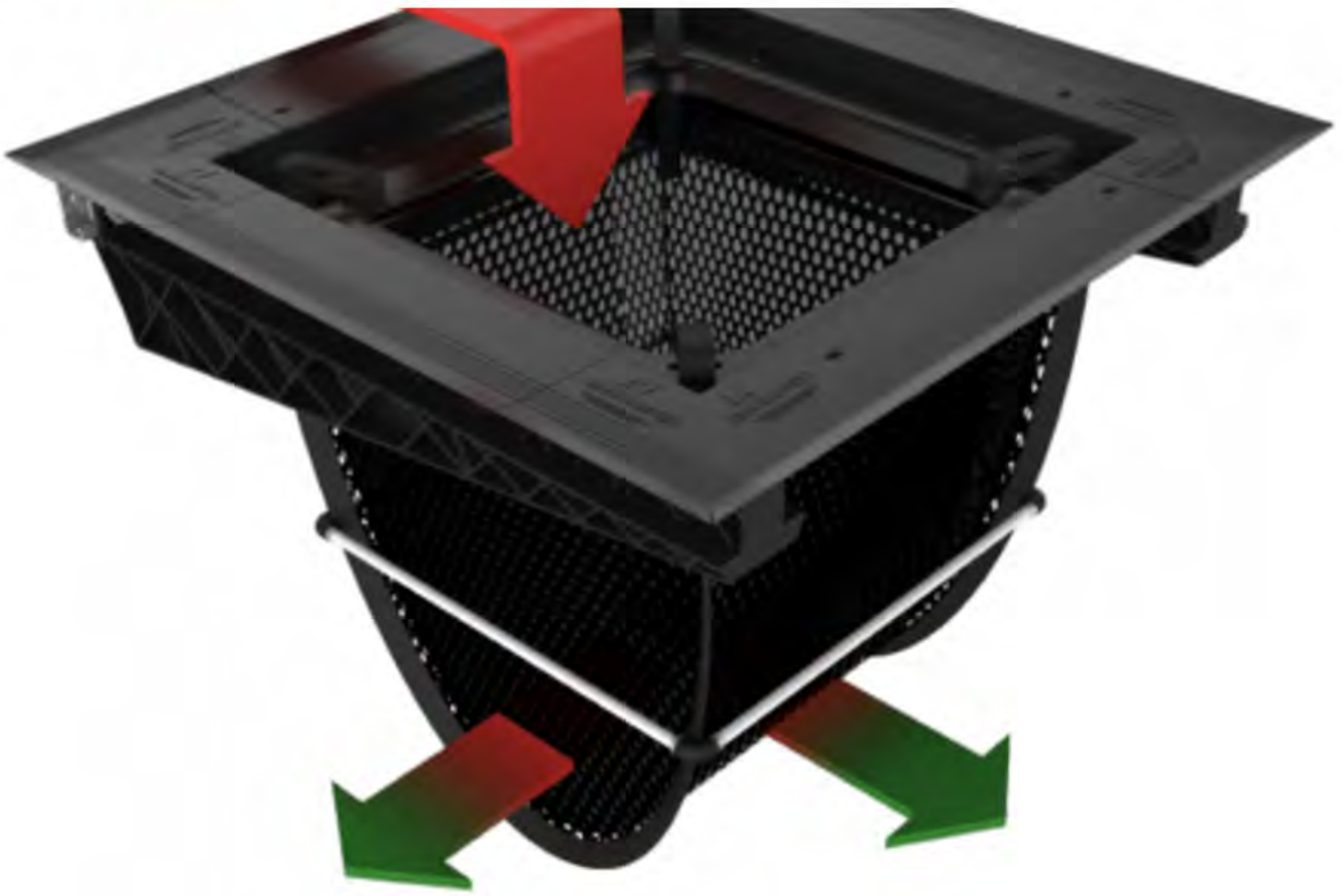
Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Auckland/NZ needs filters below existing roadside stormwater gratings to catch smaller litter. These will need maintenance. This will help reduce pollution of our creeks and harbours and seas. Action not discussion please.

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LittaTrap: A Catchy Invention

Kiwi technology stopping street litter before it gets to the sea.

Region:	New Zealand
Product Type:	Plastic, Foamed Plastic, Fabric & Textiles, Glass & Ceramic, Metal, Paper & Cardboard, Rubber, Wood, Other
Solution:	Product Design, Infrastructure



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Name of organisation/business:

Your local board: **Waitematā**

Source: **Online**

Your feedback (all questions are optional)

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What is your opinion on this proposal? Agree

Tell us why: Best practice is not enforceable, bylaws are. There are plenty of non-best practice developers. Mandating them to follow the bylaw is a good idea.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Carbon footprint is a nonsense. Mana whenua values is yet more sycophantic appeasement rubbish.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: The public needs more waterways areas for recreation not less.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Yes -I do as a matter of fact. Please make sure Auckland Council opts out of the communist Labour governments 3 Waters proposal.

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Stormwater Bylaw

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Your details

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Name of organisation/business:

Your local board: **Māngere-Ōtāhuhu**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Consultation with iwi is critical. Sustainability, protection and regeneration should always be the

Focus.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: We need to stop dumping in our oceans - it is a Taonga and we are destroying. Instead, find ways to create another place and restore the water and reuse it elsewhere.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Restore, protect and preserve. Work with local Māori. Use FB to promote feedback.

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Name of organisation/business:

Your local board: **Papakura**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? I don't know

Tell us why: it is surprising that there is a disparity in what AKL CoP consider POS and Papakura (Veolia) considers POS ; there has to be uniformity in laws applicable

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: it is surprising that there is a disparity in what AKL CoP consider POS and Papakura (Veolia) considers POS ; there has to be uniformity in laws applicable

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

it is surprising that there is a disparity in what AKL CoP consider POS and Papakura (Veolia) considers POS ; there has to be uniformity in laws applicable

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Your details

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Name of organisation/business:

Your local board: **Howick**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: It is time to update codes and guidelines . When preparing code and guides, provide enough help to design sw systems .

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Ok .

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why: The ww overflows may be allowed at selected points but must be minimised entering into sw system for public health.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Just entering into the wetlands does not add hazards. Rivers and streams are open. However, any accident occurring in a man made device would be lawfully penalised. So go for it.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Make it simple easy to read easy to use it.

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Your details

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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Stormwater has been related to the cleanliness problems for the Waitemata where it overflows into the sewerage system and where it carries runoff and chemicals into the harbour. It makes sense to tighten controls on stormwater systems to reduce the amount of pollutants in the harbour.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: I don't understand what is meant by "vesting of public assets" here. Are they being sold, or their ownership transferred somehow? The definition in this online dictionary doesn't seem relevant: <https://www.merriam-webster.com/dictionary/vesting> and wikipedia wasn't helpful either: <https://en.wikipedia.org/wiki/Vesting>

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: A formal process would always seem better than an informal process. A documented process should lead to more reliable and transparent decisions, as well as clearer guidelines for those who interact with Council.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? I don't know

Tell us why: It seems like this could best be decided on a case by case basis. Different locations may be suitable (or not) for different activities.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: I'm always in favour of making things easier to read. However, although the current questions are easy to read, I don't think they are a good example. It seems that so much information has been removed, that they are too vague and actually less understandable.

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Franklin**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Also need new guidelines, rules and regular checking of rural and any urban septic tank waste water effects of rural and urban streams.. Test and investigate where septic tanks are causing E coli contamination (not the cows) its human sewage in rural areas. The new water report shows many streams running through pasture have a grade E for coli (from humans not coves) New subdivisions not connected up to waste water needs lots of water checks making sure E coli is not entering the stream network. Urban water networks had the worse Grade of all the streams (note not from coves)

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Urban and rural streams are affected by population growth and old sewage systems have never been able to cope and the waste water pollution has been entering and polluting Auckland beaches for centuries, the situation is getting worse and the council must make waste water and creating a living, health stream culture to stop waterways, drains degrading. Grade E for coli is unacceptable in any stream (urban or rural)

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: Need to fix the pollution not restrict public access otherwise there is no incentive to improve stream and public health. The whole of Auckland's beaches and waterways are all unsafe often!. The public needs to see the problem and work to help fix it.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Extend it to include septic tanks and other waste water systems that are not council controlled. There are so many waste water systems that are causing lots of pollution and E coli readings before the waterway enters the urban areas. Look at Papakura Stream that has a Grade E for E coli at Alfriston - Ardmore Road where it joins Papakura Stream. Septic Tank and waste water systems are causing major pollution and other problems. This is not cows as the areas are mainly fenced off from livestock. If the stream has a grade E in the most recent report before it even hit the urban area. Need stricter stormwater and sewage by laws for new subdivisions, need to also improve the existing network especially looking at turning waste water drains and ditches into living streams with enough room to allow to cope with increased flooding events from climate change. Need to make changes to day light streams (remove the underground concrete drains and turn back into streams. new developments must not fill in streams instead protect the existing stream contours and flow lines of the water way. Existing urban water ways systems and drains need to be made wider and natural looking with more curves and differences in depth and planted up in natives to bring back

the native fish and whitebait habitat. Remove culverts and change to more fish friendly bridges instead. Need to have more habitat and planting for the native birds to feed and nest. Need to restrict paths and foot paths from bird habitat areas especially nesting sites and where endangered birds live and feed.

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Your details

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Name of organisation/business:

Your local board: **Whau**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: rather than limiting access the quality of the stormwater pods should be improved so that they are not a health risk

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Stormwater Bylaw

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Waitākere Ranges**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Seems Logical

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: As with the water supply upkeep it was privatised and look where it is now. We elect a council to keep these in the public arena

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? I don't know

Tell us why: What does that mean in plain English. " We are proposing to enable a formal process for COUNCIL, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators. Are there more than one wastewater network utility operators?

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: Surely Hygiene is important

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: BS baffles brains

6. Do you have any other feedback on Stormwater Bylaw?

What about stormwater drains in rural areas? who maintains these?

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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Properties that are unable to or prefer not to connect to the storm water system are at present still rated for the use of the storm water system. They are also responsible for the installation and regular certification of the storm water facility on their property. Hence they are effectively charged twice.

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Name of organisation/business:

Your local board: **Rodney**

Source: **Online**

Your feedback (all questions are optional)

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What is your opinion on this proposal? Disagree

Tell us why: Firstly that the Three Waters proposals need to be rejected.

I have spent some time on this document but have not been part of the process (not your fault). I believed that the development would have led towards specific guidelines for developers and landowners in terms of acceptable design and practice. It appears that Council is once again developing a legally biased document when a change in or a cementing of good practice is what is required.

I am a retired Forester and have been through a period of considerable change in practice in that industry. I see nothing here, except the threat of legal action if some ill defined standard is breached, that will lead operators and practitioners towards better as built design and practices.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: I have abosolutely no idea what you mean. "vesting" in whom, forwhat,etc

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Subject to proper wide view design principles.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: For real reasons not "limitless possibility" of the area being affected.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

The proposal still appears extremely light on policy to resolve issues for the more concentrated rural communities which are serviced by engineered waste water or stormwater mitigation systems. These areas generally are also close to areas of high public interaction, however the Council, as the representative of the non resident users, has failed to invest in appropriate infrastructure of even their own systems.

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Name of organisation/business:

Your local board: **Papakura**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Howick**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: The control of our stormwater is so important and urgent that I agree it needs to be part of our bylaws that are adhered to.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Providing the vesting of public assets, prevents us from handing over our precious water to the current Three Waters proposal.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Qualified operators need to be in total control of wastewater outlets to ensure the protection of our waterways for public health and safety

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: NZ has so many beautiful water outlets for the public to use as recreational activities - these ponds should not be available for public use.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Whatever helps and can easily be accessed and understood by citizens

6. Do you have any other feedback on Stormwater Bylaw?

Please, please - vote against the Three Water Reform. While we have water issues in Auckland, I want US to fix them.

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Your details

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Name of organisation/business:

Your local board: **Maungakiekie-Tāmaki**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Manurewa**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: Council has responsibilities including legal responsibilities under Network Discharge consent for what is discharged through stormwater network into the receiving environment. Council must have the means to fulfil these responsibilities. These proposals go some way towards proving the means needed.

Council should also introduce transparency requirements into the bylaw mandating that private entities and Council itself clearly publish any breaches without delay.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: Council is left with expensive maintenance of vested assets like ponds which silt up. Council should be able to require all assets being vested meet long term requirements.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: Again, the proposal should include clear transparency requirements that any overflows are notified to the public without delay.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: Council should clearly notify the public of key hazards around stormwater ponds and other assets.

People will choose to swim or kayak or even fish, notwithstanding Council notices.

Council needs to be very circumspect in banning the activities of people who may have limited options. In my area, for example there are young people who swim in stormwater ponds who may not have access to other swimming options. The signs prohibiting swimming were quickly vandalised.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

Thank you. Council itself needs to allocate more resources to maintaining the existing stormwater assets including pipes, discharge points and ponds.

COuncil also needs to be much tougher on stopping silt running off into streams and drains from construction sites, whether this is into private or public parts of the stormwater network. Education and enforcement need to be used to create much better industry norms than the current flimsy netting often employed.

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Your details

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Name of organisation/business:

Your local board: **Howick**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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Your details

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Name of organisation/business:

Your local board: **Albert-Eden**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: to make sure that the stormwater is going where it should without affecting other systems and keeping it separate from other water and effluent systems, to maintain healthy stormwater and water drainage that is not polluted or harmful to waterway quality or other outflows as many ignorant property developers or company owners can be careless or ignorant to what they put into stormwater systems or waterways

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: better controls of waterway quality and conservation of water from runoff and its controlled flow in certain areas to stop flooding situations, i don't think developers or property owners need to pay for anymore consents, i have paid quite enough already but with my own property where stormwater flows into a waterway on my habitation, I personally take responsibility for what I allow into my property stormflow, but am now trying to minimize by creating catchflow containment for home use and think and this should be made a stipulation for all homes and bigger builds to save water reduce overflow and flooding and to perhaps for places where certain places stormwater can be contaminated by foreign bodies pollution or waste products some filtration practise could be required,,,also COUNCIL NEEDS to manage and maintain waterways better...this I have personal aggravation from as where I live teams used to come at intervals and clear excess waterweed growth and toxic waterweeds that clog up the waterways and stop adequate flow when storms happen, this happened for awhile but in the last few years halted, leaving the creeks overgrown with toxic algae blooming and filthy toxic water that smelt and created huge amounts of stagnation and choking for wildlife not to mention harvest areas for huge amounts of mosquito larvae mosquitos and stopping adequate flow of fresh water, i called water management who came and said they no longer did waterway weed management for budget concerns and that I had mosquitoes and flies because my dogs and their poos attracted them (which was a stupid excuse from a manager) Also clearance of blockages more regularly as often we have trees falling down or branches etc blocking waterflow, especially after storms, perhaps look at flow of creeks and widen culvet areas where restrictive in storm events

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: because I had this happen, a wastewater overflow spilt into my creek where I live and in summer it was vile and my dogs swam in it, I thought it was oil and tried to create flow in my creek by self clearing all the overgrown stagnant rotting waterweeds that the council had not been clearing as the manager told me because they didn't anymore because of budget, i came out covered in the brown fowl slime and got sick..finally after calling maintenance came and put a soaking boom absorber, but sewage overflows shouldn't happen in our creeks..also often ignorant business owners of restaurants, or mechanics industrial dump oil in and building sites etc paint... but i always report if I notice it...severe fines should be put in place for this if sourced...also refer to my previous answer

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: perhaps fishing if it affects at risk plant or fish breeds or systems ,other activities would probably be alright if some of the measures I have mentioned in my answers are put in place, my section of meola creek has improved immensely in the last 20 yrs after the plantings i rallied for to maintain erosion protection and birdlife reappearing, plus the blue greens got involved with much appreciation to upgrade the environs...however major setback happened instigated by council which we are furious about and absolutely ridiculous decision made by council planning and works to turn horticultural centre grounds by motions rd gt nth rd into a dam filthy recycle centre right by our clean creek and cutting the vegetation down around it..after all the hard work made by locals to create a clean nature environment with birdlife by us

and others...COUNCIL ITSELF builds a recycle centre to pollute the creek...creating and encouraging vermin to infest&breed,noise7visual&waste smells pollution for ratepaying property owners to look at and degrade our environs and scare the native birds away and native fishlife...we just got rid of rats now I guarantee they'll be back...I can't understand how council tries to fix things but ruin them at the same time..this recycle centre could have been put well away from the creek and bush in the vacant works area above seddon fields on motions rd ..I complained and put a protest in to council and the works team but noone offered a reply or assistance..atrocious ..now the works at the horticultural centre gt nth rd ,which could be halted and a sensible solution made,they have taken over what was the the pt,chev herb garden societies plot(GO FIGURE!) and i bet the filthy run off from waste will leach into the creek or get dumped there by ignoramus's...Please take note!!! this is not too late to readdress!!!

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: fair enough...as long as this doesn't become an inhibitive draconian stoke of a pen just as a measure to increase uniform charges or permit costs and that it is bendable taking into consideration costs of ratepayers to achieve affordable solutions that vary to each individual case and decent communication that compromise solutions..also re my previous comments..that council itself is responsible for some heavy handed planners ideas that compromised said standards and degrade the environment for nature and the habitants(re my previous complaint the recycle centre)across from me endangering our piece of mind ,the waterway,noise visual pollution,vermin,smells,privacy and at the risk of destroying and scaring away the birdlife, native moss,native trout the spawning native fish that congregate by the spring next to the creek etc etc...Council did not consult ask for permission or property owners opinions or protests...and we werent given any notice of the works ,until a flier in our mail boxes appeared just as works started!!!! WHY?? who planned this,who investigated,who did a environmental check or property owner questionnaire for consult...NOONE...some dumb planner thought it would be cool...and so it was done...I am so furious...And NOONE offered a reply or explan ation when we finally got to express our displeasure or reasons why it was detrimental... It makes no sense please forward my complaints and suggestion to senior management please!! theres no pno point asking people their opinions or doing surveys if noone listens or council;I themselves go against the very issues they say they want to fix..

6. Do you have any other feedback on Stormwater Bylaw?

for future public private or business developments allow incentive,rebates ,payment options or discounts or benefits by encouraging stormwater catchment storage on builds for use on properties for carwashing ,garden watering or pools even some way for using in toilet system etc to stop restrictions dam depletion and to alleviate overflow in flood events.. that theres more stringent measures taken on commercial or business illegal dumping of waste and runoff into stormwater..and that better toxic weed maintenance tos top blockage and betterflow off waterways in heavy rain events or summer bloom and toxicity issues and discouragement of the breeding of mosquito and fly populations as these as global warming increases will be a source for exotic diseases to incubate..and fish to die...to check waterways for blockages...re instigate these services and don't cost cut on these ,its vital...allow properties wher stormwater into street systems is gravitationally not viable or cost restrictive but ensure that its just runoff and that it can be caughtand utilised before it adds to flooding unless overflow...and that council spreads out costs to all aucklanders in imaginative charging structures as ratepayers pay through the nose for everyones issues and they are punished for the sins and enjoyment of everyone which is unfair...some form of infrastructure regarding taxes on other enjoyments entrance fees admissions koha payments for acc parks walks,transports

walkways, bridges, public toilets or facilities should be employed to gain funding for parks land and watercare etc.. be imaginative and justify to the public and tourists...ratepayers aren't all wealthy..i am struggling to pay my rates each week and have been overweighed by the weekly extra cost...all aucklanders across the board need to finance these issues for their benefit...if you need citizens on a think tank and find my input informed as i have avested interest living on meola creek and actively worked to improve & seen daily for decades the issues & my personal experiences please don't hesitate to contact me to contribute Jonathan 8466946 ..0274769777 1012AQ gt nth rd Pt.Chevalier

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Stormwater Bylaw

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We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business:

Your local board: **Waitematā**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: I agree in principle. Having COPs embedded in legislation can help encourage best practice, and can develop consistency in implementation of legislation and in assessing effects on the environment.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: I think embedding climate change into legislation is important so that accounting for it becomes business-as-usual. Incorporating mana whenua values helps give effect to the treaty of Waitangi.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: Protection of human health only? Or ecosystems as well? If approval=consenting then maybe this should be done by regulatory arm of council, not Healthy Waters.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: I agree with restricting/banning some recreational activities. However, they should still be accessible for some, safer, purposes, for example larger stormwater ponds and wetlands can hold important wildlife, I would like to access some of these for recreational birding.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: Fully support clarifying definitions. Weak definitions make administering any legislation challenging. Enforcing legislation is also challenging so any changes which strengthen enforcement and make it simpler for the regulator are a positive.

6. Do you have any other feedback on Stormwater Bylaw?

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Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Fulton & Hogan Land Development Ltd**

Your local board: **Puketāpapa**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Many of the documents being included in the Register of Controls are “Guidance Documents”. The inherent nature of these documents is that they provide guidance, and they are not voluntary and do not prescribe a mandatory standard.

There are likely unintended consequences of including guideline in the Bylaw as controls when there is no clarity on which controls within these guidance documents will need to be complied with or how this will be done.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: No information is provided on how the carbon footprint assessment and the mana whenua values will be managed when assessing approvals.

We are concerned that bigger pipes will be required due to the changes proposed in Version 3 of the Stormwater Code of Practice and the carbon footprint that this would have.

The life cycle and carbon costs of an asset are better assessed by Council where they can distil information from suppliers and provide standard approved details, materials solutions and specifications. They would also need to provide details for departures from any such standard. Solutions will only become effective overtime if the council is consistent and incremental improvements are permitted.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: I have no position on these matters.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Note that in many instances wetlands and ponds are designed to restrict access from a safety and design prospective. Access should be discouraged through implementing appropriate design in the first instance.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: The bylaw looks to introduce Stormwater Management Plans and Best Practicable Option (BPO), however there is no guidance on what BPO refers to in this instance, requires confirmation if BPO is being defined here as per the RMA.

I also note that the subtle updates to the wording imply that it could apply the CoP to private systems, previous bylaw was for only vested assets to Council. Clarification on this matter is required.

The bylaw implies that council are effectively seeking to control effects through the bylaw. The AUP provisions should be the primary method to manage land use and control the stormwater-related effects on the environment.

6. Do you have any other feedback on Stormwater Bylaw?

Concerned about the lack on industry consultation (no sessions held with WaterNZ or Engineering NZ members from what I am aware of) with regards to this process and timing (during COVID19 Lockdowns) which has likely resulted in many industry professionals unable to submit.

I note that clause 6 of the Stormwater Bylaw 2015 and 2021 it states under Section 6, that

“Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

This suggests that the SWCoP should be out for consultation with all the other documents. However, council have stated it is not seeking public feedback on the content of any of the specific controls outlined in Section 4 of the Bylaw as they are existing Council publications.

I also have concerns regarding Version 3 of the Stormwater Code of Practice, the bylaw looks to include this in its register of controls.

Version 3 of the Stormwater Code of Practice has significant implications and note that at the time of writing no industry consultation has been undertaken on this document, this document is proposed to be effective January 2022.

Fulton & Hogan Land Development Ltd have a adopted Stormwater Management Plan for the Milldale Development and significant work in this development has already been undertaken. We believe that the new code of practice will result in retrofitting a new design standard that would not be practicable given the scale.

Concerns on this code of practice are summarised as follows:

The impact of the code of practice would see peak flows increasing by approximately 38% in the future 10yr event and 36% in the future 100yr event.

Fulton & Hogan Land Development Ltd have a number of projects in progress, some of which are multi-year projects spanning 5-10 years. There has been no guidance on how V3 of the SW CoP is expected to be implemented and what transition provision apply across all scenarios.

Clarity is required regarding the transition and implementation for design projects underway. There are a number of projects where various stages of design i.e., RC and EPA, will be undertaken over the transition period i.e., before and after Jan 22.

Will all applications lodged prior to Jan 22 date, be processed under V2? Is this a hard date or will there be some flexibility? Will transitional provisions apply for projects that have been approved but not given effect to (including EPA and Building Consent).

Specific examples where clarity is sought -

- If RC is granted under V2 but EPA application is not expected until Feb 22 is the EPA application expected to follow V2 as per the RC or V3? If V3, what expectations are there on the developer to reconcile the difference?
- A network solution has been developed under V2. The downstream section has been designed and EPA approved. Detailed design and construction of the upstream network will be undertaken post Jan 22. What are the implications on the network solution? Will dispensations be made e.g., reduced freeboard, surcharged pipes etc, or will it need to be retested against V3? If there is insufficient capacity to pass flow forward as intended will the design be expected to manage the difference, i.e. through attenuation?
- Primary networks will now need to be significantly larger due to the proposed increases in climate change, need to understand the basis for this decision, other regions design for lesser events for there primary systems. Understand the need to assess risk from climate change on secondary systems, but what

are the benefits for such measures on the primary network – other than increasing cost and carbon footprint.

- For some areas, We are designing the bulk infrastructure, superlots are being constructed and handed over to build partners. The network will not have adequate capacity according to CoPv3 for build partners apply for Building Consent. Build Partners are required to check the network capacity downstream based on the “current” CoP which will be v3 going forward. The already design and constructed downstream network will never have capacity as the network was sized for the previous version of the CoP (v2) and 2.1°C allowance for climate change.

Non-Complying Designs

Will there be any guidance, or a formal process adopted to support processing of non-complying designs?
How will Council ensure each application is assessed in the same way?

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We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business: **Woods**

Your local board: **Puketāpapa**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

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Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Many of the documents being included in the Register of Controls are “Guidance Documents”. The inherent nature of these documents is that they provide guidance, and they are not voluntary and do not prescribe a mandatory standard.

There are likely unintended consequences of including guideline in the Bylaw as controls when there is no clarity on which controls within these guidance documents will need to be complied with or how this will be done.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: No information is provided on how the carbon footprint assessment and the mana whenua values will be managed when assessing approvals. It is also concerning that there has been widespread industry consultation or feedback process on these matters.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Note that in many instances wetlands and ponds are designed to restrict access from a safety and design prospective. Access should be discouraged through implementing appropriate design in the first instance.

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What is your opinion on this proposal? Disagree

Tell us why: The bylaw looks to introduce Stormwater Management Plans and Best Practicable Option (BPO), however there is no guidance on what BPO refers to in this instance, requires confirmation if BPO is being defined here as per the RMA.

I also note that the subtle updates to the wording imply that it could apply the CoP to private systems, previous bylaw was for only vested assets to Council. Clarification on this matter is required.

The bylaw implies that council are effectively seeking to control effects through the bylaw. The AUP provisions should be the primary method to manage land use and control the stormwater-related effects on the environment.

6. Do you have any other feedback on Stormwater Bylaw?

Concerned about the lack on industry consultation (no sessions held with WaterNZ or Engineering NZ members from what I am aware of) with regards to this process and timing (during COVID19 Lockdowns) which has likely resulted in many industry professionals unable to submit.

I note that clause 6 of the Stormwater Bylaw 2015 and 2021 it states under Section 6, that

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This suggests that the SWCoP should be out for consultation with all the other documents. However, council have stated it is not seeking public feedback on the content of any of the specific controls outlined in Section 4 of the Bylaw as they are existing Council publications.

I also have concerns regarding Version 3 of the Stormwater Code of Practice, the bylaw looks to include this in its register of controls.

Version 3 of the Stormwater Code of Practice has significant implications and note that at the time of writing no industry consultation has been undertaken on this document, this document is proposed to be effective January 2022.

Concerns on this code of practice are summarised as follows:

The impact of the code of practice would see peak flows increasing by approximately 38% in the future 10yr event and 36% in the future 100yr event.

Our clients have a number of projects in progress, some of which are multi-year projects spanning 5-10 years. There has been no guidance on how V3 of the SW CoP is expected to be implemented and what transition provision apply across all scenarios.

Clarity is required regarding the transition and implementation for design projects underway. There are a number of projects where various stages of design i.e., RC and EPA, will be undertaken over the transition period i.e., before and after Jan 22.

Will all applications lodged prior to Jan 22 date, be processed under V2? Is this a hard date or will there be some flexibility? Will transitional provisions apply for projects that have been approved but not given effect to (including EPA and Building Consent).

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- For some areas, We are designing the bulk infrastructure, superlots are being constructed and handed over to build partners. The network will not have adequate capacity according to CoPv3 for build partners apply for Building Consent. Build Partners are required to check the network capacity downstream based on the “current” CoP which will be v3 going forward. The already design and constructed downstream network will never have capacity as the network was sized for the previous version of the CoP (v2) and 2.1°C allowance for climate change.

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Will there be any guidance, or a formal process adopted to support processing of non-complying designs? How will Council ensure each application is assessed in the same way?

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Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Federated Farmers Auckland**

Your local board: **I don't know**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Other

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Other

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why:

6. Do you have any other feedback on Stormwater Bylaw?

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SUBMISSION



To: Auckland Council

Submission on: Stormwater Bylaw 2021

Date: 23 November 2021

Contact: Alan Cole – Provincial President Auckland
Federated Farmers of New Zealand

Shaun Hazelton – Policy Advisor

Federated Farmers of New Zealand

m: 0273727330 | e: shazelton@fedfarm.org.nz

Submission to Auckland Council on the Stormwater Bylaw 2021

OUR SUBMISSION

1. Federated Farmers welcomes the opportunity to submit to Auckland Council on the proposed Stormwater Bylaw amendment 2021.
2. Our organisation seeks feedback from our members on proposals such as stormwater in which we look to relay how council can support rural Auckland's interests in relation to stormwater management.
3. Federated Farmers members are impacted by stormwater particularly where public networks impact private land including any controls in place restricting their ability to self-manage private infrastructure.
4. Federated Farmers thank Auckland Council for the period given for consultation as it gives organisations such as Federated Farmers the ability to engage with our members prior to providing feedback.

Proposed Stormwater bylaw amendments 2021 - Feedback

5. Purpose (d) of the bylaw is to "ensure that discharges into the public stormwater network does not damage the public network." Federated Farmers does however have concerns for our landowner's private stormwater systems.
6. Our members have raised concerns to Federated Farmers regarding Auckland Council's stormwater network and its impacts on their land and private assets. Issues that have been identified involve stormwater diversion onto rural land from public infrastructure that has created damage and flooding to private assets and land. Rural landowners invest heavily in private infrastructure such as culverts, drains, dams, and pipes to manage stormwater and wish to ensure the security of these assets.
7. One example is with regards to a member's culvert that manages stormwater in the upper reaches of their property. Councils recently installed assets have created issues that occur with rain events that lead to scouring and damage to their culvert that was lawfully established. The culvert has been in place for decades and has only started to decay since councils' assets have been installed upstream.

Recommendation

- Include under clause 19(1) a requirement to consider the effects on neighbouring landowners and private infrastructure.
 - Further consultation with impacted landowners particularly with any additional support required due to public stormwater impacts on private land.
8. Auckland Council has rightly included restrictions on activities that may obstruct a watercourse or floodplain. Federated Farmers does however want to clarify the scope of this restriction.

9. Landowners are being placed with additional pressure to maintain fencing standards to ensure stock are excluded from areas of biodiversity and water. Much of this fencing work is conducted in areas which may risk being non-compliant with the bylaw if fencing could be captured under clause 11. Federated Farmers believes that if post and wire fencing is included under this clause this bylaw will not be in line with the objectives of other policies and the district plan.

Recommendation

- Provide clarity on whether general post-wire fencing will be restricted under clause 11.
10. Federated Farmers is in support of green infrastructure as a way to enhance biodiversity whilst reducing the district's carbon footprint. There are limitations which Federated Farmers wishes to clarify.
 11. Will drain cleaning and grass spraying be captured under clause 13. Federated Farmers is concerned that council has unintentionally restricted farmers ability to undertake necessary vegetation clearance to ensure the effectiveness of drains and floodplains.

Recommendation

- Provide clarity on whether farming activities can be undertaken in and around public infrastructure on private land such as spraying and drain cleaning.
12. Federated Farmers supports clause 16 as this gives landowners the opportunity to manage and maintain the stormwater infrastructure on private land without the requirements of additional permits under the bylaw.

ABOUT FEDERATED FARMERS

13. Federated Farmers of New Zealand is a primary sector organisation that represents farmers, and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.
14. The Federation aims to add value to its members' businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - i. Our members may operate their businesses in a fair and flexible commercial environment;
 - ii. Our members' families and their staff have access to services essential to the needs of the rural community; and
 - iii. Our members adopt responsible management and environmental practices.

Ends



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We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: The existing by-law has been found to be unfit for purpose in a number of important elements.

In my opinion to just reinforce adherence to these by-laws by adding them as a referenced control to the existing law (if not accompanied by the definitive changes considered necessary) will not meet the standards proposed in terms of the improvements required for the management of the public and private stormwater systems. And consequently improved water quality and better protection of public health and safety when overflow points activate during heavy rain or floods.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? I don't know

Tell us why: This seems potentially a sensible idea but I do not have enough knowledge to assess properly.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: I am hoping that this question alludes to the kind of situation I have been dealing with for a number of years, which is the discharge of large volumes of water from my next-door neighbour's property onto mine. Every time it rains heavily it saturates my garden, promotes rotting of the pergola posts, then floods down the footpath to the pavement creating large cracks in the concrete. It continues down to where the footpath intersects with the front brick wall of the property, where it can pool for days. It not only undermines the foundational structure of the wall it threatens the stability of the brickwork by washing away the cement between the bricks which leaves cracks. It also floods and pools the public footpath and is a nuisance to passersby who often tell me I have a leak.

I have complained to the Council compliance officers who refer me to Watercare who in turn say it is a Council responsibility. No one at the time has been to investigate but I have sent photos each time there has been a torrential downpour. This existing by-law does not give any relief to ratepayers in these kind of circumstances and it should be changed.

However, during last two years two compliance officers have been to "investigate" but what this entails I do not know but would like to.

What do they take into consideration why making their assessment whether it is ok to stamp it as conforming? I would like there to be more openness about findings and why?

I was told by one of these officers that the next door property owner is allowed by an 'ancient' law, to discharge excess water onto the next door property and it has to be accepted. It appears this is a law which has long been recognized as an inherent property right in New Zealand law. This is archaic, unjust and unfair in this day and age when damage to people's homes are at the mercy of this outdated bylaw/act. It unfairly penalizes people for something that is not their fault and, as in my case, gets worse all the time.

We bought this property 23 years ago, extended and renovated it completely. We established a lovely garden together and until we had to deal with this very stressful and frustrating situation we enjoyed it and the continuing pleasure it gave to developing it.

Until 2015 there was no discharge of water onto this property from next door. The pergola would not have been built had it been subject to rotting through water from next door. The garden in that area would not have been established - now the water destroys all those things!

In 2014 the property was sold and the new owner decided to replace the existing plastic swimming pool with a large modern up-to-date one. I believe that it was in the process of building this structure significant earthwork was required and the ground movement involved in this build led to a realignment of the original easement which in turn triggered off the flooding of this property. Do your compliance officers check this kind of related feedback as a possible explanation for the change in excess water being channelled to me?

Do they check for additional pipes giving access to stormwater drains which would allow water to escape appropriately rather than being

directed onto my property for dispersal?

There was an issue regarding the fencing laws with this owner. He was told by the fencing officer concerned that the pool had to be fenced in an appropriate manner, i.e. around the pool itself. He objected to this strongly stating that the cost was too high and the existing fence between the two properties (along with the mature trees around the perimeter of his property) constituted sufficient protection to meet Council's by-law. The shared fence was horizontal and he was told that this was not suitable and did not conform to council by-law. A child could climb up a horizontal fence and hurt themselves. So consent stymied. Some months later we were asked if we would be prepared to allow them to nail vertical panels to the fence on their side. We were told this solution had apparently been agreed to by the Council Fencing Officer, so unfortunately in retrospect, we agreed. This man saved himself a lot of money by this agreement.

With regard to the constant flooding I asked the owner many times if he could do something about the drainage and he said he would but this never happened. A short time later the property was sold again.

So we are stuck with a situation not of our making and getting worse all the time. It has affected my health - both physically and mentally.

It has caused a lot of distress and worry and grief which at my time of I should not have had to cope with if something had been done about this obsolete law some time ago.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: This is a very good idea. Because I was unable to participate in the sessions you provided earlier in the month and in order to gain further knowledge, I have done my best to trawl through some of the sources of information recommended. But without some expert input it has been a difficult exercise. Further clarification of each proposal would have been great.

6. Do you have any other feedback on Stormwater Bylaw?

Important privacy information

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1

The existing bylaw has been found to be unfit for purpose in a number of important elements. In my opinion to just reinforce adherents to these bylaws by adding them as a referenced control (if not accompanied by the definitive changes considered necessary to address) will not meet the standards proposed in terms of the improvements identified, such as the quality of water and better protection of public health and safety when overflow points activate during heavy rain or floods.

2

This seems potentially a sensible idea but I do not have enough knowledge to assess properly.

3. 3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network..

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

6. Do you have any other feedback on Stormwater Bylaw?

[Click here to upload any additional information.](#)

Choose File ? This means if you have any more information, you can upload a document here eg: a word document you have saved. Just click on 'choose file' and then find the document:



Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Grafton Downs Limited**

Your local board: **Puketāpapa**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: Many of the documents being included in the Register of Controls are “Guidance Documents”. The inherent nature of these documents is that they provide guidance, and they are not voluntary and do not prescribe a mandatory standard.

There are likely unintended consequences of including guideline in the Bylaw as controls when there is no clarity on which controls within these guidance documents will need to be complied with or how this will be done.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: No information is provided on how the carbon footprint assessment and the mana whenua values will be managed when assessing approvals. It is also concerning that there has been widespread industry consultation or feedback process on these matters.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: I have no position on these matters.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: Note that in many instances wetlands and ponds are designed to restrict access from a safety and design prospective. Access should be discouraged through implementing appropriate design in the first instance.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: The bylaw looks to introduce Stormwater Management Plans and Best Practicable Option (BPO), however there is no guidance on what BPO refers to in this instance, requires confirmation if BPO is being defined here as per the RMA.

I also note that the subtle updates to the wording imply that it could apply the CoP to private systems, previous bylaw was for only vested assets to Council. Clarification on this matter is required.

The bylaw implies that council are effectively seeking to control effects through the bylaw. The AUP provisions should be the primary method to manage land use and control the stormwater-related effects on the environment.

6. Do you have any other feedback on Stormwater Bylaw?

Concerned about the lack on industry consultation (no sessions held with WaterNZ or Engineering NZ members from what I am aware of) with regards to this process and timing (during COVID19 Lockdowns) which has likely resulted in many industry professionals unable to submit.

I note that clause 6 of the Stormwater Bylaw 2015 and 2021 it states under Section 6, that

“Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

This suggests that the SWCoP should be out for consultation with all the other documents. However, council have stated it is not seeking public feedback on the content of any of the specific controls outlined in Section 4 of the Bylaw as they are existing Council publications.

I also have concerns regarding Version 3 of the Stormwater Code of Practice, the bylaw looks to include this in its register of controls.

Version 3 of the Stormwater Code of Practice has significant implications and note that at the time of writing no industry consultation has been undertaken on this document, this document is proposed to be effective January 2022.

Concerns on this code of practice are summarised as follows:

The impact of the code of practice would see peak flows increasing by approximately 38% in the future 10yr event and 36% in the future 100yr event.

GDL have a number of staged within there development in progress, with the entire development spanning 10+ years. There has been no guidance on how V3 of the SW CoP is expected to be implemented and what transition provision apply across all scenarios.

Clarity is required regarding the transition and implementation for design projects underway. There are a number of projects where various stages of design i.e., RC and EPA, will be undertaken over the transition period i.e., before and after Jan 22.

Will all applications lodged prior to Jan 22 date, be processed under V2? Is this a hard date or will there be some flexibility? Will transitional provisions apply for projects that have been approved but not given effect to (including EPA and Building Consent).

Specific examples where clarity is sought -

- If RC is granted under V2 but EPA application is not expected until Feb 22 is the EPA application expected to follow V2 as per the RC or V3? If V3, what expectations are there on the developer to reconcile the difference?
- A network solution has been developed under V2. The downstream section has been designed and EPA approved. Detailed design and construction of the upstream network will be undertaken post Jan 22. What are the implications on the network solution? Will dispensations be made e.g., reduced freeboard, surcharged pipes etc, or will it need to be retested against V3? If there is insufficient capacity to pass flow forward as intended will the design be expected to manage the difference, i.e. through attenuation?
- For some areas, We are designing the bulk infrastructure, superlots are being constructed and handed over to build partners. The network will not have adequate capacity according to CoPv3 for build partners apply for Building Consent. Build Partners are required to check the network capacity downstream based on the “current” CoP which will be v3 going forward. The already design and constructed downstream network will never have capacity as the network was sized for the previous version of the CoP (v2) and 2.1°C allowance for climate change.

Non-Complying Designs

Will there be any guidance, or a formal process adopted to support processing of non-complying designs? How will Council ensure each application is assessed in the same way?

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Stormwater Bylaw

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Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **MPS Limited**

Your local board: **Albert-Eden**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in Schedule 1 Register of Controls. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1 of the Bylaw.

We request that references to guideline documents are removed from Schedule 1 Register of Controls of the Bylaw.

We request any reference to apply codes or guidelines to private stormwater systems is removed and that the Council’s SWCoP is confirmed to only apply to assets to be vested to Council.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC)

It is requested that the Schedule 4 is removed from the Schedule 1 Register of Controls as it is not appropriate for inclusion as it raises issues over regulatory overreach by covering items that fall under Resource Management Act and Unitary Plan.

Clauses 19 and 20

The above clauses in the proposed Bylaw includes additional considerations and conditions of approval that appear to be outside the scope and what would be considered appropriate in a Bylaw made under the Local Government Act. These include but are not limited to the following:

- cumulative effects
- compliance with relevant resource consent conditions, consent notices, easements and covenants
- minimising carbon footprint.
- the management of mana whenua values.

No information is provided on how the above would be considered, assessed, or implemented through the Bylaw. The above items are more suited within an RMA context and therefore inclusion could cause further confusion and delays to approvals with no right of appeal. We request reference to the above items are removed from the Bylaw.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: No comment at this time.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in respect to a list of activities for restriction or exclusion and changes to the list should be widely consulted upon.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel on behalf of Council, the purposes of the Bylaw are cast reasonably widely. However, Council's bylaw-making powers in relation to stormwater through the Local Government Act are relatively confined.

A guidance document that clarifies what the Bylaw will and will not control would be beneficial to not only developers and their consultants but to ensure Council staff provide accurate and consistent advice allowing applications to work through the approval processes in a timely manner.

We request that Council provide clear written guidance on the interrelationship between the Bylaw, CoP, Unitary Plan (including permitted activities), Engineering Approvals, Building Act, and Regionwide Network Discharge Consent prior to adopting the updated Bylaw. It is requested that the guidance is prepared with input from the wider industry, including development.

6. Do you have any other feedback on Stormwater Bylaw?

Yes

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- "or is a permitted activity."

Clause 15

Reinstate the Explanatory Note from 2015.

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **100 Prices Road Limited**

Your local board: **Ōtara-Papatoetoe**

Source: **Online**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in Schedule 1 Register of Controls. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

However, Council is not seeking feedback on any of the documents included in Schedule 1 of the Bylaw. For example, the Stormwater CoP (SWCoP) Version 3 has recently been published and is proposed to come operative on 18 January 2022. It includes new climate change assumptions that will significantly affect existing and future development plans and has not been sent out for formal consultation with the public and/or the development/stormwater industry.

We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1.

In addition, it is unclear on why some of the controls specified in Schedule 1 are required to be included in the Bylaw, such as the guideline documents. The inherent nature of guideline documents is that they are

voluntary in nature and do not prescribe mandatory standards, so raises questions over how compliance with them would be demonstrated and assessed.

We request that references to guideline documents are removed from Schedule 1 Register of Controls of the Bylaw.

Under Clause 8, the updated Bylaw comparison table includes reference to the inclusion for specifying controls or guidelines for private stormwater systems. The 2015 Bylaw consultation process included private systems in the initial consultation process. However, it was removed following feedback and consultation workshops.

The unfettered ability for Council to control private stormwater systems is concerning as it could be used to control or limit the use of innovative stormwater solutions such as stormwater proprietary devices through the Bylaw.

We request any reference to apply codes or guidelines to private stormwater systems is removed and that the Council's SWCoP is confirmed to only apply to assets to be vested to Council.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC)

The consultation documentation and discussion with Council staff indicates that the Bylaw is intended to allow Council to require developments and new stormwater connections to comply with Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC) held by Healthy Waters.

Therefore, Council will in effect be seeking to control land use and environmental effects through the Stormwater Bylaw via the inclusion of the Schedule 4 control. This raises concerns whereby Council is managing environmental effects via the Stormwater Bylaw and not the Resource Management Act or Unitary Plan.

As noted in 2015 by Auckland Council's legal advisors (Simpson Grierson) in their reply to the Auckland Unitary Plan Hearings Panel - 049 and 059, 060, 062 and 063 _Post Hearing Memorandum to Auckland Council the "purposes of the Bylaw are cast reasonably widely", a copy is attached to this submission. However, the response by Council's legal advisors also outlined the key following points in their reply to the Hearings Panel in relation to the scope and purpose of the Bylaw:

4.2 (c) the Council's bylaw-making powers in relation to stormwater are limited;

4.2 (d) The adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;

4.2 (e) It is not appropriate to control the adverse effects of land use on the environment through the Bylaw

The legal advisors concluded in their submission to the Hearings Panel "the PAUP provisions are the most appropriate methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions". To the extent there is any potential overlap of the Bylaw and AUP, subject to the PAUP provisions, it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment."

The extent to which the proposed Bylaw and controls can require compliance with Schedule 4 of the Regionwide NDC (a third parties' consent) is subject to question and open to interpretation and raises issues of regulatory overreach by Council. As per Council's own legal advice to the Auckland Unitary Plan Hearings Panel, the RMA is the preferred legislation for managing environmental effects.

The addition of Schedule 4 as a control is adding further complexity to the interpretation of the Bylaw and other relevant rules and regulations. This is creating confusion around the scope and application of the Bylaw and NDC by Council staff when assessing resource consent and engineering applications.

Recent experience is that the approval processes are becoming overly complex, open to misinterpretation, causing time and cost delays for developers that ultimately get passed onto the end purchaser, through higher housing and development prices. Ensuring a clear and efficient process for approvals should be a priority for Council to allow developments to proceed in a timely manner.

It is requested that the Schedule 4 is removed from the Schedule 1 Register of Controls as it is not appropriate for inclusion as it raises issues over regulatory overreach by covering items that fall under Resource Management Act and Unitary Plan.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: No comment at this time.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Disagree

Tell us why: There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in respect to a list of activities for restriction or exclusion and changes to the list should be widely consulted upon.

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal?

Tell us why: We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel, the purposes of the Bylaw are cast reasonably widely.

However, Council's bylaw-making powers in relation to stormwater through the Local Government Act are relatively confined.

The existing approval processes has several inherent risks with differing interpretations of the Bylaw scope, including when compliance with a control is required and when it is not. As noted earlier in this submission, our experience is that misinterpretations are already occurring, causing delays and additional costs to developers.

A guidance document that clarifies what the Bylaw will and will not control would be beneficial to not only developers and their consultants but to ensure Council staff provide accurate and consistent advice allowing applications to work through the approval processes in a timely manner.

Therefore, it is requested that Council provide clear written guidance on the interrelationship between the Bylaw, CoP, Unitary Plan (including permitted activities), Engineering Approvals, Building Act, and Regionwide Network Discharge Consent prior to adopting the updated Bylaw. It is requested that the guidance is prepared with input from the wider industry, including development.

6. Do you have any other feedback on Stormwater Bylaw?

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- “or is a permitted activity.”

Clause 15

Reinstate the Explanatory Note from 2015.

SWCoP Feedback

In addition, we request further information on the changes in relation to the updated SWCoP, including but not limited to:

- Transitional arrangements between the two SWCoP.
- Has any consideration been given to potential implications of the SWCoP on the existing Unitary Plan provisions and existing resource consents?
- When will Council's flood modelling be updated, particularly for designs where those models or boundary conditions were relied upon.
- Has Council increased its investment in flood mitigation works to account for the change in climate change scenario
- A copy of the assessment process that selected the preferred climate change scenarios presented in the MoE and NIWA reports.
- Further information on the change to the minimum floor level requirements outlined in the SWCoP.

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Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

IN THE MATTER of the Resource Management Act 1991 and the Local Government (Auckland Transitional Provisions) Act 2010

AND

IN THE MATTER of the Proposed Auckland Unitary Plan ("**PAUP**")

TOPIC 049 STORMWATER: RESPONSE OF THE AUCKLAND COUNCIL TO THE PANEL'S MEMORANDUM OF 4 NOVEMBER 2015 CONCERNING JURISDICTION AND RELEVANCE OF THE BYLAW

MAY IT PLEASE THE PANEL

1. INTRODUCTION AND SUMMARY

- 1.1** This memorandum of counsel sets out the Council's response to the issues raised in the Panel's memorandum of 4 November 2015 concerning the management of stormwater under the Proposed Auckland Unitary Plan (**PAUP**) (**Memorandum**).
- 1.2** On page 1, the Memorandum summarises the issues as:
- where [is the] jurisdiction under the RMA to control or manage stormwater entering the stormwater network and/or the combined sewer-stormwater network (ie a **piped network**) through a combination of regional and district land use controls; and
 - what the relationship is between the PAUP and the Auckland Council Stormwater Bylaw, which appears to control and manage stormwater entering the Council's stormwater network.
- 1.3** By way of a summary, the Council's response to these issues is:
- (a) to the extent that the relevant PAUP provisions manage water or effects on water, it is not water "while" in a pipe and can, therefore, be controlled under the PAUP;

- (b) there is jurisdiction to control the diversion of surface water under sections 14 and 30(1)(1)(e) of the Resource Management Act 1991 (**RMA**) – whether or not the water is directed to the public stormwater network;
- (c) there is jurisdiction to control the use of land under sections 30 and 31 of the RMA to address the effects of stormwater flows exceeding the stormwater network capacity, in terms of:
 - (i) the control of any actual or potential effects of the use or development of land;¹ and
 - (ii) the avoidance or mitigation of natural hazards;²
- (d) there is jurisdiction to control the use of land for the purpose of managing the effect of stormwater that is directed to the combined sewer network under section 30(1)(c)(ii) and (iiia) of the RMA because the additional stormwater can result in wastewater overflows;
- (e) there is jurisdiction to control the use of land for activities that generate high levels of contaminants under section 30(1)(c)(ii) and (iiia) of the RMA, even where the stormwater from these activities may be conveyed through pipes before entering the eventual receiving environment;
- (f) the Bylaw is of limited relevance to the assessment of the PAUP provisions as it is focussed on direct impacts on the networks and, to the extent it potentially overlaps with the PAUP controls, the Bylaw is subject to the PAUP.

2. STATUTORY FUNCTIONS BEING ACHIEVED

- 2.1** For the reasons explained below, it is submitted that the PAUP rules at issue assist the Council to fulfil the following statutory functions:

¹ Section 31(1)(b).
² Sections 30(1)(c)(iv) and 31(1)(b)(i).

Regional Council functions (section 30)

- (a) the control of the use of land for the purpose of:
 - (i) the maintenance and enhancement of the quality of water bodies and coastal waters;³
 - (ii) the maintenance and enhancement of ecosystems in water bodies and coastal waters;⁴ and
 - (iii) avoidance or mitigation of natural hazards;⁵
- (b) the control of the diversion of water;⁶

Territorial Authority functions (section 31)

- (c) the control of any actual or potential effects of the use, development or protection of land including for the purposes of the avoidance or mitigation of natural hazards.⁷

2.2 Rules can be made under section 9(2) of the RMA to control land use to achieve the regional council functions described in (a) above. This applies to the PAUP provisions that control the use and development of impervious surfaces, and activities that:

- (a) expose the stormwater and combined sewer networks to additional stormwater flows, causing:
 - (i) overland flow and flooding (natural hazards), and channel erosion; and
 - (ii) wastewater overflows, adversely affecting water quality and ecosystem health; and
- (b) generate high levels of contaminants, adversely affecting water quality and ecosystem health.

3 Section 30(1)(c)(ii).
 4 Section 30(1)(c)(iia).
 5 Section 30(1)(c)(iv).
 6 Section 30(1)(e).
 7 Section 31(1)(b).

- 2.3 Rules can be made under section 14(2) of the RMA to manage the diversion of water (other than open coastal water) to achieve the regional council function described in (b) above.
- 2.4 Land use rules can be made under section 9(3) to achieve the territorial authority functions under section 31 of the RMA, including rules to mitigate or avoid natural hazards.
- 2.5 It is noted that land use rules can be made under both sections 9(2) and (3) in relation to the mitigation or avoidance of natural hazards.
- 2.6 In light of the above we discuss the specific PAUP provisions noted in the Memorandum below. However, before doing so, we address the issues relating to the RMA definition of "water".

Preliminary issue – exclusion of water in a pipe

- 2.7 It appears that underlying the Panel's concerns is the definition of "water" under section 2 of the RMA, as not including "water in any form while in any pipe...". Importantly, this only excludes water "while" it is in a pipe - it does not apply to water before it enters, or after it leaves, a pipe. This has been confirmed recently by the Environment Court where it said⁸:

... water in a pipe is not included within the RMA definition of water, but at the point where it exits onto the James' property it is water as defined by the Act

- 2.8 Parliament's apparent purpose in excluding water "while in any pipe" from the definition of "water" is to distinguish water in piped networks from fresh water, coastal water, geothermal water or overland flows. By doing so, it prevents fundamental provisions in Part 3 such as section 14 (restrictions relating to water), or section 15 (which prohibits discharges of contaminants or water into water unless allowed by a national environmental standard, regulation, regional rule or resource consent) applying to piped networks. However, that does not in any way preclude rules under the RMA regulating stormwater either *before* or *after* it enters or exits a piped stormwater network.

8 *James v Western Bay of Plenty District Council* [2015] NZEnvC 132, paragraph [15]

2.9 The provisions in the PAUP at issue are either:

- (a) water diversion or land use controls that manage the effect of impervious surfaces on stormwater flows from the impervious surfaces to a "piped network" or elsewhere; or
- (b) controls on land uses that generate high levels of contaminants within the stormwater that adversely affects freshwater and coastal environments.

2.10 Therefore, to the extent that the PAUP provisions manage water, they do so only in relation to water that is on the land surface *before* it enters a pipe or otherwise flows overland (diversion) or *after* it leaves the piped network (discharge) – and not water "while" it is in a pipe. Moreover, it is noted that:

- (a) "stormwater network", as defined in the PAUP⁹ is not limited to pipes. It is currently proposed to be defined as "a system of stormwater pipes, open channels, devices and associated ancillary structures and used for the purpose of conveying, diverting, storing, treating, or discharging stormwater and operated by Auckland Council as a stormwater network utility operator"¹⁰.
- (b) not all stormwater runs off to a pipe; and
- (c) in any event the stormwater and combined sewer networks are located on or in, and therefore can be considered to be part of, "land".

2.11 A number (but not all) of the relevant PAUP rules are required because of the necessarily limited capacity of the public stormwater and combined sewer networks, and the consequential effects on the environment of land uses that generate additional flows to these networks. These drainage networks avoid or mitigate the adverse stormwater effects of the land development and use – but have a finite capacity. Exceeding the network capacity means that they are

⁹ As amended in Attachment G to the Council's closing remarks of 7 September 2015.

¹⁰ It is noted that the full definition clarifies that it only includes pipes etc that are operated by the Council as a stormwater network utility operator.

not able to adequately manage the stormwater effects of the land development and use, resulting in:

- (a) additional overland stormwater flows and flooding; and
- (b) wastewater overflows (in the case of the combined sewer network) that can affect the quality of water and ecosystems in the receiving environment (primarily freshwater and coastal environments).

2.12 It is legitimate for the PAUP to control land use to manage these actual and potential effects of the environment. As the Environment Court said in *Foreworld Developments Ltd v Napier City Council*:¹¹

It is bad resource management practice and contrary to the purpose of the [RMA] – to promote the sustainable management of natural and physical resources; to zone land for an activity when the infrastructure necessary to allow that activity to occur without adverse effects on the environment does not exist, and there is no commitment to provide it.

2.13 Similarly, it would be bad resource management practice to not control activities when the "infrastructure necessary to allow that activity to occur without adverse [stormwater-related] effects" is not available. In this context "not available" includes not having sufficient capacity to manage the stormwater effects of the activities. The PAUP provisions at issue will ensure that the actual and potential stormwater effects on the environment will be managed, taking into account the ability of the public network to cater for the stormwater.

3. THE SPECIFIC PAUP PROVISIONS MENTIONED IN THE MEMORANDUM

3.1 The next sections discuss the PAUP provisions noted in the Memorandum.

Section H4.14.1 – Stormwater Discharges

3.2 The Memorandum refers to the rule at the first row of Activity Table 1.1, which permits the "diversion of stormwater from established impervious areas to the stormwater network". As noted above, this is addressing the diversion of stormwater as the result of the establishment of the impervious surfaces that alter the flow of water before it reaches the stormwater network or otherwise runs off to

¹¹ W008/2005, paragraph 15. The key issue in this case was a lack of wastewater infrastructure although stormwater is mentioned at para 14.

land, and not "while" it is in a pipe. The rule only addresses diversion. It does not purport to address the discharge of stormwater to or from the network.

- 3.3** Accordingly, the rule can be made under section 14(2) and (3) of the RMA. This rule was requested by submitters during mediation to avoid any argument that such diversions were permitted, and on this basis was accepted by the Council.

H4.14.2 – Stormwater Management Flow

Combined Sewer Network rules

- 3.4** Activity Table 2.1 provides for the "development of additional, and redevelopment of, impervious areas where stormwater is directed to the combined sewer network" as a:
- (a) permitted activity if Watercare approval is given for the increase in stormwater entering the network; or
 - (b) restricted discretionary activity if such approval is not given.
- 3.5** As discussed above, the resource management issue addressed by this rule is the limited capacity of the combined sewer network. Additional stormwater entering this network can cause wastewater overflows that affect water quality and potentially also ecosystems in water bodies (such as streams) as well as coastal water. There is jurisdiction to make rules that control land use (development of impervious areas) for the purpose of maintaining and enhancing water quality and ecosystems in water bodies and coastal water under section 30(1)(c)(ii) and (iii) of the RMA.
- 3.6** In the Council's view, land use activities that generate additional stormwater flows into the combined sewer network have actual and potential effects on the environment, that need to be managed, through either permitted activity standards or a resource consent process.
- 3.7** In relation to the requirement for Watercare approval, the Council considered (in conjunction with Watercare) whether permitted activity performance standards (eg volume or area thresholds) could be implemented. However, the Council was advised that due to the

nature of this network it was not possible to determine performance standards that would be relevant and appropriate in all circumstances. As a result, the "Watercare approval" standard was proposed to create an option for developers/other parties to avoid the need for a consent application where the change in impervious area is acceptable to Watercare. A key consideration in providing for this is to allow smaller scale infrastructure projects, such as road maintenance or new bus stops, to be undertaken where there may be changes to the volume of stormwater (and hence would not meet the threshold of "no increase") but that are essential for the provision of public services, provided that the level of stormwater entering the combined network is acceptable to Watercare.

- 3.8** Importantly, this is not an "approval" in an RMA/regulatory sense. Rather, it is Watercare's agreement to accept the additional stormwater - in its capacity as owner and operator of the combined sewer network, and the holder of the consents for the discharges from this network (ie the party directly affected by the additional stormwater entering the network). The Panel may wish to modify the wording of Rule 2.2.1(2)(a) to clarify this, as follows:

The development of additional and redevelopment of impervious areas does not result in an increase in stormwater runoff discharging to the combined sewer network, unless any increase is approved by the combined sewer network operator agrees in writing to accept (as network owner and operator) the additional stormwater runoff entering the network.

Maximum impervious area rules

- 3.9** Activity Table 2.1 permits the "development of additional impervious areas that do not exceed the maximum impervious area for the relevant zone". Exceeding the maximum impervious area (**MIA**) is a restricted discretionary activity.
- 3.10** These rules primarily address the effects of stormwater run off (from the additional impervious areas) on the environment caused by the limited capacity of the stormwater network. Managing these effects is a territorial authority function under section 31(1)(b) of the RMA. Further, the "trigger" for these rules is the MIA percentages contained as development controls in some zones (eg residential zones). Essentially, they are Auckland-wide section 9(3) RMA land use

controls that result from an infringement of the zone development controls.

- 3.11 It is noted that the MIA controls occur in a number of the operative District Plans (eg rule 8.4.7 in the North Shore section).

H4.14.3 Stormwater Management – Quality

- 3.12 Activity Table 3.1 lists land use rules intended to control the quality of stormwater from various "high contaminant generating activities" (HCGAs).
- 3.13 Unlike the land use rules discussed above, these rules are not related to the limited capacity of the drainage networks. As explained in the Council's evidence, the contaminants generated by the HCGAs adversely affect water quality and ecosystem health.
- 3.14 Therefore, the rules control land uses for the purposes listed in section 30(1)(c)(ii) and (iiia) of the RMA. The fact that the stormwater may be diverted to a piped network before being eventually discharged into the receiving environment is irrelevant. The network is only one means of conveying the contaminants from their source to the adversely affected receiving environment. For instance, the contamination generated by land uses may travel to the receiving environments by means other than through pipes, eg overland via streams or through groundwater.
- 3.15 It is noted that the Council's evidence explained the need for these rules given the current (degraded) state of the receiving environments and the direction to address these issues under the NZ Coastal Policy Statement (NZCPS) and the National Policy Statement: Freshwater Management (NPSFM).

4. RELATIONSHIP BETWEEN THE PAUP AND THE BYLAW

- 4.1 On page 6 the memorandum states that the Panel seeks clarification as to:

The relationship of the Auckland Council's stormwater bylaw and the stormwater provisions in the PAUP in relation to the Council's stormwater network and/or the combined sewer network, and whether the Bylaw provisions are more appropriate to manage discharges, diversion and direction of stormwater to a piped network.

- 4.2 By way of a summary, the Council's response is:

- (a) when assessing the PAUP provisions the key inquiry is the analysis under section 32 of the RMA;
- (b) there is no legal obligation for the Council to promulgate the Bylaw, and it can only do so after concluding that a bylaw is the most appropriate way to address perceived problems;
- (c) the Council's bylaw-making powers in relation to stormwater are limited;
- (d) the adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;
- (e) it is not appropriate to control the adverse effects of land use on the environment through the Bylaw; and
- (f) the Bylaw requirements are primarily focussed on managing individual and direct impacts on the stormwater network (including service connections) and ensuring on-going maintenance of private devices the performance of which has a direct bearing on the performance and operation of the network.

4.3 In the Council's view, the Panel's assessment of the PAUP provisions must be focussed on the relevant RMA matters, primarily section 32. It is acknowledged that the potential application of the Bylaw may be relevant when considering the options of achieving the relevant objectives and policies. However, it is submitted that, in that context, the content of the Bylaw is of limited relevance especially given the fact that:

- (a) there is no legal obligation compelling the Council to promulgate a bylaw relating to the stormwater network (and similarly, Watercare has no obligation to promulgate a bylaw relating to the combined sewer network); and
- (b) the Bylaw could be changed either as a result of Council decisions or legal challenge.

4.4 There is no legal obligation for the Council to have bylaws relating to the stormwater network. As is the case for all bylaws made under the Local Government Act 2002 (**LGA**), before making a bylaw in relation to the stormwater network the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem: section 155(1) of the LGA. The Council's "section 155 analysis" in respect of the Bylaw considered regulation under the Building Act and RMA, as well as educational and environmental programmes and industry accords, as alternatives is making a stormwater network bylaw.

4.5 Significantly, however, the Council's bylaw-making powers in relation to stormwater are relatively confined. The relevant empowering provisions in the LGA are:

- (a) section 146(b)(iv), which authorises bylaws for the purpose of "managing, regulating against, or protecting from, damage, misuse, or loss, or preventing the use of the land, structures or infrastructure associated with land drainage"; and
- (b) section 145(a) and (b), which confer a more general power to make bylaws protecting the public from nuisance and protecting, promoting and maintaining public health and safety.

4.6 Neither of these bylaw-making powers is as extensive as the relevant provisions in sections 30 and 31 of the RMA on which the Council relies to make the PAUP rules at issue. In particular, section 146(b)(iv) is confined to land, structures and infrastructure associated with land drainage i.e. the stormwater network, rather than all public or private property that may generate stormwater runoff which eventually finds its way into the stormwater network. The more general bylaw-making powers in section 145 concern nuisance and public health and safety, but would not authorise provisions that sought to control water quality in water bodies or coastal water, if neither public health and safety nor nuisance was at issue.

4.7 Because the wider environmental impacts of stormwater diversion and discharge fall to be managed through other regulatory and non-regulatory measures, the Bylaw has a "network" focus.

4.8 While the purposes of the Bylaw¹² are cast reasonably widely, as noted above the focus is on the stormwater network, including private stormwater systems, rather than land use that may generate stormwater. The requirements to obtain approval under the Bylaw only address:

- (a) construction of assets to be vested in the Council (vested stormwater assets);¹³
- (b) new service connections;¹⁴
- (c) works and activities (excavations etc) that may physically affect the public stormwater network;¹⁵
- (d) adversely altering the velocity of stormwater or adversely diverting the flow of stormwater on public land;¹⁶
- (e) keeping watercourses etc on private land free of obstructions;¹⁷
- (f) discharging stormwater from impervious areas greater than permitted by the PAUP or resource consent;¹⁸
- (g) damaging, modifying, or altering the hydraulic performance of the public stormwater network;¹⁹
- (h) removal or damage to vegetation in a wetland;²⁰
- (i) ground soakage systems;²¹

12 Clause 4.
 13 Clause 9(3).
 14 Clause 9(3).
 15 Clause 10.
 16 Clause 11(1).
 17 Clause 11(2).
 18 Clause 11(3).
 19 Clause 12.
 20 Clause 13.
 21 Clause 14.

(j) discharges of contaminants to the public stormwater network;²² and

(k) maintenance and operation of private stormwater systems.²³

4.9 Auckland Council has also adopted the Water Supply and Wastewater Network Bylaw 2015 which seeks to protect the water supply and wastewater network owned and operated by Watercare, while Auckland Council has confirmed four legacy bylaws relating to on-site wastewater systems.²⁴

4.10 There are aspects of the Stormwater Bylaw that have some potential overlap with the PAUP provisions discussed above. This applies to clauses (d), (e), (f), (h), (i), and (j) as summarised above. However, the requirement for Bylaw approval under these clauses does not apply if the relevant activity is "permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent." Therefore, the requirement for Bylaw approval is subject to authorisation under the RMA. Accordingly, the Bylaw assumes that the PAUP will be the primary method of managing the impacts of land use and development on the stormwater network and, in that sense, provides a 'back stop' measure to the PAUP provisions. This position is expressly provided for in clause 7(3) of the Bylaw, which states that "nothing in this bylaw shall derogate from the [RMA]".²⁵

4.11 Further, the Bylaw could be challenged as unreasonable, if it were to override rights to, for example, remove or damage vegetation in wetlands that had been obtained through the resource consent process. In fact, if the Bylaw was not drafted in this way (ie being subject to resource consents and the PAUP) it could be open to challenge on the basis that land use and development are more appropriately managed under the RMA.²⁶ In that regard, it is submitted that the PAUP provisions are the most appropriate

22 Clause 15.

23 Clause 16.

24 Governing body resolution GB/2015/112 (29 October 2015).

25 See also the explanatory note to this clause.

26 It is noted that submitters on the draft bylaw expressed concern that it would duplicate the RMA/PAUP regime and significant changes were consequently made to the bylaw through the special consultative procedure.

methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions, because:

- (a) the RMA expressly addresses the management of the adverse effects of land use on the environment. Moreover, the RMA expressly recognises the relationship between land use and effects on:
 - (i) water quality and ecosystem health under section 30(1)(c)(ii) and (iia); and
 - (ii) natural hazards (eg flooding) under section 30(1)(c)(iv) and 31(1)(b).
- (b) The RMA expressly addresses the management of the diversion of water under sections 14 and 30(1)(e).
- (c) Rules controlling the use of land such as those discussed above are generally 'expected' in RMA plans, and not necessarily in bylaws. While bylaws can contain provisions that provide for approval of various activities that may affect the stormwater network, such provisions are not accompanied by a framework of associated objectives and policies that provide for a full range of matters to be considered. Nor are decisions made under bylaws subject to rights of appeal to an expert body (the Environment Court), unlike decisions made by councils pursuant to regional or district rules under the RMA. Again, this suggests that RMA rules are a more sophisticated and appropriate mechanism than bylaw provisions to regulate land use to the extent that it has stormwater impacts (beyond merely impacts on the stormwater network).
- (d) Relying on a network discharge consent to authorise discharges from the network and the Bylaw to manage inputs into the network, is a less transparent method than controlling the relevant activities through the PAUP.
- (e) The creation of additional and/or redevelopment of existing impervious surfaces will usually occur as part of a wider


development proposal where it is appropriate to consider and assess a wider range of effects (including positive, adverse and cumulative effects), in the context of the RMA and PAUP.

5. CONCLUSION

5.1 For the reasons explained above:

- (a) there is jurisdiction to include PAUP provisions that control or manage stormwater entering the stormwater network and the combined sewer network through a combination of regional and district land use controls; and
- (b) the Bylaw is, to the extent there is any potential overlap, subject to the PAUP provisions, because it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment.

DATED at Auckland this 20th day of November 2015



G C Lanning / J P Hassall
Counsel on behalf of Auckland Council



Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Business North Harbour Incorporated**

Your local board: **Upper Harbour**

Source: **Email**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Agree

Tell us why: BNH agrees with this proposal. We believe that the inclusion of guidelines and codes of practice on public and private stormwater systems will help to ensure that there is consistency of efficacy regardless of whether the stormwater system is part of the public network or a private system. It should ensure that all the maintenance and construction affecting the public stormwater network or private systems is undertaken to prescribed standards and that the stormwater network and private stormwater systems are able to operate effectively and efficiently, when adhering to the guidelines and codes of practice.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Agree

Tell us why: NH agrees with this proposal. Council needs to be sure that any assets are fit-for-purpose and meet code of practice and any relevant guidelines before they are vested to

Council. Without this assurance Council could end up having to pay expensive repair or modification costs after assets have already been vested, thus utilising Council funds which could be better-used elsewhere on the network. The addition of subclauses 2 and 6 to Clause 9 should offer Council the necessary security to only vest assets that meet the appropriate standards and consent requirements.

BNH agrees with the inclusion of subclauses 1(k) and 1(l) to Clause 19 to ensure that when Council is considering an application, due consideration is given to mana whenua values and the carbon footprint to construct, maintain, operate or decommission an asset. These considerations are important in supporting Council's obligations under the Local Government Act and the Treaty Principles and will help Council to make decisions in line with Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan.

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Agree

Tell us why: BNH agrees with this proposal. The addition of subclause 7 to Clause 9 ensures that any new or modified Engineered Overflow Points to the public stormwater network will meet the necessary guidelines and codes of practice. The necessity to meet these sta

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Agree

Tell us why: BNH agrees in principle with this proposal and the addition of subclause 4 to Clause 10.

However, we would ask that these restrictions are not necessarily a blanket ban on these activities, but that Council only imposes them in areas where they are sure

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Agree

Tell us why: BNH supports this proposal. To enable compliance people must fully understand what is required of them in relation to the Bylaw. Making the information easier to understand and having Council staff available to answer questions that anyone may have rega

6. Do you have any other feedback on Stormwater Bylaw?

Businesses rely upon the provision of a safe and effective stormwater network to enable them to operate efficiently whilst also maintaining a duty of care towards their employees and visitors. Given that the purpose of this Bylaw is to regulate land drainage including:

- o managing and developing the stormwater network including ground soak systems
- o providing conditions for connections to the stormwater network
- o regulating discharges into the stormwater network
- o protecting the stormwater network from damage, misuse, and interference
- o protecting the public from nuisance and to promote public health and safety
- o ensure private stormwater systems are maintained and operated correctly
- o managing redundant stormwater systems

BNH supports the proposed changes with the proviso noted in Proposal 4, as we believe that the proposed changes support the purposes of the Bylaw which are beneficial to all Aucklanders.

BNH would also ask that the Council give due consideration to the needs of businesses in its approach to the Stormwater Bylaw 2015 Amendment, as many face another uncertain year ahead.

Important privacy information

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at aucklandcouncil.govt.nz/privacy and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

SUBMISSION: Stormwater Bylaw 2015
Amendment
22ND OCTOBER 2021

Business North Harbour Incorporated

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22nd October 2021

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Submission to the Stormwater Bylaw 2015 Amendment.

Introduction

Business North Harbour (BNH) representing the North Harbour Business Improvement District welcomes the opportunity to make this Submission on the Stormwater Bylaw 2015 Amendment.

BNH is a significant commercial and industrial Business Improvement District (BID), representing over 4,500 commercial property owners and businesses within the North Harbour area. Collectively they employ over 35,000 Auckland residents and ratepayers.

The organisation is located within the Upper Harbour Local Board area, which remains one of the fastest growing areas in the country, in both absolute and percentage population terms, which brings both challenges and opportunities to the North Harbour business district.

BNH represents and works with a wide range of businesses comprising of a mix of sole traders, Small Medium Enterprises (SME), through to multi-national organisations representing sectors such as ICT, business services, specialist manufacturing, light – medium warehousing, logistics, retail and hospitality. In addition, we have key educational institutions within or on our boundary, including Massey University, Albany and AUT Millennium, along with a variety of primary and secondary schools including Rangitoto College, the largest secondary school in New Zealand.

Background

Auckland's stormwater network is affected by land drainage problems such as property flooding, network contamination from illegal discharges, inconsistent management of pipe connections and operation of private stormwater systems. Auckland Council aims to regulate land drainage and stormwater management by protecting the public stormwater network from damage, misuse, interference and nuisance, and to ensure effective maintenance and operation of private stormwater systems.

Auckland Council uses a Bylaw administered mainly by the Healthy Waters Department and the Regulatory Engineering Department, **to make rules that help protect Auckland's** public stormwater networks and ensure maintenance of private stormwater systems.

Auckland Council recently checked how the rules are working and identified improvements to the Bylaw that would:

- **specify controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems**
- **consider additional requirements for vesting of public assets and approvals under the Bylaw**

- **require approvals for modifications** or new engineered wastewater overflow points into the stormwater network
- **restrict or exclude certain activities for parts of the stormwater network**
- **update Bylaw wording, format, and definitions**

Auckland Council is seeking feedback on the proposed amendment to the Stormwater Bylaw 2015.

Business North Harbour Feedback

Proposal 1.

Controls on public stormwater network and private stormwater systems.

We are proposing to include the stormwater related guidelines and codes of practice within the Bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal?

BNH agrees with this proposal. We believe that the inclusion of guidelines and codes of practice on public and private stormwater systems will help to ensure that there is consistency of efficacy regardless of whether the stormwater system is part of the public network or a private system. It should ensure that all the maintenance and construction affecting the public stormwater network or private systems is undertaken to prescribed standards and that the stormwater network and private stormwater systems are able to operate effectively and efficiently, when adhering to the guidelines and codes of practice.

Proposal 2.

Additional requirements for vesting of public assets and approvals.

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

BNH agrees with this proposal. Council needs to be sure that any assets are fit-for-purpose and meet code of practice and any relevant guidelines before they are vested to Council. Without this assurance Council could end up having to pay expensive repair or modification costs after assets have already been vested, thus utilising Council funds which could be better-used elsewhere on the network. The addition of subclauses 2 and 6 to Clause 9 should offer Council the necessary security to only vest assets that meet the appropriate standards and consent requirements.

BNH agrees with the inclusion of subclauses 1(k) and 1(l) to Clause 19 to ensure that when Council is considering an application, due consideration is given to mana whenua values and the carbon footprint to construct, maintain, operate or decommission an asset. These considerations are important in supporting **Council's obligations under the Local Government Act** and the Treaty Principles and will help Council to make decisions in line with **Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan**.

Proposal 3.

Approving modifications or new engineered wastewater overflow points.

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this Proposal?

BNH agrees with this proposal. The addition of subclause 7 to Clause 9 ensures that any new or modified Engineered Overflow Points to the public stormwater network will meet the necessary guidelines and codes of practice. The necessity to meet these standards BNH believes will serve to safeguard the integrity of the network and will also help to protect public health and safety when the points are activated.

Proposal 4.

Restricting or excluding activities for parts of the stormwater network.

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this Proposal?

BNH agrees in principle with this proposal and the addition of subclause 4 to Clause 10. However, we would ask that these restrictions are not necessarily a blanket ban on these activities, but that Council only imposes them in areas where they are sure that the safe and efficient operation of the network may be compromised by these activities and there is a need to protect public safety.

Proposal 5.

Updating the bylaw wording, format, and definitions.

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this Proposal?

BNH supports this proposal. To enable compliance people must fully understand what is required of them in relation to the Bylaw. Making the information easier to understand and having Council staff available to answer questions that anyone may have regarding the Bylaw, should increase the number of people willing to do the right thing as illustrated in Section 4 of the Statement of Proposal Stormwater Bylaw. It should also reduce the occurrence of unintentional non-compliance illustrated in the same diagram, if Council has sufficient resource to provide the interventions to assist with compliance noted in the same diagram.

BNH believes that regardless of how easy the Bylaw is to understand, compliance and enforcement can only be successful if the mechanisms required for their implementation are adequately resourced.

Conclusions

Businesses rely upon the provision of a safe and effective stormwater network to enable them to operate efficiently whilst also maintaining a duty of care towards their employees and visitors. Given that the purpose of this Bylaw is to regulate land drainage including:

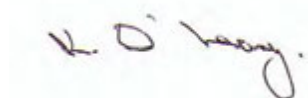
- o managing and developing the stormwater network including ground soak systems
- o providing conditions for connections to the stormwater network
- o regulating discharges into the stormwater network
- o protecting the stormwater network from damage, misuse, and interference
- o protecting the public from nuisance and to promote public health and safety
- o ensure private stormwater systems are maintained and operated correctly
- o managing redundant stormwater systems

BNH supports the proposed changes with the proviso noted in Proposal 4, as we believe that the proposed changes support the purposes of the Bylaw which are beneficial to all Aucklanders.

BNH would also ask that the Council give due consideration to the needs of businesses in its approach to the Stormwater Bylaw 2015 Amendment, as many face another uncertain year ahead.

Should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. O'Leary".

Kevin O'Leary
General Manager



Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Z Energy Ltd, BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd**

Your local board: **Regional Organisation**

Source: **Email**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal?

Tell us why:

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal?

Tell us why:

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal?

Tell us why:

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal?

Tell us why:

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: Further to the attached form, Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited (the Fuel Companies) support the intent of the amendments proposed to the bylaw. In particular the Fuel Companies support the introductory summar

6. Do you have any other feedback on Stormwater Bylaw?

Important privacy information

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From: Mark Laurenson <markl@4sight.co.nz>
Sent: Tuesday, 26 October 2021 5:07 pm
To: Stormwater Bylaw <stormwaterbylaw@aucklandcouncil.govt.nz>
Subject: Stormwater Bylaw - Feedback on behalf of the Fuel Companies

Good afternoon

Further to the attached form, Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited (*the Fuel Companies*) support the intent of the amendments proposed to the bylaw. In particular the Fuel Companies support the introductory summary which, although not part of the bylaw, provides a helpful explanation of the effect and scope of the bylaw, including clarity that the bylaw manages activities that have impact on the stormwater network with the RMA considering environmental effects (with specific reference to Clause 15 of the bylaw).

In terms of clause 15 of the bylaw, the Fuel Companies consider that the phrase 'Council approves' in 15(1) encompasses discharges that are permitted under the AUP, however, clarity is important in that regard, noting that specific reference is made to permitted activities elsewhere in the bylaw. To that end, the Fuel Companies seek that 15(1) is amended as follows (additions in underline):

No person may discharge directly or indirectly a contaminant into the public stormwater network

if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves, including via permitted activity rules in the Auckland Unitary Plan, or that person is expressly authorised by an operative resource consent.

Or

No person may discharge directly or indirectly a contaminant into the public stormwater network if the discharge is likely to cause nuisance or adversely affect the operation of the stormwater network unless the council approves or that person is expressly authorised by a permitted activity rule in the Auckland Unitary Plan or by an operative resource consent.

Either option would clearly recognise that permitted discharges are acceptable in terms of effects to the environment and reinforce what is understood to be the intent and current interpretation. Alternative amendments may achieve the same outcome but clarity in this respect is required.

The Fuel Companies would be pleased to discuss this further if that would assist.

Kind regards

Mark Laurenson

Principal Planner & Auckland Planning Manager

Mobile: 021 0868 8135

Company Name

4SIGHT COVID-19 RESPONSE PLAN

201 Victoria Street West, Auckland Central 1010

PO Box 911 310, Victoria St West, Auckland 1142

[4Sight.Consulting](#) [LinkedIn](#)

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Templeton Group Limited**

Your local board: **Albert-Eden**

Source: **Email**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Disagree

Tell us why: The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in Schedule 1 Register of Controls. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

However, Council is not seeking feedback on any of the documents included in Schedule 1 of the Bylaw. For example, the Stormwater CoP (SWCoP) Version 3 has recently been published and is proposed to come operative on 18 January 2022. It includes new climate change assumptions that will significantly affect existing and future development plans and has not been sent out for formal consultation with the public and/or the development/stormwater industry.

We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1.

In addition, it is unclear on why some of the controls specified in Schedule 1 are required to be included in the Bylaw, such as the guideline documents. The inherent nature of guideline documents is that they are voluntary in nature and do not prescribe mandatory standards, so raises questions over how compliance with them would be demonstrated and assessed.

We request that references to guideline documents are removed from Schedule 1 Register of Controls of the Bylaw.

Under Clause 8, the updated Bylaw comparison table includes reference to the inclusion for specifying controls or guidelines for private stormwater systems. The 2015 Bylaw consultation process included private systems in the initial consultation process. However, it was removed following feedback and consultation workshops.

The unfettered ability for Council to control private stormwater systems is concerning as it could be used to control or limit the use of innovative stormwater solutions such as stormwater proprietary devices through the Bylaw.

We request any reference to apply codes or guidelines to private stormwater systems is removed and that the Council's SWCoP is confirmed to only apply to assets to be vested to Council.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Disagree

Tell us why: The consultation documentation and discussion with Council staff indicates that the Bylaw is intended to allow Council to require developments and new stormwater connections to comply with Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC) held by Healthy Waters.

Therefore, Council will in effect be seeking to control land use and environmental effects through the Stormwater Bylaw via the inclusion of the Schedule 4 control. This raises concerns whereby Council is managing environmental effects via the Stormwater Bylaw and not the Resource Management Act or Unitary Plan.

As noted in 2015 by Auckland Council's legal advisors (Simpson Grierson) in their reply to the Auckland Unitary Plan Hearings Panel - 049 and 059, 060, 062 and 063 _Post Hearing Memorandum to Auckland Council the "purposes of the Bylaw are cast reasonably widely", a

copy is attached to this submission. However, the response by Council's legal advisors also outlined the key following points in their reply to the Hearings Panel in relation to the scope and purpose of the Bylaw:

4.2 (c) the Council's bylaw-making powers in relation to stormwater are limited;

4.2 (d) The adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;

4.2 (e) It is not appropriate to control the adverse effects of land use on the environment through the Bylaw

The legal advisors concluded in their submission to the Hearings Panel "the PAUP provisions are the most appropriate methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions". To the extent there is any potential overlap of the Bylaw and AUP, subject to the PAUP provisions, it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment."

The extent to which the proposed Bylaw and controls can require compliance with Schedule 4 of the Regionwide NDC (a third parties' consent) is subject to question and open to interpretation and raises issues of regulatory overreach by Council. As per Council's own legal advice to the Auckland Unitary Plan Hearings Panel, the RMA is the preferred legislation for managing environmental effects.

The addition of Schedule 4 as a control is adding further complexity to the interpretation of the Bylaw and other relevant rules and regulations. This is creating confusion around the scope and application of the Bylaw and NDC by Council staff when assessing resource consent and engineering applications.

Recent experience is that the approval processes are becoming overly complex, open to misinterpretation, causing time and cost delays for developers that ultimately get passed onto the end purchaser, through higher housing and development prices. Ensuring a clear and efficient process for approvals should be a priority for Council to allow developments to proceed in a timely manner.

It is requested that the Schedule 4 is removed from the Schedule 1 Register of Controls as it is not appropriate for inclusion as it raises issues over regulatory overreach by covering items that fall under Resource Management Act and Unitary Plan.

Clauses 19 and 20

The above clauses in the proposed Bylaw includes additional considerations and conditions of approval that appear to be outside the scope and what would be considered appropriate

in a Bylaw made under the Local Government Act. These include but are not limited to the following:

- cumulative effects
- compliance with relevant resource consent conditions, consent notices, easements and covenants
- minimising carbon footprint.
- the management of mana whenua values.

No information is provided on how the above would be considered, assessed, or implemented through the Bylaw. The above items are more suited within an RMA context and therefore inclusion could cause further confusion and delays to appro

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We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: No comment at this time

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in resp

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We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Disagree

Tell us why: We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel, the purposes of the Byla

6. Do you have any other feedback on Stormwater Bylaw?

Yes

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- “or is a permitted activity.”

Clause 15

Reinstate the Explanatory Note from 2015.

SWCoP

In addition, we request further information on the changes in relation to the updated SWCoP, including but not limited to:

- Transitional arrangements between the two SWCoP.
- Has any consideration been given to potential implications of the SWCoP on the existing Unitary Plan provisions and existing resource consents?
- When will Council’s flood modelling be updated, particularly for designs where those models or boundary conditions were relied upon.
- Has Council increased its investment in flood mitigation works to account for the change in climate change scenario
- A copy of the assessment process that selected the preferred climate change scenarios presented in the MoE and NIWA reports.
- Further information on the change to the minimum floor level requirements outlined in the SWCoP.

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Submission – Stormwater Bylaw

Organisation – Templeton Group Limited

Contact – Phil Jaggard

Email: Phil@mps.net.nz

1. Controls on public stormwater network and private stormwater systems.

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Disagree

The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in *Schedule 1 Register of Controls*. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

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We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1.

In addition, it is unclear on why some of the controls specified in Schedule 1 are required to be included in the Bylaw, such as the guideline documents. The inherent nature of guideline documents is that they are voluntary in nature and do not prescribe mandatory standards, so raises questions over how compliance with them would be demonstrated and assessed.

We request that references to guideline documents are removed from Schedule 1 Register of Controls of the Bylaw.

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We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

Disagree

Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC)

The consultation documentation and discussion with Council staff indicates that the Bylaw is intended to allow Council to require developments and new stormwater connections to comply with Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC) held by Healthy Waters.

Therefore, Council will in effect be seeking to control land use and environmental effects through the Stormwater Bylaw via the inclusion of the Schedule 4 control. This raises concerns whereby Council is managing environmental effects via the Stormwater Bylaw and not the Resource Management Act or Unitary Plan.

As noted in 2015 by Auckland Council's legal advisors (Simpson Grierson) in their reply to the Auckland Unitary Plan Hearings Panel - 049 and 059, 060, 062 and 063 *_Post Hearing Memorandum to Auckland Council* the "*purposes of the Bylaw are cast reasonably widely*", a copy is attached to this submission. However, the response by Council's legal advisors also outlined the key following points in their reply to the Hearings Panel in relation to the scope and purpose of the Bylaw:

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The extent to which the proposed Bylaw and controls can require compliance with Schedule 4 of the Regionwide NDC (a third parties' consent) is subject to question and open to interpretation and raises issues of regulatory overreach by Council. As per Council's own legal advice to the Auckland Unitary Plan Hearings Panel, the RMA is the preferred legislation for managing environmental effects.

The addition of Schedule 4 as a control is adding further complexity to the interpretation of the Bylaw and other relevant rules and regulations. This is creating confusion around the scope and application of the Bylaw and NDC by Council staff when assessing resource consent and engineering applications.

Recent experience is that the approval processes are becoming overly complex, open to misinterpretation, causing time and cost delays for developers that ultimately get passed onto the end purchaser, through higher housing and development prices. Ensuring a clear and efficient process for approvals should be a priority for Council to allow developments to proceed in a timely manner.

It is requested that the Schedule 4 is removed from the Schedule 1 Register of Controls as it is not appropriate for inclusion as it raises issues over regulatory overreach by covering items that fall under Resource Management Act and Unitary Plan.

Clauses 19 and 20

The above clauses in the proposed Bylaw includes additional considerations and conditions of approval that appear to be outside the scope and what would be considered appropriate in a Bylaw made under the Local Government Act. These include but are not limited to the following:

- cumulative effects
- compliance with relevant resource consent conditions, consent notices, easements and covenants
- minimising carbon footprint.
- the management of mana whenua values.

No information is provided on how the above would be considered, assessed, or implemented through the Bylaw. The above items are more suited within an RMA context and therefore inclusion could cause further confusion and delays to approvals with no right of appeal. We request reference to the above items are removed from the Bylaw.

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We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

Other

No comment at this time.

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We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

Other

There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in respect to a list of activities for restriction or exclusion and changes to the list should be widely consulted upon.

5. Updating the bylaw wording, format, and definitions.

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

Disagree

We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel, the purposes of the Bylaw are cast reasonably widely. However, Council's bylaw-making powers in relation to stormwater through the Local Government Act are relatively confined.

The existing approval processes has several inherent risks with differing interpretations of the Bylaw scope, including when compliance with a control is required and when it is not. As noted earlier in this submission, our experience is that misinterpretations are already occurring, causing delays and additional costs to developers.

A guidance document that clarifies what the Bylaw will and will not control would be beneficial to not only developers and their consultants but to ensure Council staff provide accurate and consistent advice allowing applications to work through the approval processes in a timely manner.

Therefore, it is requested that Council provide clear written guidance on the interrelationship between the Bylaw, CoP, Unitary Plan (including permitted activities), Engineering Approvals, Building Act, and Regionwide Network Discharge Consent prior to adopting the updated Bylaw. It is requested that the guidance is prepared with input from the wider industry, including development.

6. Do you have any other feedback on Stormwater Bylaw?

Yes

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- "or is a permitted activity."

Clause 15

Reinstate the Explanatory Note from 2015.

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In addition, we request further information on the changes in relation to the updated SWCoP, including but not limited to:

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- Further information on the change to the minimum floor level requirements outlined in the SWCoP.

IN THE MATTER of the Resource Management Act 1991 and the Local Government (Auckland Transitional Provisions) Act 2010

AND

IN THE MATTER of the Proposed Auckland Unitary Plan ("**PAUP**")

TOPIC 049 STORMWATER: RESPONSE OF THE AUCKLAND COUNCIL TO THE PANEL'S MEMORANDUM OF 4 NOVEMBER 2015 CONCERNING JURISDICTION AND RELEVANCE OF THE BYLAW

MAY IT PLEASE THE PANEL

1. INTRODUCTION AND SUMMARY

1.1 This memorandum of counsel sets out the Council's response to the issues raised in the Panel's memorandum of 4 November 2015 concerning the management of stormwater under the Proposed Auckland Unitary Plan (**PAUP**) (**Memorandum**).

1.2 On page 1, the Memorandum summarises the issues as:

- where [is the] jurisdiction under the RMA to control or manage stormwater entering the stormwater network and/or the combined sewer-stormwater network (ie **a piped network**) through a combination of regional and district land use controls; and
- what the relationship is between the PAUP and the Auckland Council Stormwater Bylaw, which appears to control and manage stormwater entering the Council's stormwater network.

1.3 By way of a summary, the Council's response to these issues is:

- (a) to the extent that the relevant PAUP provisions manage water or effects on water, it is not water "while" in a pipe and can, therefore, be controlled under the PAUP;

- (b) there is jurisdiction to control the diversion of surface water under sections 14 and 30(1)(1)(e) of the Resource Management Act 1991 (**RMA**) – whether or not the water is directed to the public stormwater network;
- (c) there is jurisdiction to control the use of land under sections 30 and 31 of the RMA to address the effects of stormwater flows exceeding the stormwater network capacity, in terms of:
 - (i) the control of any actual or potential effects of the use or development of land;¹ and
 - (ii) the avoidance or mitigation of natural hazards;²
- (d) there is jurisdiction to control the use of land for the purpose of managing the effect of stormwater that is directed to the combined sewer network under section 30(1)(c)(ii) and (iiia) of the RMA because the additional stormwater can result in wastewater overflows;
- (e) there is jurisdiction to control the use of land for activities that generate high levels of contaminants under section 30(1)(c)(ii) and (iiia) of the RMA, even where the stormwater from these activities may be conveyed through pipes before entering the eventual receiving environment;
- (f) the Bylaw is of limited relevance to the assessment of the PAUP provisions as it is focussed on direct impacts on the networks and, to the extent it potentially overlaps with the PAUP controls, the Bylaw is subject to the PAUP.

2. STATUTORY FUNCTIONS BEING ACHIEVED

- 2.1 For the reasons explained below, it is submitted that the PAUP rules at issue assist the Council to fulfil the following statutory functions:

¹ Section 31(1)(b).
² Sections 30(1)(c)(iv) and 31(1)(b)(i).

Regional Council functions (section 30)

- (a) the control of the use of land for the purpose of:
 - (i) the maintenance and enhancement of the quality of water bodies and coastal waters;³
 - (ii) the maintenance and enhancement of ecosystems in water bodies and coastal waters;⁴ and
 - (iii) avoidance or mitigation of natural hazards;⁵
- (b) the control of the diversion of water;⁶

Territorial Authority functions (section 31)

- (c) the control of any actual or potential effects of the use, development or protection of land including for the purposes of the avoidance or mitigation of natural hazards.⁷

2.2 Rules can be made under section 9(2) of the RMA to control land use to achieve the regional council functions described in (a) above. This applies to the PAUP provisions that control the use and development of impervious surfaces, and activities that:

- (a) expose the stormwater and combined sewer networks to additional stormwater flows, causing:
 - (i) overland flow and flooding (natural hazards), and channel erosion; and
 - (ii) wastewater overflows, adversely affecting water quality and ecosystem health; and
- (b) generate high levels of contaminants, adversely affecting water quality and ecosystem health.

3 Section 30(1)(c)(ii).
 4 Section 30(1)(c)(iia).
 5 Section 30(1)(c)(iv).
 6 Section 30(1)(e).
 7 Section 31(1)(b).

- 2.3 Rules can be made under section 14(2) of the RMA to manage the diversion of water (other than open coastal water) to achieve the regional council function described in (b) above.
- 2.4 Land use rules can be made under section 9(3) to achieve the territorial authority functions under section 31 of the RMA, including rules to mitigate or avoid natural hazards.
- 2.5 It is noted that land use rules can be made under both sections 9(2) and (3) in relation to the mitigation or avoidance of natural hazards.
- 2.6 In light of the above we discuss the specific PAUP provisions noted in the Memorandum below. However, before doing so, we address the issues relating to the RMA definition of "water".

Preliminary issue – exclusion of water in a pipe

- 2.7 It appears that underlying the Panel's concerns is the definition of "water" under section 2 of the RMA, as not including "water in any form while in any pipe...". Importantly, this only excludes water "while" it is in a pipe - it does not apply to water before it enters, or after it leaves, a pipe. This has been confirmed recently by the Environment Court where it said⁸:

... water in a pipe is not included within the RMA definition of water, but at the point where it exits onto the James' property it is water as defined by the Act

- 2.8 Parliament's apparent purpose in excluding water "while in any pipe" from the definition of "water" is to distinguish water in piped networks from fresh water, coastal water, geothermal water or overland flows. By doing so, it prevents fundamental provisions in Part 3 such as section 14 (restrictions relating to water), or section 15 (which prohibits discharges of contaminants or water into water unless allowed by a national environmental standard, regulation, regional rule or resource consent) applying to piped networks. However, that does not in any way preclude rules under the RMA regulating stormwater either *before* or *after* it enters or exits a piped stormwater network.

8 *James v Western Bay of Plenty District Council* [2015] NZEnvC 132, paragraph [15]

2.9 The provisions in the PAUP at issue are either:

- (a) water diversion or land use controls that manage the effect of impervious surfaces on stormwater flows from the impervious surfaces to a "piped network" or elsewhere; or
- (b) controls on land uses that generate high levels of contaminants within the stormwater that adversely affects freshwater and coastal environments.

2.10 Therefore, to the extent that the PAUP provisions manage water, they do so only in relation to water that is on the land surface *before* it enters a pipe or otherwise flows overland (diversion) or *after* it leaves the piped network (discharge) – and not water "while" it is in a pipe. Moreover, it is noted that:

- (a) "stormwater network", as defined in the PAUP⁹ is not limited to pipes. It is currently proposed to be defined as "a system of stormwater pipes, open channels, devices and associated ancillary structures and used for the purpose of conveying, diverting, storing, treating, or discharging stormwater and operated by Auckland Council as a stormwater network utility operator"¹⁰.
- (b) not all stormwater runs off to a pipe; and
- (c) in any event the stormwater and combined sewer networks are located on or in, and therefore can be considered to be part of, "land".

2.11 A number (but not all) of the relevant PAUP rules are required because of the necessarily limited capacity of the public stormwater and combined sewer networks, and the consequential effects on the environment of land uses that generate additional flows to these networks. These drainage networks avoid or mitigate the adverse stormwater effects of the land development and use – but have a finite capacity. Exceeding the network capacity means that they are

⁹ As amended in Attachment G to the Council's closing remarks of 7 September 2015.

¹⁰ It is noted that the full definition clarifies that it only includes pipes etc that are operated by the Council as a stormwater network utility operator.

not able to adequately manage the stormwater effects of the land development and use, resulting in:

- (a) additional overland stormwater flows and flooding; and
- (b) wastewater overflows (in the case of the combined sewer network) that can affect the quality of water and ecosystems in the receiving environment (primarily freshwater and coastal environments).

2.12 It is legitimate for the PAUP to control land use to manage these actual and potential effects of the environment. As the Environment Court said in *Foreworld Developments Ltd v Napier City Council*:¹¹

It is bad resource management practice and contrary to the purpose of the [RMA] – to promote the sustainable management of natural and physical resources; to zone land for an activity when the infrastructure necessary to allow that activity to occur without adverse effects on the environment does not exist, and there is no commitment to provide it.

2.13 Similarly, it would be bad resource management practice to not control activities when the "infrastructure necessary to allow that activity to occur without adverse [stormwater-related] effects" is not available. In this context "not available" includes not having sufficient capacity to manage the stormwater effects of the activities. The PAUP provisions at issue will ensure that the actual and potential stormwater effects on the environment will be managed, taking into account the ability of the public network to cater for the stormwater.

3. THE SPECIFIC PAUP PROVISIONS MENTIONED IN THE MEMORANDUM

3.1 The next sections discuss the PAUP provisions noted in the Memorandum.

Section H4.14.1 – Stormwater Discharges

3.2 The Memorandum refers to the rule at the first row of Activity Table 1.1, which permits the "diversion of stormwater from established impervious areas to the stormwater network". As noted above, this is addressing the diversion of stormwater as the result of the establishment of the impervious surfaces that alter the flow of water before it reaches the stormwater network or otherwise runs off to

¹¹ W008/2005, paragraph 15. The key issue in this case was a lack of wastewater infrastructure although stormwater is mentioned at para 14.

land, and not "while" it is in a pipe. The rule only addresses diversion. It does not purport to address the discharge of stormwater to or from the network.

- 3.3** Accordingly, the rule can be made under section 14(2) and (3) of the RMA. This rule was requested by submitters during mediation to avoid any argument that such diversions were permitted, and on this basis was accepted by the Council.

H4.14.2 – Stormwater Management Flow

Combined Sewer Network rules

- 3.4** Activity Table 2.1 provides for the "development of additional, and redevelopment of, impervious areas where stormwater is directed to the combined sewer network" as a:
- (a) permitted activity if Watercare approval is given for the increase in stormwater entering the network; or
 - (b) restricted discretionary activity if such approval is not given.
- 3.5** As discussed above, the resource management issue addressed by this rule is the limited capacity of the combined sewer network. Additional stormwater entering this network can cause wastewater overflows that affect water quality and potentially also ecosystems in water bodies (such as streams) as well as coastal water. There is jurisdiction to make rules that control land use (development of impervious areas) for the purpose of maintaining and enhancing water quality and ecosystems in water bodies and coastal water under section 30(1)(c)(ii) and (iii) of the RMA.
- 3.6** In the Council's view, land use activities that generate additional stormwater flows into the combined sewer network have actual and potential effects on the environment, that need to be managed, through either permitted activity standards or a resource consent process.
- 3.7** In relation to the requirement for Watercare approval, the Council considered (in conjunction with Watercare) whether permitted activity performance standards (eg volume or area thresholds) could be implemented. However, the Council was advised that due to the

nature of this network it was not possible to determine performance standards that would be relevant and appropriate in all circumstances. As a result, the "Watercare approval" standard was proposed to create an option for developers/other parties to avoid the need for a consent application where the change in impervious area is acceptable to Watercare. A key consideration in providing for this is to allow smaller scale infrastructure projects, such as road maintenance or new bus stops, to be undertaken where there may be changes to the volume of stormwater (and hence would not meet the threshold of "no increase") but that are essential for the provision of public services, provided that the level of stormwater entering the combined network is acceptable to Watercare.

- 3.8** Importantly, this is not an "approval" in an RMA/regulatory sense. Rather, it is Watercare's agreement to accept the additional stormwater - in its capacity as owner and operator of the combined sewer network, and the holder of the consents for the discharges from this network (ie the party directly affected by the additional stormwater entering the network). The Panel may wish to modify the wording of Rule 2.2.1(2)(a) to clarify this, as follows:

The development of additional and redevelopment of impervious areas does not result in an increase in stormwater runoff discharging to the combined sewer network, unless any increase is approved by the combined sewer network operator agrees in writing to accept (as network owner and operator) the additional stormwater runoff entering the network.

Maximum impervious area rules

- 3.9** Activity Table 2.1 permits the "development of additional impervious areas that do not exceed the maximum impervious area for the relevant zone". Exceeding the maximum impervious area (**MIA**) is a restricted discretionary activity.
- 3.10** These rules primarily address the effects of stormwater run off (from the additional impervious areas) on the environment caused by the limited capacity of the stormwater network. Managing these effects is a territorial authority function under section 31(1)(b) of the RMA. Further, the "trigger" for these rules is the MIA percentages contained as development controls in some zones (eg residential zones). Essentially, they are Auckland-wide section 9(3) RMA land use

controls that result from an infringement of the zone development controls.

- 3.11 It is noted that the MIA controls occur in a number of the operative District Plans (eg rule 8.4.7 in the North Shore section).

H4.14.3 Stormwater Management – Quality

- 3.12 Activity Table 3.1 lists land use rules intended to control the quality of stormwater from various "high contaminant generating activities" (HCGAs).
- 3.13 Unlike the land use rules discussed above, these rules are not related to the limited capacity of the drainage networks. As explained in the Council's evidence, the contaminants generated by the HCGAs adversely affect water quality and ecosystem health.
- 3.14 Therefore, the rules control land uses for the purposes listed in section 30(1)(c)(ii) and (iiia) of the RMA. The fact that the stormwater may be diverted to a piped network before being eventually discharged into the receiving environment is irrelevant. The network is only one means of conveying the contaminants from their source to the adversely affected receiving environment. For instance, the contamination generated by land uses may travel to the receiving environments by means other than through pipes, eg overland via streams or through groundwater.
- 3.15 It is noted that the Council's evidence explained the need for these rules given the current (degraded) state of the receiving environments and the direction to address these issues under the NZ Coastal Policy Statement (NZCPS) and the National Policy Statement: Freshwater Management (NPSFM).

4. RELATIONSHIP BETWEEN THE PAUP AND THE BYLAW

- 4.1 On page 6 the memorandum states that the Panel seeks clarification as to:

The relationship of the Auckland Council's stormwater bylaw and the stormwater provisions in the PAUP in relation to the Council's stormwater network and/or the combined sewer network, and whether the Bylaw provisions are more appropriate to manage discharges, diversion and direction of stormwater to a piped network.

- 4.2 By way of a summary, the Council's response is:

- (a) when assessing the PAUP provisions the key inquiry is the analysis under section 32 of the RMA;
- (b) there is no legal obligation for the Council to promulgate the Bylaw, and it can only do so after concluding that a bylaw is the most appropriate way to address perceived problems;
- (c) the Council's bylaw-making powers in relation to stormwater are limited;
- (d) the adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;
- (e) it is not appropriate to control the adverse effects of land use on the environment through the Bylaw; and
- (f) the Bylaw requirements are primarily focussed on managing individual and direct impacts on the stormwater network (including service connections) and ensuring on-going maintenance of private devices the performance of which has a direct bearing on the performance and operation of the network.

4.3 In the Council's view, the Panel's assessment of the PAUP provisions must be focussed on the relevant RMA matters, primarily section 32. It is acknowledged that the potential application of the Bylaw may be relevant when considering the options of achieving the relevant objectives and policies. However, it is submitted that, in that context, the content of the Bylaw is of limited relevance especially given the fact that:

- (a) there is no legal obligation compelling the Council to promulgate a bylaw relating to the stormwater network (and similarly, Watercare has no obligation to promulgate a bylaw relating to the combined sewer network); and
- (b) the Bylaw could be changed either as a result of Council decisions or legal challenge.

- 4.4** There is no legal obligation for the Council to have bylaws relating to the stormwater network. As is the case for all bylaws made under the Local Government Act 2002 (**LGA**), before making a bylaw in relation to the stormwater network the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem: section 155(1) of the LGA. The Council's "section 155 analysis" in respect of the Bylaw considered regulation under the Building Act and RMA, as well as educational and environmental programmes and industry accords, as alternatives is making a stormwater network bylaw.
- 4.5** Significantly, however, the Council's bylaw-making powers in relation to stormwater are relatively confined. The relevant empowering provisions in the LGA are:
- (a) section 146(b)(iv), which authorises bylaws for the purpose of "managing, regulating against, or protecting from, damage, misuse, or loss, or preventing the use of the land, structures or infrastructure associated with land drainage"; and
 - (b) section 145(a) and (b), which confer a more general power to make bylaws protecting the public from nuisance and protecting, promoting and maintaining public health and safety.
- 4.6** Neither of these bylaw-making powers is as extensive as the relevant provisions in sections 30 and 31 of the RMA on which the Council relies to make the PAUP rules at issue. In particular, section 146(b)(iv) is confined to land, structures and infrastructure associated with land drainage i.e. the stormwater network, rather than all public or private property that may generate stormwater runoff which eventually finds its way into the stormwater network. The more general bylaw-making powers in section 145 concern nuisance and public health and safety, but would not authorise provisions that sought to control water quality in water bodies or coastal water, if neither public health and safety nor nuisance was at issue.

- 4.7** Because the wider environmental impacts of stormwater diversion and discharge fall to be managed through other regulatory and non-regulatory measures, the Bylaw has a "network" focus.
- 4.8** While the purposes of the Bylaw¹² are cast reasonably widely, as noted above the focus is on the stormwater network, including private stormwater systems, rather than land use that may generate stormwater. The requirements to obtain approval under the Bylaw only address:
- (a) construction of assets to be vested in the Council (vested stormwater assets);¹³
 - (b) new service connections;¹⁴
 - (c) works and activities (excavations etc) that may physically affect the public stormwater network;¹⁵
 - (d) adversely altering the velocity of stormwater or adversely diverting the flow of stormwater on public land;¹⁶
 - (e) keeping watercourses etc on private land free of obstructions;¹⁷
 - (f) discharging stormwater from impervious areas greater than permitted by the PAUP or resource consent;¹⁸
 - (g) damaging, modifying, or altering the hydraulic performance of the public stormwater network;¹⁹
 - (h) removal or damage to vegetation in a wetland;²⁰
 - (i) ground soakage systems;²¹

12 Clause 4.
 13 Clause 9(3).
 14 Clause 9(3).
 15 Clause 10.
 16 Clause 11(1).
 17 Clause 11(2).
 18 Clause 11(3).
 19 Clause 12.
 20 Clause 13.
 21 Clause 14.

(j) discharges of contaminants to the public stormwater network;²² and

(k) maintenance and operation of private stormwater systems.²³

4.9 Auckland Council has also adopted the Water Supply and Wastewater Network Bylaw 2015 which seeks to protect the water supply and wastewater network owned and operated by Watercare, while Auckland Council has confirmed four legacy bylaws relating to on-site wastewater systems.²⁴

4.10 There are aspects of the Stormwater Bylaw that have some potential overlap with the PAUP provisions discussed above. This applies to clauses (d), (e), (f), (h), (i), and (j) as summarised above. However, the requirement for Bylaw approval under these clauses does not apply if the relevant activity is "permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent." Therefore, the requirement for Bylaw approval is subject to authorisation under the RMA. Accordingly, the Bylaw assumes that the PAUP will be the primary method of managing the impacts of land use and development on the stormwater network and, in that sense, provides a 'back stop' measure to the PAUP provisions. This position is expressly provided for in clause 7(3) of the Bylaw, which states that "nothing in this bylaw shall derogate from the [RMA]".²⁵

4.11 Further, the Bylaw could be challenged as unreasonable, if it were to override rights to, for example, remove or damage vegetation in wetlands that had been obtained through the resource consent process. In fact, if the Bylaw was not drafted in this way (ie being subject to resource consents and the PAUP) it could be open to challenge on the basis that land use and development are more appropriately managed under the RMA.²⁶ In that regard, it is submitted that the PAUP provisions are the most appropriate

22 Clause 15.

23 Clause 16.

24 Governing body resolution GB/2015/112 (29 October 2015).

25 See also the explanatory note to this clause.

26 It is noted that submitters on the draft bylaw expressed concern that it would duplicate the RMA/PAUP regime and significant changes were consequently made to the bylaw through the special consultative procedure.

methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions, because:

- (a) the RMA expressly addresses the management of the adverse effects of land use on the environment. Moreover, the RMA expressly recognises the relationship between land use and effects on:
 - (i) water quality and ecosystem health under section 30(1)(c)(ii) and (iia); and
 - (ii) natural hazards (eg flooding) under section 30(1)(c)(iv) and 31(1)(b).
- (b) The RMA expressly addresses the management of the diversion of water under sections 14 and 30(1)(e).
- (c) Rules controlling the use of land such as those discussed above are generally 'expected' in RMA plans, and not necessarily in bylaws. While bylaws can contain provisions that provide for approval of various activities that may affect the stormwater network, such provisions are not accompanied by a framework of associated objectives and policies that provide for a full range of matters to be considered. Nor are decisions made under bylaws subject to rights of appeal to an expert body (the Environment Court), unlike decisions made by councils pursuant to regional or district rules under the RMA. Again, this suggests that RMA rules are a more sophisticated and appropriate mechanism than bylaw provisions to regulate land use to the extent that it has stormwater impacts (beyond merely impacts on the stormwater network).
- (d) Relying on a network discharge consent to authorise discharges from the network and the Bylaw to manage inputs into the network, is a less transparent method than controlling the relevant activities through the PAUP.
- (e) The creation of additional and/or redevelopment of existing impervious surfaces will usually occur as part of a wider


development proposal where it is appropriate to consider and assess a wider range of effects (including positive, adverse and cumulative effects), in the context of the RMA and PAUP.

5. CONCLUSION

5.1 For the reasons explained above:

- (a) there is jurisdiction to include PAUP provisions that control or manage stormwater entering the stormwater network and the combined sewer network through a combination of regional and district land use controls; and
- (b) the Bylaw is, to the extent there is any potential overlap, subject to the PAUP provisions, because it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment.

DATED at Auckland this 20th day of November 2015



G C Lanning / J P Hassall
Counsel on behalf of Auckland Council



Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw. Details can be found in the attachments on the Have Your Say website.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name of organisation/business: **Waiohua-Tamaki Ropu**

Your local board: **Waitematā**

Source: **Email**

Your feedback (all questions are optional)

1. Controls on public stormwater network and private stormwater systems

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice.

Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

What is your opinion on this proposal? Other

Tell us why: The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in Schedule 1 Register of Controls. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

However, Council is not seeking feedback on any of the documents included in Schedule 1 of the Bylaw. For example, the Stormwater CoP (SWCoP) Version 3 has recently been published and is proposed to come operative on 18 January 2022. It includes new climate change assumptions that will significantly affect existing and future development plans and has not been sent out for formal consultation with the public and/or the development/stormwater industry.

We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1.

In addition, it is unclear on the scope and limitations of the proposed controls specified in Schedule 1, when many are guideline documents. The inherent nature of guideline documents is that they are voluntary in nature and do not prescribe mandatory standards, so it raises questions over how compliance with them would be demonstrated and assessed.

We request Council provides clarity on the how the controls listed in Schedule 1 Register of Controls of the Bylaw will need to be complied with.

Under Clause 8, the updated Bylaw comparison table includes reference to the inclusion for specifying controls or guidelines for private stormwater systems. Is Council proposing to specify design codes for private stormwater systems and/or control the use of innovative stormwater solutions such as stormwater proprietary devices through the Bylaw? Further information on the proposal is requested.

2. Additional requirements for vesting of public assets and approvals

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

What is your opinion on this proposal? Other

Tell us why: Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC)

The inclusion of Schedule 4 as a control raises a number of questions over the interpretation of the Bylaw and its interrelationship with the Resource Management Act and Unitary Plan.

As noted in 2015 by Auckland Council's legal advisors (Simpson Grierson) in their reply to the Auckland Unitary Plan Hearings Panel - 049 and 059, 060, 062 and 063 _Post Hearing Memorandum to Auckland Council the "purposes of the Bylaw are cast reasonably widely".

However, the response by Council's legal advisors also outlined the following key points in relation to the scope and purpose of the Bylaw:

4.2 (c) the Council's bylaw-making powers in relation to stormwater are limited;

4.2 (d) The adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;

4.2 (e) It is not appropriate to control the adverse effects of land use on the environment through the Bylaw

The legal advisors concluded in their submission to the Hearings Panel "the PAUP provisions are the most appropriate methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions". To the extent there is any potential

overlap of the Bylaw and AUP, subject to the PAUP provisions, it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment.”.

Therefore, the proposed Bylaw and controls raises several questions over the approval processes and controls and their interrelationship with the Unitary Plan. The addition of Schedule 4 as a control will add further complexity and could potentially overlap with other relevant rules and regulations.

Recent experience is that the approval processes are becoming overly complex, causing time and cost delays for developers that ultimately get passed onto the end purchaser, through higher housing and development prices. Ensuring a clear and efficient process for approvals should be a priority for Council to allow developments to proceed in a timely mannerto deliver much needed housing projects.

It is requested Council provide clarity and guidance around the inclusion of Schedule 4 in Schedule 1 Register of Controls and the interrelationship with other regulatory controls that fall under Resource Management Act and Unitary Plan.

Clauses 19 and 20

The above clauses in the proposed Bylaw includes additional considerations and conditions of approval that appear to be outside the scope and what would be considered appropriate in a Bylaw made under the Local Government Act. These include but are not limited to the following:

- cumulative effects
- compliance with relevant resource consent conditions, consent notices, easements and covenants
- minimising carbon footprint.

No information is provided on how the above would be considered, assessed, or implemented through the Bylaw. The above items are more suited within an RMA context and therefore inclusion could cause further confusion and delays to approvals with no right of appeal. We request reference to the above items are removed from the Bylaw.

In addition, the above clauses include referencesto mana whenua values. Is Council intending to require applicants to consult with Mana Whenua as part of the approval process under the Bylaw?

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

What is your opinion on this proposal? Other

Tell us why: No comment at this time

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

What is your opinion on this proposal? Other

Tell us why: There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in resp

5. Updating the bylaw wording, format, and definitions

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

What is your opinion on this proposal? Other

Tell us why: We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel, the purposes of the Byla

6. Do you have any other feedback on Stormwater Bylaw?

Yes

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- “or is a permitted activity.”

Clause 15

Reinstate the Explanatory Note from 2015.

SWCoP

In addition, we request further information on the changes in relation to the updated

SWCoP, including but not limited to:

- Transitional arrangements between the two SWCoP.
- Has any consideration been given to potential implications of the SWCoP on the existing Unitary Plan provisions and existing resource consents?
- When will Council's flood modelling be updated, particularly for designs where those models or boundary conditions were relied upon.
- Has Council increased its investment in flood mitigation works to account for the change in climate change scenario
- A copy of the assessment process that selected the preferred climate change scenarios presented in the MoE and NIWA reports.
- Further information on the change to the minimum floor level requirements outlined in the SWCoP

Important privacy information

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at aucklandcouncil.govt.nz/privacy and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

Submission – Stormwater Bylaw

Organisation – Waiohau-Tamaki Ropu

Contact – Jason Wong

Email: jason.wong@ngaitaitamaki.iwi.nz

1. Controls on public stormwater network and private stormwater systems.

We are proposing to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control. In general, the industry already follows these as best practice. Note – we are not seeking public feedback on the content of the specific controls as they are existing council publications.

Other

The consultation documentation and updated Bylaw proposes that Council will require compliance with the controls (guidelines and codes) included in *Schedule 1 Register of Controls*. As per clause 6 of the Stormwater Bylaw 2015 and 2021 it states that “Any control made under the Bylaw must be made by Council resolution after considering the views and preferences of persons likely to be affected or have an interest in particular control.”

However, Council is not seeking feedback on any of the documents included in Schedule 1 of the Bylaw. For example, the Stormwater CoP (SWCoP) Version 3 has recently been published and is proposed to come operative on 18 January 2022. It includes new climate change assumptions that will significantly affect existing and future development plans and has not been sent out for formal consultation with the public and/or the development/stormwater industry.

We request that all controls and their changes are consulted upon as per clause 6 of the Bylaw before inclusion under Schedule 1.

In addition, it is unclear on the scope and limitations of the proposed controls specified in Schedule 1, when many are guideline documents. The inherent nature of guideline documents is that they are voluntary in nature and do not prescribe mandatory standards, so it raises questions over how compliance with them would be demonstrated and assessed.

We request Council provides clarity on the how the controls listed in Schedule 1 Register of Controls of the Bylaw will need to be complied with.

Under Clause 8, the updated Bylaw comparison table includes reference to the inclusion for specifying controls or guidelines for private stormwater systems. Is Council proposing to specify design codes for private stormwater systems and/or control the use of innovative stormwater solutions such as stormwater proprietary devices through the Bylaw? Further information on the proposal is requested.

2. Additional requirements for vesting of public assets and approvals.

We are proposing to add to the existing considerations for the vesting of public assets, including stormwater network discharge consents, carbon footprint, and mana whenua values.

Other

Schedule 4 of the Auckland Wide Stormwater Network Discharge Consent (NDC)

The inclusion of Schedule 4 as a control raises a number of questions over the interpretation of the Bylaw and its interrelationship with the Resource Management Act and Unitary Plan.

As noted in 2015 by Auckland Council's legal advisors (Simpson Grierson) in their reply to the Auckland Unitary Plan Hearings Panel - 049 and 059, 060, 062 and 063 *_Post Hearing Memorandum to Auckland Council* the "*purposes of the Bylaw are cast reasonably widely*". However, the response by Council's legal advisors also outlined the following key points in relation to the scope and purpose of the Bylaw:

4.2 (c) the Council's bylaw-making powers in relation to stormwater are limited;

4.2 (d) The adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;

4.2 (e) It is not appropriate to control the adverse effects of land use on the environment through the Bylaw

The legal advisors concluded in their submission to the Hearings Panel "*the PAUP provisions are the most appropriate methods to achieve the objectives and policies of the PAUP and give effect to the relevant NZCPS and NPSFM provisions*". *To the extent there is any potential overlap of the Bylaw and AUP, subject to the PAUP provisions, it is appropriate that the PAUP provisions are the primary method to manage land use and control the stormwater-related effects on the environment.*"

Therefore, the proposed Bylaw and controls raises several questions over the approval processes and controls and their interrelationship with the Unitary Plan. The addition of Schedule 4 as a control will add further complexity and could potentially overlap with other relevant rules and regulations.

Recent experience is that the approval processes are becoming overly complex, causing time and cost delays for developers that ultimately get passed onto the end purchaser, through higher housing and development prices. Ensuring a clear and efficient process for approvals should be a priority for Council to allow developments to proceed in a timely manner to deliver much needed housing projects.

It is requested Council provide clarity and guidance around the inclusion of Schedule 4 in Schedule 1 Register of Controls and the interrelationship with other regulatory controls that fall under Resource Management Act and Unitary Plan.

Clauses 19 and 20

The above clauses in the proposed Bylaw includes additional considerations and conditions of approval that appear to be outside the scope and what would be considered appropriate in a Bylaw made under the Local Government Act. These include but are not limited to the following:

- cumulative effects
- compliance with relevant resource consent conditions, consent notices, easements and covenants
- minimising carbon footprint.

No information is provided on how the above would be considered, assessed, or implemented through the Bylaw. The above items are more suited within an RMA context and therefore

inclusion could cause further confusion and delays to approvals with no right of appeal. We request reference to the above items are removed from the Bylaw.

In addition, the above clauses include references to mana whenua values. Is Council intending to require applicants to consult with Mana Whenua as part of the approval process under the Bylaw?

3. Approving modifications or new engineered wastewater overflow points

We are proposing to enable a formal process for council, as the stormwater network and asset utility operator, to approve wastewater overflow points from wastewater network utility operators to assist with protection of public health and safety when the overflow points activate.

Other

No comment at this time.

4. Restricting or excluding activities for parts of the stormwater network

We are proposing to restrict or ban activities, such as kayaking or fishing on constructed stormwater ponds and wetlands, to protect the public from the hazards in the stormwater network.

Other

There appears to be no limitation to the activities that could be restricted or excluded in the future by Council with no right of appeal or public consultation on those activities. It is requested that the scope of the clause is clearly defined in respect to a list of activities for restriction or exclusion and changes to the list should be widely consulted upon.

5. Updating the bylaw wording, format, and definitions.

We are proposing to make the bylaw easier to read and reflect current best practice drafting standards by clarifying definitions and improving enforcement provisions.

Other

We request further clarity is provided around the scope and limitations of the Bylaw through a guidance document with worked examples for different development scenarios. As per Simpsons Griersons response to the Hearings Panel, the purposes of the Bylaw are cast reasonably widely. However, Council's bylaw-making powers in relation to stormwater through the Local Government Act are relatively confined.

The existing approval processes has several inherent risks with differing interpretations of the Bylaw scope, including when compliance with a control is required and when it is not. As noted earlier in this submission, our experience is that misinterpretations are already occurring, causing delays and additional costs to developers.

A guidance document that clarifies what the Bylaw will and will not control would be beneficial to not only developers and their consultants but to ensure Council staff provide accurate and consistent advice allowing applications to work through the approval processes in a timely manner.

Therefore, it is requested that Council provide clear written guidance on the interrelationship between the Bylaw, CoP, Unitary Plan (including permitted activities), Engineering Approvals, Building Act, and Regionwide Network Discharge Consent prior to adopting the updated Bylaw. It is requested that the guidance is prepared with input from the wider industry, including development.

6. Do you have any other feedback on Stormwater Bylaw?

Yes

Proposed additions to the Bylaw

Clause 12

Add the following text to clause 12:

- “or is a permitted activity.”

Clause 15

Reinstate the Explanatory Note from 2015.

SWCoP

In addition, we request further information on the changes in relation to the updated SWCoP, including but not limited to:

- Transitional arrangements between the two SWCoP.
- Has any consideration been given to potential implications of the SWCoP on the existing Unitary Plan provisions and existing resource consents?
- When will Council’s flood modelling be updated, particularly for designs where those models or boundary conditions were relied upon.
- Has Council increased its investment in flood mitigation works to account for the change in climate change scenario
- A copy of the assessment process that selected the preferred climate change scenarios presented in the MoE and NIWA reports.
- Further information on the change to the minimum floor level requirements outlined in the SWCoP.

21 October 2021

Submission on AC Stormwater Bylaw Amendments 2021

AT recognises that the proposed amendments are aimed at helping AC enforce its regulatory requirements better, including compliance with the AUP, SWCoP and the recently approved NDC.

Discussion

The above is in principle a positive move that should enable AT to better implement requirements under its TDM. While the exact role and enforceability of the AT TDM through this Bylaw remains to be confirmed, the TDM requirements (and in particular objectives/principles) align well with those of the CoP including Chapter 4 (SWCoP) and relevant supporting documents such as GD04. There are however some areas of difference between the TDM and GD01, particularly in terms of preferred treatment devices in the road corridor, where the TDM recognises maintenance and safety requirements.

Development pressures have resulted in challenges enforcing the CoP in particular, with high levels of non-compliant designs getting approved for vesting in AC and its CCO's. In general (and say over the past decade) there has been a higher proportion of stormwater infrastructure being designed for vesting by land developers (as opposed to designers specifically appointed by the asset owner). This generates a potential conflict in the priority for designers who are generally required by their clients (i.e.: developer) to maximise the profitability and yield. To this extent, we have witnessed many examples where yield has been prioritised over safe and operator friendly design solutions.

Developers and their designers tending to seek the easiest route through the consenting process offering 'cookie-cutter' solutions to meet objectives in order to avoid delays to their projects. This has resulted in 'cookie cutter' stormwater management devices being implemented region-wide, with limited consideration of the design process or principles outlined in the CoP, GD04 or the TDM.

The industry-wide issues described above are not addressed by the revisions. In fact, there is a risk it will act to further embed some of the poor practices AT has seen develop over the last decade. Specifically: **Section 9(2) of the Bylaw** which states: *Any vested stormwater asset must be of a type, design, location, and performance that enables council to comply with the relevant conditions of a stormwater network discharge consent, including any relevant stormwater management plan that has been adopted into a stormwater network discharge consent.*

- Without enforcing an effective monitoring programme, how Council meets and achieves its NDC Conditions remains a 'black box', dependent purely on what's approved at the RC stage. Unless fit for purpose stormwater management solutions that are also cost-effective and safe to operate and maintain are constructed, medium-long term water quality objectives for Auckland will not be achieved. At present, too much emphasis is put on devices meeting objectives, as opposed to the suitability of overall SMPs and their suitability to deliver lasting water quality and quantity benefits.
- There is a significant difference between the NDC and AUP requirements; the NDC conditions are considerably more stringent, though the 'value' of such requirements remains questionable from technical, scientific and/or cost/benefit perspectives. The Bylaw therefore risks strengthening the ability of Council to further enforce stormwater solutions 'perceived' as being water sensitive; and risks increasing the long-term burden on Auckland's rate payers and receiving environments.

In effect, while the above clause will enable AC to enforce its CoP better, it doesn't necessarily provide a mechanism to ensure the outcomes desired under the AUP/CoP is actually being achieved. The risk therefore remains that different parts of the AC family will continue to have differing opinions and interpretations of the requirements under the AUP, SWCoP, NDC and also the SW Bylaw.



A more effective mechanism for achieving the water quality and hydrological outcomes described under the AUP (and TR35) maybe to enforce more stringent liability clauses on developers and their designers who are offering assets for vesting in Council (and AT), with a thorough monitoring process to ensure vested assets operate as intended, at least over the relevant liability periods (currently limited to 6 years in NZ). Council might be better to consider implementing a PS2/CS2 process for Stormwater Management Devices (i.e., peer-reviews of SW Management Devices signed-off by Chartered Engineers with suitable/relevant qualifications).

Clause Specific changes:

1. **Section 9 (1)** Please ensure that the AT- TDM is referenced in the Bylaw for transport related stormwater assets. Please ensure that references/links to the Code of Practice in relation to transport related assets accurately link to the AC-CoP - chapter 3 Transport.
2. **Section 9 & 10;** Please provide clarity in terms of approval process for SW assets that vest to AT. Please clarify what input will AT have in the implementation of the SW Bylaw for SW Assets being vested in AT?
3. **Section 20;** where does the approval, non-compliance and enforcement sit in the Auckland Council's approval process, and who is responsible? Please clarify the roles within AC.
4. **Sections 19l and 20o;** The additional requirement under the Bylaw to consider the Carbon Footprint will likely be difficult to enforce without better guidance and may only add to existing challenges associated with resourcing. AT supports this requirement in principle, as if implemented accurately, apart from the obvious climate change related benefits, it will weed-out many of the ineffective cookie-cutter solutions currently being implemented as 'green infrastructure' or water sensitive designs. Please provide guidance and clarification on what is expected to be assessed under these clauses.
5. AC Regulatory currently imposes 12 -24 months defects liability period (DLP) for SW proprietary, bio-retention devices and other hard assets and is effective from the date 224c is approved. However, under the professional indemnity insurance the Consultants are accountable for a 6-year period and it is assumed from the practical completion of the project. Please confirm the exact role and enforceability of this requirement through the Resource consent/EPA and this Bylaw.

Dr Cathy Bebelman
Environmental Manager

Auckland Council Consultation - Stormwater Bylaws

Chelsea Regional Park Association submission

In the upcoming Auckland Council Consultation on the stormwater bylaws, open until 27 October 2021, there is a section on ponds and wetlands as follows:

Our main proposals include:

- restricting or excluding certain activities for parts of the stormwater network to protect public health and safety from activities such as fishing or kayaking in stormwater treatment devices like ponds and wetlands

This submission relates to the proposal on restricting or excluding certain activities, in relation to four Chelsea Estate Heritage Park dams in Birkenhead on the North Shore. We oppose restricting or excluding activities on these four historic dams and recommend that if the bylaws are enacted, that the dams are exempt, for the following reasons:

1. De facto stormwater ponds

These four historic dams are not "stormwater treatment devices" by definition. They were not sold to North Shore City Council in 2008 as such, and were certainly not purchased as such, to be used that way. CHERPA opposes their use as *de facto* stormwater detention ponds; they receive a large amount of stormwater *in the absence of a modern, Council-owned, fit-for-purpose stormwater detention and treatment facility in the vicinity*.

2. CEHP purchase agreement and Chelsea Sugar consent to draw water

The intent in the original sale and purchase agreement (with conditions stipulated by Chelsea Sugar enabling them to draw water from the dams) was that the dams and a large parcel of surrounding land would be purchased in order that the public could enjoy them in perpetuity as part of a public park or reserve. They should therefore be exempt from these proposed stormwater bylaws.

3. Future recreational use and kayaking

If the dams are lumped into the category of "stormwater treatment devices", the public may risk losing access to them altogether in future; they may be fenced off and/or demoted to a low priority for addressing the state of the health in the waterway, and more importantly, this may make their eligibility as potential regeneration projects in future even more unlikely.

4. Lake restoration

It took many years for Auckland Council to finally propose in 2021 to net the current koi carp populations and trial applying Phoslock (now proposed for 2022) to three of the dams in the hope that it may improve the water quality.

Neglecting to improve the health of the waterway for long periods of time is the problem, not fishing or kayaking activities. This is like closing swimming beaches permanently due to sewage overflows, rather than addressing the sewage overflows themselves. It is our view that accurate signage around fishing laws should be sufficient and effective in this case, and also that fishing for koi carp should not be banned, as it is entirely possible that they will re-establish in future.

In 2021 the Kaipātiki Local Board employed an independent consultant to carry out comprehensive water testing on all four dams, and a kayak was needed to carry out some of the testing in the deepest parts of the dams. If kayaking is banned, then permits or consents

would be required for consultants or community to continue this type of testing in future. It would become even more difficult, time-intensive and likely costly to wade through the paperwork and processes to get these types of tests completed. This is an unnecessary hurdle to introduce. Signs accurately reflecting the waterway health for the public's information should be sufficient and effective, rather than restricting or excluding kayaking.

CHERPA has previously made submissions in support of having Chelsea Estate Heritage Park declared a Regional Park. It was not our intention in that submission to have the four historic dams either subject to these types of restrictions or excluded from public access and enjoyment in future. Rather, it is our wish that the historic dams continue to be recognised and treated as part of an aquatic ecosystem and that efforts are made to restore the health of the waterway as a whole, so that New Zealanders can enjoy all that the park has to offer. Calling them "stormwater treatment devices" and keeping the public away seems averse to this.

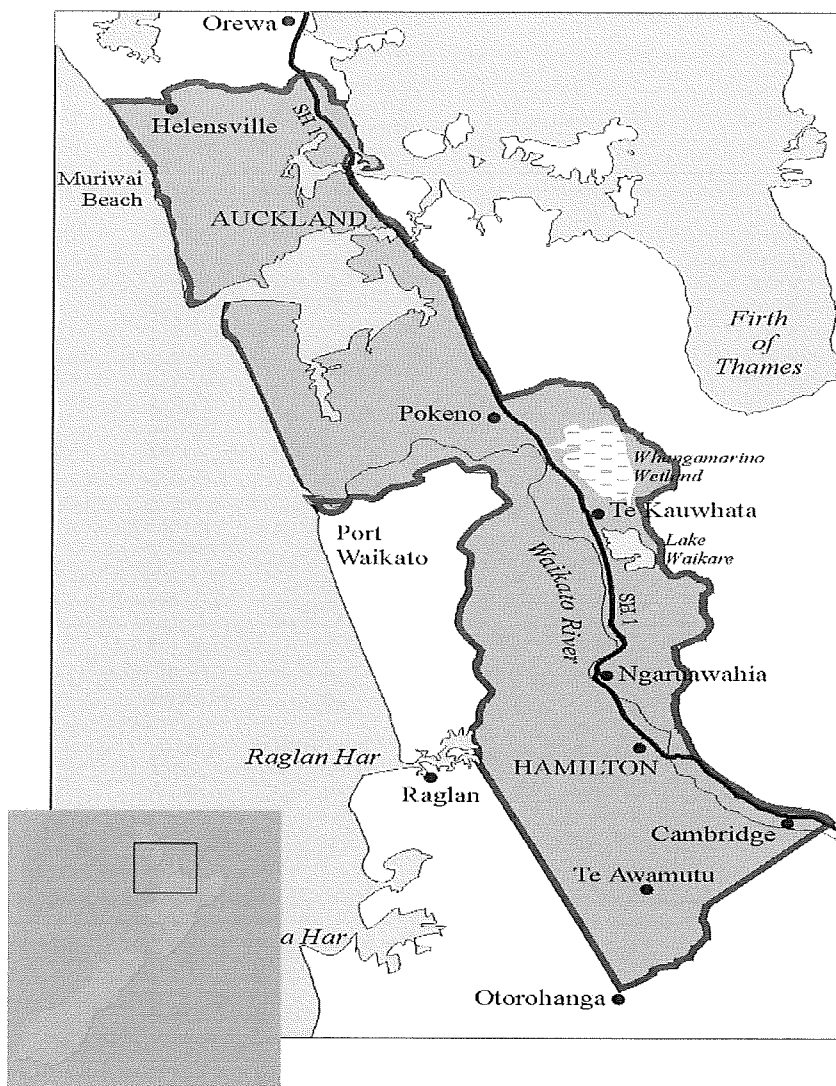
5. Fishing rules and signage

Staff at Healthy Waters have been giving mixed and incorrect messages around fishing. This has meant that the NZ Sugar Company is also unsure, and errs on the side of stating that fishing is prohibited, which is not true from a legal perspective. There are times when there is activity and it makes sense not to interfere (such as during dewatering or netting by the Council for example).

The community have been commenting on fishing in the dams for years, and members of the public have asked several times if they may fish there. There should be signage which makes it clear what the public can and cannot do, which accurately reflects applicable laws. By law, members of the public can fish for koi carp at Chelsea with certain conditions and if done correctly. This is a beneficial activity for the ongoing health of the waterway if it reduces pest populations. You only need a licence for harvesting them, i.e. taking them away live for collection or a commercial activity like selling the flesh. The offences and penalties in the regulations are clear. (See APPENDICES: "Freshwater Fisheries Regulations 1983" below)

The containment area is public information on DoC's webpage titled "Koi carp containment area around Auckland and Hamilton" and includes Chelsea. The map of containment area is very clear: <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/freshwater/koi-carp-containment-area.pdf>

Koi carp containment area



Recreational fishing is permitted within the containment area but all koi carp must be killed on capture: <https://www.doc.govt.nz/get-involved/apply-for-permits/interacting-with-freshwater-species/harvesting-koi-carp/>

We therefore recommend Auckland Council replace existing signage "No fishing without a permit" and develop some clear signage on fishing rules, along with community education and agreed comms online.

CHERPA's suggestions for clear signage:

- State that koi carp are an Unwanted Organism and are a Noxious Fish under the Freshwater Fisheries Regulations 1983 (with an image)
- Prohibit people from releasing live fish into the waterway (including after they've caught it, so including "catch and release")

Signed

Bruce Stainton, Chair
Chelsea Regional Park Association Inc.



APPENDICES:

Freshwater Fisheries Regulations 1983

Koi Carp have been designated Unwanted Organism status and are a Noxious Fish under the Freshwater Fisheries Regulations 1983.

s65 Control of noxious fish

(1) Subject to subclause (2) and to Part 8A, no person shall have in his possession or under his control, or rear, raise, hatch, or consign any of those species (including subspecies, hybrids, and variations of those species) specified in Schedule 3 (in this regulation referred to as noxious fish).

(1A) A person who contravenes subclause (1) commits an infringement offence and is liable to—

(a) an infringement fee of \$800; or

(b) a fine imposed by a court not exceeding \$1,600.

(1B) Subclause (1A) does not prevent the prosecution of, and conviction for, a contravention of subclause (1).

s67B Recreational fishing

(1) Subject to such conditions as may be specified in the notice given in respect of the waters under regulation 67C, any person may take any European carp or Japanese koi from the waters of any containment area if the fish is taken for subsistence or personal use only.

(2) All fish taken in accordance with subclause (1) shall be immediately killed by the person who has taken the fish.

(3) A person who contravenes subclause (1) or (2) commits an infringement offence and is liable to—

(a) an infringement fee of \$800; or

(b) a fine imposed by a court not exceeding \$1,600.

(4) Subclause (3) does not prevent the prosecution of, and conviction for, a contravention of subclause (2).

s72 Offences and penalties

(1) A person commits an offence and is liable on conviction to a fine not exceeding \$5,000 if the person—

(a) contravenes a requirement of the Director-General made under either of regulations 43(1) and 44(1); or

(b) contravenes conditions imposed by the Director-General under regulation 67A(3); or

(c) takes fish in contravention of a Gazette notice made under regulation 67C(1); or

(d) contravenes any of regulations 44(5), 65(1), and 67B(2).

(2) A person who commits an offence, other than an infringement offence, for which no penalty is provided elsewhere than in this regulation, is liable on conviction to a fine not exceeding \$5,000.

Chelsea Regional Park Association Incorporated

Email: cherpa.nz@gmail.com | Address: 25 Telephone Rd, Birkenhead, 0626. | Society reg. no: 966340.

Stormwater Bylaw Statement of Proposal to amend the Stormwater Bylaw 2015

Feedback must be received by 27 October 2021 Following a statutory review of the Stormwater Bylaw 2015, our proposed amendments aim to improve the effectiveness and efficiency of the bylaw in regulating land drainage and managing the stormwater network.

We want your feedback on our proposed changes to the current bylaw.

Note – we are not seeking feedback on other stormwater legislation and council publications, or the Three Waters Reform.

akhaveyoursay@aucklandcouncil.govt.nz

Drop off your completed form off at your local library, service centre or local board office.

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

Name: Shirin Brown

Email: Shirinlives@gmail.com

Your local board: Waiheke

Organisation this is written on behalf of: Protect our Gulf

Question 1 – Comments on bylaw proposal document:

https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/617037067083ae808b25e4c5b0b62f1c9dec9b31/original/1631066266/04d4136c36be7524f273f00dc7217f38_Stormwater_Bylaw_Amendments_Comparison_Table.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUK4Z04WUUA%2F20211027%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20211027T010751Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=493865388f408cf0f9128c2b1f6f2ec0a34e85bbb0d815f94a12315451725be

I refer to them in terms of the bolded item in the first column or the number if provided.

Green infrastructure definition does not include wetlands

Nuisance removes danger to life and public health. This is inappropriate and needs to be put back. The original is much better than the amendment.

The stormwater network discharges may well be compliant, but are leading to great pressures on the marine environment through biological pollution and contaminated discharges and is

leading to a loss of shellfish, water quality and the ability to recreate. We do not support the changes.

In general the bylaw fails to consider the importance of natural mechanisms to manage stormwater and fails to include specific design guides and references for Waiheke, which is still under the Hauraki Gulf District Plan considerations. These need to be referenced.

Number 13. This removes responsibility for people to properly manage green infrastructure on their property and also does not refer to wetlands. Do not support.

There are a lot of clauses on breaches of the bylaw by members of the public. There doesn't seem to be anything on Council breaches. The following are things the Council should address with some urgency.

Solving of stormwater issues by building larger pipes into the sea. Onetangi and Palm Beach have stormwater pipes discharging into the sea, affecting the sand and polluting the marine environment. It is not clear that the catch pits are being cleaned regularly. Pursuing costly overengineered solutions needs to be addressed, and if these solutions are proposed they need to be maintained properly. More cost effective solutions that are consistent with maintaining character and building for climate adaptation should be considered.

Council should also actively pursue green infrastructure solutions and resist private encroachments of public space. The green infrastructure solutions should include funding for riparian planting, restoring and daylighting streams.

There needs to be a stronger focus on compliance and people not directing grey water and stormwater runoff into the roading network, so that it becomes part of the stormwater network.

Auckland Transport and Auckland Council need to have their own engineers working out solutions rather than deflecting this to private contractors or developers of infrastructure such as Downers to come up with solutions.

In places where there are **design codes, like Waiheke, these should be respected** and mentioned in the bylaw documents. Specifically Waiheke has a number of documents that reference water sensitive design and natural design principles for roads and stormwater.

General comment

What the public want is for Auckland Council to think harder to protect public health, amenity and the marine environment. Asking us to feedback on bylaw wording is disempowering. Community, particularly this one has listed issues of concern through many different avenues. It is for AC to use the legislation and the bylaws or work to change these as appropriate to meet the needs of communities.

Instead we see the whittling away of amenity (larger stormwater pipes which cause more pollution and sedimentation to go into the sea), the reduction of public amenity (fewer swimming beaches, less kaimoana), and council insisting on compliance from others but not compliant in managing its own network.

We acknowledge the work of the planning department, but there needs to be more of it on minimum lot sizes to support stormwater and wastewater discharges, and an understanding of tree cover and soil permeability in supporting the absorption of groundwater and limiting discharge into the sea.

A number of stormwater issues are consistently caused by consents being given for properties to reduce permeable surfaces which has knock on effects on other properties.

Further, planning for climate change needs simple, non-engineered solutions that can last through the long term and not be continuously maintained.

Kind regards



Shirin Brown
Chair

**SUBMISSION ON PROPOSED AMENDMENTS TO AUCKLAND COUNCIL'S
STORMWATER BYLAW**

To: Auckland Council ("**Council**")

Name: Woolworths New Zealand Limited ("**Woolworths**")

Summary

1. Woolworths is one of New Zealand's leading supermarket operators. It operates over 180 Countdown supermarkets throughout New Zealand, as well as distribution centres, meat processing plants, warehouse operations and support offices. Woolworths is also the franchisor for both the Freshchoice and Supervalu supermarket brands across New Zealand. Woolworths also contributes positively to the communities it operates in - with development of supermarkets comes jobs, increased prosperity and positive outcomes for communities.
2. With residential growth planned in Auckland, it is anticipated that a number of new supermarkets will be required to service that growth. Supermarkets are critical infrastructure in communities. They serve catchments of people living and working in an area, and provide an essential support function for domestic living. Woolworths supports the development of infrastructure to support its supermarkets, including stormwater infrastructure, that is appropriately sized to account for the impacts of climate change.
3. In relation to proposed amendments to the Stormwater Bylaw 2015 ("**Draft Bylaw**") to incorporate the updated Stormwater Code of Practice for Land Development and Subdivision - Version 3 (dated September 2021) ("**Updated CoP**") for designing stormwater infrastructure, the Updated CoP requires hydrological calculations to be carried out with climate change allowances which are based on a worst-case scenario for temperature increases. This will significantly increase stormwater design flows and require a corresponding increase in the sizing of infrastructure to accommodate these flows, at significant cost.
4. Woolworths supports an approach which designs for climate change allowances and future proofs the stormwater network. However:
 - (a) the assumptions that underpin the Updated CoP are overly conservative and the Council has not justified why the adoption of those assumptions are appropriate;
 - (b) the incorporation of the Updated CoP into the Draft Bylaw does not comply with the Council's obligations under the Local Government Act 2002 ("**LGA**"), including because affected parties have not been provided with a reasonable opportunity to present their views on the Updated CoP prior to the release of the Draft Bylaw; and
 - (c) any requirement to implement the Updated CoP should occur over a reasonable transition period to provide certainty for developers in completing existing projects, and incorporating new design requirements into future projects.

Assumptions that underpin the Updated CoP are conservative

5. Under the Draft Bylaw, the Council may specify controls by guidelines or codes of practice for the maintenance and construction of any work that affects the public stormwater network or access to the built components of the public stormwater network.¹ The Council has recently published the Updated CoP.
6. The purpose of the Updated CoP is to provide minimum standards for the design and construction of new public stormwater assets to be vested in the Council.² The Updated CoP is incorporated into the Draft Bylaw in a range of ways, including:
 - (a) Any vested stormwater assets must comply with the Updated CoP on the date the asset is vested with the Council, unless otherwise approved.³
 - (b) Every person must comply with the Updated CoP when accessing any built component of the public stormwater network.⁴
 - (c) Approval is required from the Council before making any new connection to the public stormwater network⁵ and in considering any application for approval under the Draft Bylaw, the Council may consider compliance with the Updated CoP.⁶
7. These requirements in the Draft Bylaw will have a range of implications for developers like Woolworths when they are designing and constructing stormwater infrastructure to connect to the Council's network, or to vest as part of the public stormwater network.
8. The Updated CoP is based on a forecast temperature increase of 3.8 degrees by 2110.⁷ This assumes the "BAU" scenario is that *no action* is taken to reduce emissions. This approach is significantly more conservative than the previous Stormwater Code of Practice (Version 2) which was based on a forecast temperature increase of annual mean temperature by 2.1 degrees by 2090.⁸
9. These climate change allowances mean a substantial increase in projected rainfall depth and rainfall intensity over 24-hour periods. There is a risk that the changes under the Updated CoP set an overly conservative standard for stormwater flows which will then be used to assess impacts of developments on the public stormwater network. This will have significant implications for modelling and designing stormwater infrastructure to accommodate these flows with resultant increased costs for developers.
10. Woolworths supports an approach that uses up-to-date data for climate change allowances and future-proofs the stormwater network against unavoidable impacts of climate change. It is, however, concerned that these allowances in the Updated CoP are overly conservative and the Council has not demonstrated why the adoption of a worst-case scenario is justified. A climate change allowance based on an intermediate scenario of either the Representative Concentration Pathway ("**RCP**") 4.5 or 6.0 is more realistic, given steps already being taken to reduce emissions. For example, the NIWA models measure annual mean temperature

¹ Draft Bylaw, Clause 8.

² Updated CoP at 4.1.1.

³ Draft Bylaw, Clause 9.

⁴ Draft Bylaw, Clause 10(3).

⁵ Draft Bylaw, Clauses 9(3) and 9(4).

⁶ Draft Bylaw, Clause 19(1)(d).

⁷ Updated CoP at 4.2.10, referred to Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

⁸ Chapter 4 – Stormwater, Code of Practice for Land Development and Subdivision (Auckland Council, 2015) at 4.2.10.

increases for Auckland in the RCP2.6 and 4.5 scenarios, and these could readily have been used by the Council to inform the Updated CoP.⁹

11. Woolworths is already seeing the costs of construction increase significantly as a result of supply chain issues and impacts of COVID-19. The costs associated with designing infrastructure in accordance with the Updated CoP will add to the already mounting costs and constraints on development in the region. Given the significant costs these changes will result in, any investment in future proofing the network from climate change needs to be accurate, realistic and justified.

Inadequate consultation and opportunities to present its views to the Council

12. The Council seeks to adopt the Draft Bylaw on the basis that it is the most appropriate way to address issues related to public stormwater networks and private stormwater systems.¹⁰ A core purpose of local government is to "meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses".¹¹ The LGA defines "good quality" in relation to infrastructure as that which is efficient, effective and "appropriate to present and anticipated future circumstances".¹²
13. The Council has not demonstrated why an RCP8.5 scenario is appropriate for the anticipated future circumstances over the other RCP scenarios that recognise at least a degree of effort is made to reduce emissions. It is neither efficient nor effective for the Council to be imposing standards on stormwater infrastructure that are not demonstrably required to manage future stormwater peak flows at significant increased costs to ratepayers and developers. With the lack of justification, it is unclear as to whether the Draft Bylaw and incorporation of the Updated CoP achieves this fundamental purpose in the LGA.
14. Under both the Draft Bylaw and the 2015 Stormwater Bylaw, the Council must consider the views and preferences of persons likely to be affected by, or to have an interest in the Updated CoP before its adoption.¹³ This is reinforced by section 82 of the LGA which requires among other principles of consultation that affected parties must be provided with "a reasonable opportunity to present their views" to the Council in "a manner and format that is appropriate." The Council has not provided a reasonable opportunity for parties to present their views on the Updated CoP in an appropriate format.
15. The Updated CoP is dated "September 2021" and the Council has said that it plans to implement it on 18 January 2022.¹⁴ Given the Updated CoP is a central component of stormwater management under the Draft Bylaw, Woolworths considers that this should have also been released in draft for consultation as part of the Draft Bylaw. Any updates should also be implemented in conjunction with the Draft Bylaw, which is not expected to be adopted until April 2022.
16. However, given the potentially significant implications to the stormwater network that results from updating climate change allowances, there needs to be a clear and workable transition period for both the Draft Bylaw and the Updated CoP. There is the potential that existing

⁹ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

¹⁰ Minutes of Governing Body dated 26 August 2021, Item 16.1.

¹¹ Local Government Act 2002, section 10(1).

¹² Local Government Act 2002, section 10(2).

¹³ Draft Bylaw, Clause 6; Auckland Council Stormwater Bylaw 2015, Clause 6.

¹⁴ <https://www.aucklanddesignmanual.co.nz/regulations/codes-of-practice/stormwatercodeofpractice/guidance/download/Downloadscop>.

designs and developments will need to be redesigned to reflect the Updated CoP. A transition period is therefore necessary to provide a reasonable opportunity to complete existing projects while incorporating new design requirements into future projects.

Relief sought

17. Woolworths seeks that the Council:
- (a) extend the consultation period for the Draft Bylaw to provide a reasonable opportunity for affected parties provide feedback on the Updated CoP in conjunction with the Draft Bylaw; and
 - (b) amend the Updated CoP to incorporate allowances for climate change that are based on a more realistic intermediate scenario.

Signature:

WOOLWORTHS NEW ZEALAND LIMITED by its solicitors and authorised agents Russell McVeagh:



Allison Arthur-Young / Lauren Rapley

Date:

27 October 2021

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**SUBMISSION ON PROPOSED AMENDMENTS TO AUCKLAND COUNCIL'S
STORMWATER BYLAW 2021**

To: Auckland Council ("**Council**")

Name: Drury South Limited ("**DSL**")

Introduction

1. DSL was established by Stevenson Group Limited to deliver the Drury South Crossing project. DSL has substantial landholdings in Drury South, which it is developing progressively as part of a master-planned mixed-use development next to State Highway 1, south of Drury. Once the precinct has been fully developed, it will provide a comprehensive industrial and commercial development.
2. DSL has reviewed the Council's proposed amendments to the 2015 Stormwater Bylaw ("**Draft Bylaw**") and welcomes the opportunity to provide feedback to the Council. As a major developer in the Auckland region, the Draft Bylaw has the potential to significantly affect its development.

Nature of submission

3. DSL opposes the incorporation of the updated Stormwater Code of Practice for Land Development and Subdivision (Version 3) dated September 2021 ("**CoP**") into the Draft Bylaw. In particular, DSL is concerned that:
 - (a) the Council has adopted an unrealistic climate change allowance in the CoP without justification which has the potential to add significant costs for developers;
 - (b) reasonable opportunities have not been provided for affected parties to provide feedback on the CoP which is inconsistent with the principles of consultation under the Local Government Act 2002 ("**LGA**"); and
 - (c) the Council should provide a reasonable transition period for implementing the Draft Bylaw and CoP.
4. These matters are outlined in further detail below.

Climate change allowances in the CoP have not been justified

5. Under the Draft Bylaw, the Council may specify controls by guidelines or codes of practice for the maintenance and construction of any work that affects the public stormwater network or access to the built components of the public stormwater network.¹
6. The Council has recently published an updated version of the CoP. The purpose of the CoP is to provide minimum standards for the design and construction of new public stormwater assets to be vested in Auckland Council.² Under the Draft Bylaw:

¹ Draft Bylaw, Clause 8.

² CoP at 4.1.1.

- (a) Every person must comply with the CoP when accessing any built component of the public stormwater network.³
 - (b) Approval is required from the Council before making any new connection to the public stormwater network⁴ and in considering any application for approval under the Draft Bylaw, the Council may consider compliance with the CoP.⁵
 - (c) Any vested stormwater assets must comply with the CoP on the date the asset is vested with the Council, unless otherwise approved.⁶
7. In terms of allowances for climate change in designing stormwater infrastructure, the CoP is based on a forecast temperature increase of 3.8 degrees Celsius by 2110.⁷ This forecast is derived from simulations from the Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change which considers four scenarios:⁸
- (a) a stringent mitigation scenario, which is aimed at keeping global warming likely below a 2 degrees Celsius increase above pre-industrial temperatures (referred to as a Representative Concentration Pathway ("**RCP**") of 2.6);
 - (b) two intermediate scenarios, with levels of mitigation but failure to keep increases below 2 degrees Celsius (RCP 4.5 and 6.0); and
 - (c) a business as usual, "worst case scenario" where no concerted efforts are made to reduce greenhouse gas emissions (RCP 8.5).
8. The adoption of an RCP 8.5 scenario means that total peak stormwater flow will increase. The climate change allowances under an RCP 8.5 scenario will result in an approximate increase of 33% in projected 24-hour rainfall depth and increases in rainfall intensity over 24-hour periods. This is a much more conservative allowance than the previous Stormwater Code of Practice (Version 2), which was based on a lower forecast temperature increase of annual mean temperature by 2.1 degrees Celsius by 2090.⁹ The requirement to use the most conservative climate change scenario in designing infrastructure will be exacerbated by the strengthening, in the new CoP, of limitations on surcharging in pipelines. The combination of increased flow and restrictions on surcharging would result in significant upsizing or additional infrastructure being required.
9. The adoption of RCP 8.5 under the CoP will have significant implications for the design and development of stormwater infrastructure as part the Drury Crossing development. While DSL is already well underway with its development, the CoP and Draft Bylaw (as currently proposed and if adopted) will require a significant shift in the way that stormwater effects from future stages of the Drury Crossing development are considered and managed. It will require stormwater infrastructure to be upsized significantly or additional infrastructure be developed (at DSL's cost) to accommodate a substantial increase in stormwater flow of 30% more than what DSL has currently designed for.

³ Draft Bylaw, Clause 10(3).

⁴ Draft Bylaw, Clauses 9(3) and 9(4).

⁵ Draft Bylaw, Clause 19(1)(d).

⁶ Draft Bylaw, Clause 9.

⁷ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

⁸ IPCC, 2014: *Climate Change 2014: Synthesis Report, Summary for Policymakers*, at 2.1.

⁹ Chapter 4 – Stormwater Code of Practice for Land Development and Subdivision (Auckland Council, 2015) at 4.2.10.

10. DSL supports allowances being made for climate change effects that are realistic and the development of a stormwater network that is appropriately future proofed against impacts of climate change. However, it is concerned that these allowances in the CoP are overly conservative and the Council has not demonstrated why a 3.8 degrees Celsius increase by 2110 is justified. DSL considers that a more pragmatic approach would be to make climate change allowances based on a more realistic intermediate scenario of either the RCP 4.5 or 6.0 and undertake sensitivity test against RCP 8.5. This would strike an appropriate balance between future proofing stormwater infrastructure against the impacts of climate change while also enabling a risk assessment of the potential effects if a "worst case" climate change scenario were to eventuate. DSL considers that the CoP should be amended accordingly.

Contravention of the Local Government Act 2002

11. The Council seeks to adopt the Draft Bylaw on the basis that it is the most appropriate way to address issues related to public stormwater networks and private stormwater systems.¹⁰ Section 10 of the LGA provides that:¹¹

- (1) The purpose of local government is -
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are -
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

12. The Council has not demonstrated why an RCP 8.5 scenario is appropriate to anticipated future circumstances over one of the other scenarios that recognise at least a degree of effort is made to reduce emissions. It is neither efficient nor effective for the Council to impose standards on stormwater infrastructure that have not been justified as necessary to manage realistic future stormwater peak flows.

13. DSL is also concerned that there has been inadequate consultation on the introduction of these changes to the CoP. Under both the Draft Bylaw and the 2015 Stormwater Bylaw, the Council must consider the views and preferences of persons likely to be affected by, or to have an interest in the CoP before its adoption.¹² This is reinforced in section 82 of the LGA which requires the Council to comply with a range of principles of consultation, including providing reasonable opportunity for affected parties to present their views to the Council.

¹⁰ Minutes of Governing Body dated 26 August 2021, Item 16.1

¹¹ Local Government Act 2002, section 10.

¹² Draft Bylaw, Clause 6; Auckland Council Stormwater Bylaw 2015, Clause 6.

14. Given the CoP is a key component of the Draft Bylaw, DSL considers that the draft CoP should have been included as part of the consultation on the Draft Bylaw. Consultation with stakeholders and industry is necessary in order to understand the implications of an RCP 8.5 scenario, and the appropriateness of alternative RCP scenarios.

Implementation

15. The Council has already prepared the CoP and plans to implement it on 18 January 2022.¹³ DSL considers that any updates to the CoP should also be implemented (at the earliest) in conjunction with the Draft Bylaw, which is not expected to be adopted until April 2022.
16. In light of the potentially significant implications of the CoP on the design and construction of stormwater infrastructure, there needs to be a reasonable transition period for the implementation of both the Draft Bylaw and the CoP. This is important to provide developers, such as DSL, with certainty around the implementation of infrastructure that has already been designed and a clear understanding of the need to incorporate new design requirements into future projects.

Relief sought

17. DSL seeks that:
- (a) the consultation period for the Draft Bylaw be extended to provide opportunity for the public to consider and provide feedback on the updated CoP; and
 - (b) the CoP be updated to reflect a more realistic intermediate climate change scenario of either RCP 4.5 or 6.0.

Signature:

DRURY SOUTH LIMITED by its
solicitors and authorised agents
Russell McVeagh:



Daniel Minhinnick / Lauren Rapley

Date:

27 October 2021

Address for Service:

Lauren Rapley
C/- Russell McVeagh
Level 30
Vero Centre
48 Shortland Street
AUCKLAND 1140

Email:

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¹³ <https://www.aucklanddesignmanual.co.nz/regulations/codes-of-practice/stormwatercodeofpractice/guidance/download/Downloadsocp>.



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SUBMISSION ON PROPOSED AMENDMENTS TO AUCKLAND COUNCIL'S STORMWATER BYLAW 2021

To: Auckland Council ("**Council**")

Name: Summerset Group Holdings Ltd ("**Summerset**")

Introduction

1. Summerset is one of New Zealand's leading and fastest growing retirement village operators, with more than 6,600 residents living in our village communities. We offer a range of independent living options and care, meaning that as our resident's needs change, we have support and options within the village. Summerset has 35 villages which are either completed or in development, spanning from Whangārei to Dunedin and employs over 1800 staff.
2. Summerset has reviewed the proposed amendments to the Stormwater Bylaw ("**Draft Bylaw**") and welcomes the opportunity to provide feedback to the Council.

Nature and scope of submission

3. Summerset firmly opposes the incorporation of the updated Chapter 4 – Stormwater, Code of Practice for Land Development and Subdivision - Version 3 ("**CoP**") dated September 2021. In particular:
 - (a) the assumptions that underpin the CoP are unreasonable;
 - (b) the Draft Bylaw contravenes the Local Government Act 2002 ("**LGA**"), including failure to undertake adequate consultation on the CoP; and
 - (c) any updates to the CoP should be implemented over a reasonable transition period.



The assumptions that underpin the CoP are unreasonable

4. Under the Draft Bylaw, the Council may specify controls by guidelines or codes of practice for: ¹
 - (a) the maintenance and construction of any work that affects the public stormwater network; or
 - (b) access to the built components of the public stormwater network.
5. A code of practice is defined in the Draft Bylaw to mean "the latest approved" version of the Council's Code of Practice for Land Development and Subdivision, which would be the CoP. The purpose of the CoP is to provide minimum standards for the design and construction of new public stormwater assets to be vested in the Council.² Under the Draft Bylaw:
 - (a) Any vested stormwater assets must comply with the CoP on the date the asset is vested with the Council, unless approved otherwise.³
 - (b) Any new ground soakage or recharge system must comply with the CoP.⁴
 - (c) Every person must comply with the CoP when accessing any built component of the public stormwater network.⁵
 - (d) Approval is required from the Council before making any new connection to the public stormwater network⁶ and in considering any application for approval under the Draft Bylaw, the Council may take into account compliance with the CoP.⁷
6. These requirements under the Draft Bylaw will have a range of implications for private developers, like Summerset, in designing and constructing stormwater infrastructure to connect to the Council's, or vest as part of the public stormwater network. The CoP is based on a forecast temperature increase of 3.8 degrees by 2110, relying on a 2018 Ministry of Environment study.⁸ Those forecasts are based on simulations from the Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change ("**IPCC Forecasts**"). The IPCC Forecasts consider four scenarios:⁹

¹ Draft Bylaw, Clause 8.

² CoP, at 4.1.1.

³ Draft Bylaw, Clause 9.

⁴ Clause 14(4).

⁵ Clause 10(3).

⁶ Clauses 9(3) and 9(4).

⁷ Clause 19(1)(d).

⁸ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

⁹ IPCC, 2014: *Climate Change 2014: Synthesis Report, Summary for Policymakers*, at 2.1.



- (a) a stringent mitigation scenario, which is aimed at keeping global warming likely below a 2 degree increase above pre-industrial temperatures (referred to as a Representative Concentration Pathway ("**RCP**") of 2.6);
 - (b) two intermediate scenarios, with levels of mitigation but failure to keep increases below 2 degrees (RCP 4.5 and 6.0); and
 - (c) a business as usual, "worst case scenario" where no concerted efforts are made to reduce greenhouse gas emissions (RCP 8.5).
7. The CoP is based on a climate change allowance of RCP 8.5 which assumes no action is taken to reduce emissions. The previous Stormwater Code of Practice - Version 2 was based on a forecast temperature increase of annual mean temperature by 2.1 degrees by 2090.¹⁰
8. The revised climate change allowances will result in the increase of the projected 24-hour rainfall depth by about 33%. Furthermore, the changes to the temporal rainfall distribution will also significantly increase the peak rainfall intensity over 24-hour periods. As a result of these changes, stormwater infrastructure will need to accommodate total peak stormwater flow increases approximately 20 to 40% under the CoP depending on the catchment characteristics (compared with Stormwater Code of Practice - Version 2). This has a number of significant design and compliance implications:
- (a) Consented stormwater infrastructure under Engineering Approvals that is yet to be constructed and / or vested may no longer be appropriate.
 - (b) Construction and consenting of Summerset projects are typically staged over a number of years, but are based on stormwater management and capacity assessments used to obtain Resource Consents from Council. The basis and approvals of these consents may no longer be valid based on the changes to the CoP. This may result in further analysis of private and public infrastructure which will likely lead to needing greater on-site mitigation (ie stormwater attenuation ponds / tanks) or upgrading of public reticulation (that may have already been recently upgraded for villages).
 - (c) Site levels within villages have been assessed to ensure overland flow paths ("**OLFP**") remain in private road profiles and diversion channels, maintaining flood free building platforms and to satisfying Building Code freeboard requirements. Higher flow rates that have been assessed in accordance with the proposed CoP

¹⁰ Chapter 4 – Stormwater, Code of Practice for Land Development and Subdivision (Auckland Council, 2015) at 4.2.10.



could result in greater depths and extents of consented and constructed OLFP, affecting habitable structures or access from building platforms.

- (d) Flooding and Flood storage: a number of villages either have been consented or in the process of being consented which consider the effects of flooding and flood storage. Measures assessed consider compensation storage within the site, conveyance, upstream effects and freeboard requirements. Master planning of villages is developed on the basis of these stormwater assessments. If subsequent detailed assessments are undertaken for Engineering Approval and Building Consent applications using the proposed CoP, there is a risk that the perceived increase in peak flow and volume effects will result in additional mitigation measures are required, or that proposals are no longer practical or viable.
9. Summerset regularly contributes to the construction of public stormwater infrastructure, which is vested in the Council and of stormwater systems that connect to the public network. The changes under the CoP set an unrealistic standard for peak stormwater flows and velocities which will then be used to assess impacts of developments on the public stormwater network both through the Draft Bylaw and through the Resource Management Act 1991.
10. Those trying to build in Auckland, such as Summerset, are already facing supply chain issues, construction delays, impacts of COVID-19, and these costs will add to the existing constraints on construction and development in the region. Given the significant costs increases these changes will result in, any investment in future proofing the network from climate change needs to be accurate and realistic.
11. Summerset supports an approach that uses up to date data for climate change allowances and future proofs the stormwater network against unavoidable impacts of climate change, but is concerned that these allowances in the CoP are overly conservative. The Council has not demonstrated why preparation for a 3.8 degree increase by 2110 is justified. A climate change allowance based on either the RCP4.5 or 6.0 is more realistic (which would still prepare Auckland for a scenario where emissions reduction targets fail to be met), given steps already being taken both within New Zealand and abroad to reduce emissions. The NIWA models measure annual mean temperature increases for Auckland in the RCP2.6 and 4.5 scenarios, and these could readily have been used by the Council to inform the CoP.¹¹
12. Summerset's submission is that if the Council is not confident that emissions reductions targets can be met, and the stormwater system must be future proofed in the event that it

¹¹ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.



does not, then the RCP4.5 scenario, or an annual mean temperature of 1.7 degrees, should be adopted and the CoP be amended based on this scenario.

The Draft Bylaw contravenes the Local Government Act 2002

13. Section 146 of the LGA provides:

Without limiting section 145, a territorial authority may make bylaws for its district for the purposes -

...

- (b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 of more of the following:

...

- (iv) land drainage ...

14. The Council seeks to adopt the Draft Bylaw on the basis that it is the most appropriate way to address issues related to public stormwater networks and private stormwater systems.¹²

15. The purpose of the local government is:¹³

10. Purpose of local government

- (1) The purpose of local government is -

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are -

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

16. The Council has not demonstrated why an RCP8.5 scenario is appropriate to anticipated future circumstances over another of the RCP scenarios that recognise at least a degree of effort is made to reduce emissions. It is neither efficient nor effective for the Council to be imposing unrealistic standards on stormwater infrastructure that are not demonstrably

¹² Minutes of Governing Body dated 26 August 2021, Item 16.1.

¹³ Local Government Act 2002, section 10.



required to manage future stormwater peak flows at significant increased costs to ratepayers and developers.

17. Under both the Draft Bylaw and the 2015 Bylaw, the Council must consider the views and preferences of persons likely to be affected by, or to have an interest in the CoP before its adoption.¹⁴
18. Further, under section 82 of the LGA, the Council must adhere to the following principles of consultation:
 - (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
 - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
 - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
 - (f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.
19. In considering whether there was a need to update the CoP, the Council has failed to adequately consult with key stakeholders and affected parties. Consultation with industry, infrastructure and network utilities, and with the major engineering firms is needed to properly understand the implications of an RCP8.5 scenario, and whether an alternative RCP scenario is more appropriate for the CoP.
20. The Council has already prepared and plans to implement the CoP on 18 January 2022. Given the CoP is a central component of stormwater management under the Draft Bylaw, this

¹⁴

Draft Bylaw, Clause 6; Auckland Council Stormwater Bylaw 2015, Clause 6.



should have been expressly consulted on as part of the Draft Bylaw. Any updates to the CoP should also be implemented in conjunction with the Draft Bylaw, which is not expected to be adopted until April 2022.

Transition

21. Given the potentially significant implications to the stormwater network that results from updating climate change allowances, there needs to be a clear and workable transition period for both the Draft Bylaw and the CoP that provides certainty for developers to provide a reasonable opportunity to complete existing projects, and incorporate new design requirements into future projects.

Relief sought

22. Summerset seeks that:
- (a) the consultation period for the Draft Bylaw be extended to provide opportunity for the public to consider and provide feedback on the updated CoP; and
 - (b) the CoP be updated to reflect a climate change scenario of RCP4.5.

A handwritten signature in blue ink that reads "A Smail".

Aaron Smail

General Manager Development

**SUBMISSION ON PROPOSED AMENDMENTS TO AUCKLAND COUNCIL'S STORMWATER
BYLAW 2021**

To: Auckland Council ("**Council**")
Name: Bunnings Limited ("**Bunnings**")

Introduction

1. Bunnings is one of the leading retailers of home improvement and outdoor living products in Australasia. Bunnings operates 41 warehouses and smaller format stores, and 7 trade centres throughout New Zealand, along with a distribution centre and a support office. Bunnings is seeking to expand its network of sites and engages with both local and central government bodies to ensure that its sites are carefully designed and planned to a very high standard.
2. Bunnings has reviewed the proposed amendments to the Stormwater Bylaw ("**Draft Bylaw**") and welcomes the opportunity to provide feedback to the Council.

Nature and scope of submission

3. Bunnings opposes the incorporation of the updated Chapter 4 – Stormwater Code of Practice for Land Development and Subdivision (Version 3) ("**CoP**") dated September 2021. In particular:
 - (a) the assumptions that underpin the CoP are overly conservative;
 - (b) the Draft Bylaw is inconsistent with the Local Government Act 2002 ("**LGA**"); and
 - (c) the CoP and Draft Bylaw should be implemented over a reasonable transition period.
4. These submissions are explained in full below.

The assumptions that underpin the CoP are overly conservative

5. Under the Draft Bylaw, the Council may specify controls by guidelines or codes of practice for:¹
 - (a) the maintenance and construction of any work that affects the public stormwater network; or
 - (b) access to the built components of the public stormwater network.

¹ Draft Bylaw, Clause 8.

6. A code of practice is defined in the Draft Bylaw to mean "the latest approved" version of the Council's Code of Practice for Land Development and Subdivision, which would be the CoP. The purpose of the CoP is to provide minimum standards for the design and construction of new public stormwater assets to be vested in Auckland Council.² Under the Draft Bylaw:
- (a) Any vested stormwater assets must comply with the CoP on the date the asset is vested with the Council, unless approved otherwise.³
 - (b) Any new ground soakage or recharge system must comply with the CoP.⁴
 - (c) Every person must comply with the CoP when accessing any built component of the public stormwater network.⁵
 - (d) Approval is required from the Council before making any new connection to the public stormwater network⁶ and in considering any application for approval under the Draft Bylaw, the Council may take into account compliance with the CoP.⁷
7. These requirements under the Draft Bylaw will have a range of implications for Bunnings, and others looking to build in Auckland, in the design and construction of stormwater infrastructure to connect to the Council's public stormwater network, or vest as part of the network. The CoP is based on an average temperature increase of 3.8 degrees Celsius by 2110, relying on a 2018 Ministry of Environment study.⁸ Those forecasts are based on projections from the Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change ("**IPCC Forecasts**"). The IPCC Forecasts consider four scenarios:⁹
- (a) a stringent mitigation scenario, which is aimed at keeping global warming likely below a 2 degrees Celsius increase above pre-industrial temperatures (referred to as a Representative Concentration Pathway ("**RCP**") of 2.6);
 - (b) two intermediate scenarios, with levels of mitigation but failure to keep increases below 2 degrees Celsius (RCP 4.5 and 6.0); and
 - (c) a business as usual, "worst case scenario" where no concerted efforts are made to reduce greenhouse gas emissions (RCP 8.5).

² CoP, at 4.1.1.

³ Draft Bylaw, Clause 9.

⁴ Draft Bylaw, Clause 14(4).

⁵ Draft Bylaw, Clause 10(3).

⁶ Draft Bylaw, Clauses 9(3) and 9(4).

⁷ Draft Bylaw, Clause 19(1)(d).

⁸ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

⁹ IPCC, 2014: *Climate Change 2014: Synthesis Report, Summary for Policymakers*, at 2.1.

8. The CoP is based on a climate change allowance of RCP 8.5 which assumes no action is taken to reduce emissions. The previous Stormwater Code of Practice (Version 2) was based on a forecast temperature increase of annual mean temperature by 2.1 degrees Celsius by 2090.¹⁰
9. The revised climate change allowances mean an approximate increase of doubling of projected 24-hour rainfall depth and increases in rainfall intensity over 24-hour periods. As a result of these changes, stormwater infrastructure will need to accommodate total peak stormwater flow increases of about 35% under the CoP. This has a number of significant design implications, including the appropriateness of stormwater infrastructure that has already obtained engineering approvals, the need for greater on-site stormwater mitigation, impacts on building heights and platforms, freeboard, and overland flow paths.
10. The changes under the CoP set an unrealistic standard for peak stormwater flows and velocities which will then inform assessments of impacts of developments on the public stormwater network both through the Draft Bylaw and through the Resource Management Act. The construction industry is already facing supply chain issues, construction delays and the impacts of COVID-19. With the addition of rapidly escalating land and construction costs, the financial feasibility of most developments is already marginal. The additional costs arising from the CoP will add to the existing constraints on construction and development in the region and could contribute to stifling growth. Given the significant costs increases these changes will result in, any investment in future proofing the network from climate change needs to be accurate and realistic.
11. Bunnings supports an evidence-based approach that relies on up to date climate change data, which ensures infrastructure can manage the long term impacts of climate change. However, the Council has not demonstrated why an overly conservative RCP 8.5 scenario should be adopted. A climate change allowance based on either the RCP 4.5 or 6.0 would still assume emissions reduction targets fail to be met, and should be considered given steps already being taken both within New Zealand and abroad to reduce emissions. The NIWA models measure annual mean temperature increases for Auckland in both the RCP 2.6 and 4.5 scenarios, and these could readily have been used by the Council to inform the CoP, even if the Council is not confident emissions reductions targets will be met.¹¹

¹⁰ Chapter 4 – Stormwater Code of Practice for Land Development and Subdivision (Auckland Council, 2015) at 4.2.10.

¹¹ Table 7, Ministry for the Environment 2018. *Climate Change Projections for New Zealand: Atmosphere Projections Based on Simulations from the IPCC Fifth Assessment, 2nd Edition*. Wellington: Ministry for the Environment.

12. If the Council is not confident that emissions reductions targets can be met, and the stormwater system must be future proofed in the event that it does not, then the RCP 4.5 scenario, or an annual mean temperature of 1.7 degrees Celsius, should be adopted and the CoP be amended based on this scenario.

The Draft Bylaw is inconsistent with the Local Government Act 2002

13. The Council seeks to adopt the Draft Bylaw on the basis that it is the most appropriate way to address issues related to public stormwater networks and private stormwater systems.¹²

14. The purpose of the local government is:¹³

10. Purpose of local government

- (1) The purpose of local government is -

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are -

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

15. The Council has not demonstrated why an RCP 8.5 scenario is appropriate to represent anticipated future circumstances over another of the RCP scenarios that recognise attempts will be made to reduce emissions. It is neither efficient nor effective for the Council to be imposing unrealistic standards on stormwater infrastructure if it cannot be shown that it is required to manage future stormwater peak flows.

16. Under both the Draft Bylaw and the 2015 Stormwater Bylaw, the Council must consider the views and preferences of persons likely to be affected by, or to have an interest in the CoP before its adoption.¹⁴ The Council must also adhere to the principles of consultation under the LGA, including encouraging those affected in the community to present their views.¹⁵

17. The Council has failed to adhere with these principles of consultation in updating the CoP. There has been inadequate engagement with industry players, stakeholders and professional bodies at a time where there are barriers to engagement due to the ongoing COVID-19

¹² Minutes of Governing Body dated 26 August 2021, Item 16.1.

¹³ Local Government Act 2002, section 10.

¹⁴ Draft Bylaw, Clause 6; Auckland Council Stormwater Bylaw 2015, Clause 6.

¹⁵ Local Government Act 2002, section 82.

lockdown in Auckland. The CoP is also a central component of stormwater management under the Draft Bylaw, and this should have been expressly consulted on as part of the Draft Bylaw.

Transition

18. The CoP is expected to come into effect on 18 January 2022, but the Draft Bylaw is not expected to be adopted until April 2022. Given the potentially significant implications to the stormwater network that results from updating climate change allowances, there needs to be a clear and workable transition period for both the Draft Bylaw and the CoP that provides certainty for developers to provide a reasonable opportunity to complete existing projects, and incorporate new design requirements into future projects.

Relief sought

19. Bunnings seeks that:
- (a) the consultation period for the Draft Bylaw be extended to provide opportunity for the public to consider and provide feedback on the CoP as part of this process; and
 - (b) the CoP be updated to reflect a climate change scenario of RCP4.5.

Signature:

BUNNINGS LIMITED by its solicitors
and authorised agents Russell
McVeagh:



Daniel Minhinnick / Jacob Burton

Date:

27 October 2021

Address for Service:

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ATTACHMENT E
'HAVE YOUR SAY' EVENTS FEEDBACK

Attachment E – ‘Have Your Say’ Events Feedback

This attachment contains a summary of the public feedback received at ‘Have Your Say’ events on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.

Two virtual ‘Have Your Say’ events were held on Friday 1 October 2021 and Monday 11 October 2021

A public notice, the council “Have your Say” website and an email to key stakeholders invited the public to attend the online ‘Have Your Say’ events as part of council’s public consultation on the proposal.

These events provided a drop-in opportunity for the public and stakeholders to learn more about the proposal, ask questions, and provide feedback to Bylaw Panel members¹ and staff online via Zoom on Friday 1 October 2021 and Monday 11 October 2021, at a time between 9am and 11am. Due to the Covid-19 restrictions, in-person events were unable to be held. The public were required to register beforehand on the council [‘AK Have your Say’](#) webpage.

Four stakeholders registered their interest for the events. Each stakeholder was given opportunity to ask questions and provide their feedback after the introduction from the council staff and Bylaw Panel members.

A total of two stakeholders attended the online ‘Have Your Say’ events and provided feedback directly to the Bylaw Panel about the proposals. One of the stakeholders subsequently submitted formal feedback through the ‘Have Your Say’ online form on the website.

There were no other members of the public that attended the events.

Stakeholder	Feedback	
	Bylaw related	Non-Bylaw related
MPS Ltd	<ul style="list-style-type: none"> Notes legal advice that the Bylaw shouldn’t be controlling land use – outside the scope of the Bylaw. Notes it previously advised the Code of Practice wasn’t going to be adopted through council resolution. Advocates that the controls specified in the Bylaw don’t place specific treatment requirements on private stormwater systems. Advocates that guideline documents should only be a guide and not included in the Bylaw as a control. Notes Bylaw matters are brought up during resource consent application processes but are out of scope. 	<ul style="list-style-type: none"> Seeks clearer processes and information on how the carbon footprint considerations are implemented, such as assessment, approvals, and dispute processes. Seeks clearer guidance and more consistent answers on how mana whenua values would be considered in the processes. Seeks clear process documentation around the process interactions between the Auckland Unitary Plan, resource consents, the Bylaw, Engineering Plan Approvals, Stormwater Network Discharge Consent.
Harrison Grierson	<ul style="list-style-type: none"> Supports carbon sequestration and good environmental outcomes but assessments need to be in scope and within planning discretion. 	<ul style="list-style-type: none"> Seeks clearer guidance on how carbon footprint and calculations are assessed for developments.

1 Cr Cooper, Cr Newman, and Independent Māori Statutory Board Member Wilcox.

ATTACHMENT F

OPERATIONAL AND NON-BYLAW RELATED FEEDBACK

Attachment F: Operational and non-bylaw-related feedback

Operational and non-bylaw-related feedback was received from the Have Your Say public consultations as well as formal local board views on the proposal to amend the Stormwater Bylaw 2015. This attachment should be read alongside the main Bylaw feedback deliberations (refer Attachment A).

The matters raised will be shared with the Bylaw Panel at its deliberations on 4 April 2022 and with relevant council staff to consider as operational and non-bylaw matters, as they relate to –

- enforcement, compliance and resourcing
- implementation of the Bylaw and operational processes
- consultation on the Stormwater Code of Practice
- matters that can only be addressed by central government.

Enforcement, compliance and resourcing

Comments included suggestions to:

- be more transparent about parties that breach the Bylaw
- provide sufficient resourcing in order for the council and/or Entity A (from Three Waters Reform) to be able to assist with compliance as illustrated in the graduated enforcement model in the Statement of Proposal
- improve the enforcement of reduction in permeable space which increases pressure on stormwater system, for example by adding paving after built without consent
- more effectively use education and enforcement to create much better industry norms
- introduce a stronger focus on compliance (for example, people not directing grey water and stormwater runoff into the roading network)
- introduce tougher enforcement / penalties to stop silt running off into streams and drains from construction site
- introduce a more effective monitoring programme
- confirm the exact role and enforceability of defects liability period for stormwater devices
- clarify the roles within council around approval, non-compliance and enforcement
- upgrade and check damage caused on private property (at the cost of the council, not the landowner)
- address the illegal fish dumping issues around stormwater ponds
- increase penalties and enforcement around cross-connections
- provide local board with enforcement powers which are currently delegated to implementation by regulatory staff

Implementation and operational processes

Comments included suggestions to:

- provide more information or guidance on how the carbon footprint assessment and the mana whenua values will be managed when assessing approvals
- clarify how the Bylaw relates to resource consent, Stormwater Network Discharge Consent, Engineering Plan Approval, stormwater management plan decisions
- provide further assistance or guidance to help design stormwater systems
- address stormwater issues with bottom of catchment treatment in the form of wetlands rather than raingardens
- exclude Chelsea Ponds from restrictions to the stormwater network

- do not increase or transfer fees and costs associated with implementation to the public
- consider the impact of increased costs if new version of the Stormwater Code of Practice includes updated climate change numbers
- actively pursue green infrastructure solutions and promote these with more engagement to community
- clarify terms of approval process for stormwater assets that vest to Auckland Transport
- clarify whether post and wire fencing is considered obstruction of floodplains or watercourse
- clarify whether farming activities can be undertaken in and around public infrastructure on private land such as spraying and drain cleaning
- add gross pollutant trap filters into roadside stormwater catchpit to trap litter
- clarify and align the Code of Practice considerations of POS [Point of Service]¹ and what Veolia considers as POS
- clarify and provide more information on the Code of Practice and Guidance Documents and how they interact with the Bylaw and Unitary Plan processes
- provide best practice around approvals and use of alternative drainage systems including bioswales and under natural stormwater contaminant management options
- provide further information on the change to the minimum floor level requirements outlined in the Stormwater Code of Practice
- create an asset register for culverts located under roads
- ensure staff work closely with local boards about stormwater management and devices within local parks
- support restoration of wetlands where possible by Albert-Eden Local Board
- request for unhindered fish migration for public and private stormwater systems by Aotea / Great Barrier Local Board
- address cross-connecting contamination issues, especially around Te Wai o Pareira (Henderson Creek) by Henderson-Massey Local Board
- advocate for a western interceptor to reduce wastewater overflows into west Auckland waterways by the Henderson-Massy Local Board
- encourage the uptake and investigation of stormwater re-use practices by the Puketāpapa Local Board
- strengthen measures to reduce peak stormwater flow
- encourage the practices for groundwater soakage in stormwater management
- draft policy parameters around infrastructure that is built within reserves / park land from Ōrākei Local Board
- continue weekly testing and resolving cross connections in the Hobson Bay catchment from Ōrākei Local Board
- allow for 3m setback distances (for activities, structures, earthworks) from waterways for protection by Ōrākei Local Board
- align with Watercare the administration of bylaws related to Three Waters.

Consultation on the Stormwater Code of Practice

Feedback from stakeholders and organizations sought further consultation on the draft version of the Stormwater Code of Practice (CoP) that was proposed to include updated stormwater management numbers that take into consideration the conservative climate change scenario adopted by the Auckland Climate Plan (RCP8.5 / 3.8°C warming).

¹ The submitter didn't elaborate on the abbreviation POS, presumed to mean Point of Service.

Puketāpapa Local Board supports the need for the bylaw to make adequate provision for climate change effects such as increased severe weather and sea level rise.

Staff recommend formalising as part of this process the CoP (version 3) which does not include the conservative climate change scenario number. Inclusion of this number will be considered pending further consultation as part of the next update to the CoP.

Advocacy to Central Government

Devonport-Takapuna Local Board and Hibiscus and Bays Local Board recommend that Auckland Council advocates for and seek an Order In Council empowering council to impose infringements (fines) under the Local Government Act 2002.

Ōrākei Local Board advocates for local boards to have statutory power for enforcement and the ability to levy fines [infringements].

ATTACHMENT G

LOCAL BOARD VIEWS ON PUBLIC FEEDBACK

Attachment G – Views of local boards

This attachment contains the views of local boards on public feedback to the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.

Local boards that support, noted or provided additional views to the public feedback

The local boards in the table below support or noted the public feedback, and provided additional views.

View of local board	Staff Comments
<p>AE/2022/13 – That the Albert-Eden Local Board:</p> <ul style="list-style-type: none"> a) support the proposal to update Te Ture-ā-rohe Wai Āwhā 2015 / Stormwater Bylaw 2015. b) support overall improvements in wording and structure as shown in the draft stormwater bylaw. c) request any organisation responsible for stormwater management following the Three Waters Reform have adequate resourcing for monitoring and enforcement of non-compliance. d) note a willingness to work with current and future stormwater providers regarding access to stormwater management devices, or areas for with purposes of stormwater management, within local parks. e) support restoration of wetland areas to the greatest extent practicable and note complete restoration to a pristine state is not possible in highly modified urban environments such as the Albert-Eden Local Board area. f) note the low number of submissions received from Albert-Eden area. g) whakatuu / appoint Deputy Chairperson M Watson to present the local board's views outlined in resolutions a) – f) to the Bylaw Panel on 28 April 2022. h) tuku mana / delegate authority to the local board chairperson to appoint replacement(s) to the persons noted in resolution g) should an appointed member be unable to present to the Bylaw Panel on 28 April 2022. 	<p>In response to:</p> <ul style="list-style-type: none"> • c) refer to Attachment F under 'Enforcement, compliance and resourcing' • d) refer to Attachment F, under 'Implementation and operational processes' • e) refer to Attachment F, under 'Implementation and operational processes.'
<p>GBI/2022/13 – That the Aotea / Great Barrier Local Board:</p> <ul style="list-style-type: none"> a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report b) request that, where applicable, unhindered fish migration is of consideration for any new public stormwater assets and private stormwater systems. 	<p>In response to:</p> <ul style="list-style-type: none"> • b) refer to Attachment F, under 'Implementation and operational processes.'
<p>DT/2022/26 – That the Devonport-Takapuna Local Board:</p> <ul style="list-style-type: none"> a) receives the public feedback on the proposal to amend the Stormwater Bylaw 2015 / Te Ture-ā-Rohe Wai Āwhā 2015 as attached to this agenda report b) notes that a total of 79 submissions were received from people and organisations across the whole of Auckland, and the local board therefore does not have a strong indication of local views c) provides the following views on matters raised in the public feedback and by the local board, to assist the Bylaw Panel in its deliberations <ul style="list-style-type: none"> i) supports the overall intent and improvements in the amended Stormwater Bylaw, which strengthens regulation of private stormwater and offers greater protection for public stormwater networks from damage, misuse, interference, and nuisance. ii) notes that the bylaw aligns strongly with the local board's strategic priorities to improve water quality and stormwater and wastewater connections near our waterways, lake, and coastline. d) notes that for this bylaw to be effective it must be enforceable and request that council ensure sufficient staffing levels, funding, and other resources are put in place to support this and ensure a high level of compliance is achieved 	<p>In response to:</p> <ul style="list-style-type: none"> • d) refer to Attachment F under 'Enforcement, compliance and resourcing' • e) refer to Attachment F under 'Advocacy to Central Government.'

View of local board	Staff Comments
<p>e) recommends that Auckland Council seek an Order In Council empowering council to impose infringements (fines) under the Local Government Act where applicable</p> <p>f) Appoints member George Wood to present the board's views to the Bylaw Panel on 28 March 2022</p> <p>g) Delegates authority to the local board chair to appoint replacement(s) should the appointed members in (f) be unable to present to the Bylaw Panel</p>	
<p>FR/2022/17 – That the Franklin Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) whakarato / provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <p>i) the Franklin Local Board share the concern raised through public feedback on any provisions that would restrict community groups from accessing stormwater facilities, where the intent of access is to deliver or maintain community-led restoration or beautification initiatives</p> <p>c) decline the opportunity to appoint one or more local board members to present the views in b) to the Bylaw Panel on 4 April 2022.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) i) refer to Attachment A, Proposal 4.
<p>HM/2022/12 – That the Henderson-Massey Local Board:</p> <p>a) receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report.</p> <p>b) provide its views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations as follows:</p> <p>i) supports the main proposals for the Stormwater Bylaw Statement of Proposal. In particular, the local board supports specifying controls, codes of practice, or guidelines for managing not only the public stormwater network but add a focus on private stormwater systems.</p> <p>ii) highlights the continuing issue of cross-contamination of stormwater with sewerage and the infiltration into Te Wai o Pareira (Henderson Creek), particularly in Te Atatu Peninsula and supports this bylaw as one of the tools to help mitigate this major issue of cross-contamination (due in some cases to illegal connections, accidental infiltration and maintenance issues).</p> <p>iii) supports any way that this bylaw can help drive the addition/completion of a Western Interceptor to reduce wastewater overflows into west Auckland waterways, noting that currently, wastewater and stormwater flow into a combined network of pipes so following excessive rain, wastewater overflows with stormwater into our creeks and streams.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) ii) refer to Attachment F, under 'Implementation and operational processes.' • b) iii) refer to Attachment F, under 'Implementation and operational processes.'
<p>HB/2022/11 – That the Hibiscus and Bays Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal, and thank the submitters, to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) whakarato / provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <p>i) Proposal 1: Controls on public stormwater network and private stormwater systems A) endorse proposal 1 to introduce revised controls</p> <p>ii) Proposal 2: Additional requirements for vesting of public assets and approvals A) endorse Proposal 2, as having additional regulations and controls is important to improve water quality</p> <p>iii) Proposal 3: Approving modifications or new engineered wastewater overflow points A) endorse proposal 3 as a principle should be that new wastewater overflow points should not adversely affect the quality of our waterways</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) iv) A) refer to Attachment A, Proposal 4. • b) iv) B) refer to Attachment A, Proposal 4. • b) v) A) refer to Attachment F under 'Advocacy to Central Government' • b) v) B) refer to Attachment F under

View of local board	Staff Comments
<p>iv) Proposal Four: Restricting of excluding activities for parts of the stormwater network</p> <p>A) do not endorse a full exclusion of activities in parts of the stormwater network, rather, if they are navigable, well-sign posted and with no immediate risks to public health and safety, activities should be allowed for</p> <p>B) recommend that activities that are primarily supporting volunteer ecological restoration work have a clear and simple method of applying for usage in all areas of the network, taking into account health and safety risks</p> <p>v) Other feedback</p> <p>A) recommend that Auckland Council advocates for the ability to issue infringement notices under the Local Government Act 2002 as the process of using the Resource Management Act 1991 is a lengthy and time-consuming process that would warrant only the most serious offences to be worthy of taking court action</p> <p>B) note that if the Resource Management act 1991 continues to be used as an enforcement framework for monitoring illegal discharges, the enforcement needs further resource, as the damage of illegal sedimentation is permanent in our harbours and estuaries.</p> <p>c) whakatuu / appoint local board chairperson G Brown and local board member A Poppelbaum to present the views in b) to the Bylaw Panel on 4 April 2022</p> <p>d) tuku mana / delegate authority to the local board chair to appoint replacement(s) to the persons in c) should an appointed member be unable to present to the Bylaw Panel on 4 April 2022.</p>	<p>'Enforcement, compliance and resourcing.'</p>
<p>PPK/2022/25 – That the Papakura Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) tono / request the Bylaw Panel address the following matters raised in public feedback on Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015:</p> <p>i) ensure uniformity in the Auckland and Veolia Code of Practice POS.</p> <p>c) taupua / support the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015.</p> <p>d) whakatuu / appoint the Chair and the Deputy Chair to present the views in clause b) to the Bylaw Panel on 4 April 2022.</p> <p>e) tuku mana / delegate authority to the local board chair to appoint replacement(s) to the persons in clause c) should an appointed member be unable to present to the Bylaw Panel on 4 April 2022.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) i) refer to Attachment F, under 'Implementation and operational processes.'
<p>PKTPP/2022/21 – That the Puketāpapa Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tamaki Makarau Te Ture-ā-rohe Wai Āwhina 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) mātai / note that the Puketāpapa Local Board received three public responses to these proposals</p> <p>c) whakarato / provides the following views on the proposals for consideration by the Bylaw panel and recommend that amendments be included that:</p> <p>i) strengthen measures to reduce peak stormwater flows (Proposal One)</p> <p>ii) encourage devices/construction methods and materials that redirect stormwater into groundwater rather than into the stormwater network (Proposal One and Other Matters)</p> <p>iii) encourage measures that capture and reuse stormwater for other non-potable uses and investigate potable uses when appropriately treated (Proposal One and Other Matters)</p> <p>iv) increase the monitoring of, and penalties for, cross connecting waste water to stormwater systems (Proposal Five).</p> <p>d) miramira/emphasise the need for the bylaw to be considered in the context of the declared climate emergency and that it therefore makes adequate provision for effects such as more frequent severe weather events and sea level rise.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • c) i) refer to Attachment F, under 'Implementation and operational processes' • c) ii) refer to Attachment F, under 'Implementation and operational processes' • c) iii) refer to Attachment F, under 'Implementation

View of local board	Staff Comments
<p>e) whakatuu / appoint member H Doig to present the views in c) to the Bylaws Panel on 4 April 2022.</p> <p>f) tuku mana / delegate authority to the local board chair to appoint a replacement to the person in e) should the appointed member be unable to present to the Bylaws Panel on 4 April 2022.</p>	<p>and operational processes’</p> <ul style="list-style-type: none"> • c) iv) refer to Attachment F under ‘Enforcement, compliance and resourcing.’
<p>MO/2022/15 – That the Māngere-Ōtāhuhu Local Board:</p> <p>a) receive the public feedback on the proposal to amend Te Ture-ā-rohe Wai Āwhā 2015 Stormwater Bylaw 2015</p> <p>b) provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <p>i) support the general intent and outcomes of this bylaw enforcing the board focus and vision to support the environmental and climate action plans</p> <p>ii) support restricting some of the harmful recreational activities for parts of the stormwater network; however, allowing some of the passive and safer activities such as, birdwatching</p> <p>iii) request additional resources that help the community to understand different ways and greener alternatives to deal with run-off and water disposals. Current engagement methods are not enough to educate our local communities</p> <p>iv) request further clarification on which council publications and existing controls that this the bylaw amendment is referring to; to guide the public to which standard mandatory codes need to be followed</p> <p>v) request further clarification on how this bylaw integrates with other existing bylaws and plans such as the Auckland Unitary Plan</p> <p>vi) support engaging with mana whenua and considering their values in approvals under this bylaw and why restoration, protection and preservation is important to Māori</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) iii) refer to Attachment F, under ‘Implementation and operational processes’ • b) iv) refer to Attachment F, under ‘Implementation and operational processes’ • b) v) refer to Attachment F, under ‘Implementation and operational processes.’
<p>MR/2022/15 – That the Manurewa Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) whakarato / provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <p>i) the board supports the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 to:</p> <p>A) allow Auckland Council to specify controls, codes of practice or guidelines for managing the public stormwater network and private stormwater systems</p> <p>B) include additional requirements for vesting of public assets and approvals under the bylaw</p> <p>C) require approvals for modifications or new engineered wastewater overflow points into the stormwater network</p> <p>D) update the wording, format, and definitions of the bylaw to improve certainty and understanding, and to be consistent with best practice bylaw drafting standards.</p> <p>ii) the board supports the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 to grant Auckland council the power to restrict or exclude certain activities for parts of the stormwater network, subject to the following:</p> <p>A) that activities will only be restricted if they are hazardous to the health and safety of participants or other people, and</p> <p>B) that activities are assessed on a case-by-case basis to determine whether they are hazardous.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) ii) refer to Attachment A, Proposal 4.

View of local board	Staff Comments
<p>RD/2022/393 – That the Rodney Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) whakarato / provide the following feedback on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <ul style="list-style-type: none"> i) support an update to the bylaw to enable better outcomes for stormwater management and environmental protection and improvement ii) support changes to controls on the public stormwater network and private stormwater systems iii) support additional requirements for the vesting of public assets and approvals if these requirements improve stormwater outcomes and lead to environmental protection and enhancement iv) support restrictions or excluding activities for parts of the stormwater network v) do not support approving modifications or new engineered wastewater overflow points unless these requirements improve stormwater outcomes and lead to environmental protection and enhancement 	<p>In response to:</p> <ul style="list-style-type: none"> • b) v) refer to Attachment A, Proposal 3.
<p>UH/2022/9 – That the Upper Harbour Local Board:</p> <p>a) atūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report.</p> <p>b) whakarato / provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p> <ul style="list-style-type: none"> i) support the submission received from Business North Harbour which clearly opposes a blanket ban of recreational use of stormwater infrastructure. ii) support a case by case approach which recognises the local board role in decision making. <p>c) kaitohutohu/ advocate to the Governing Body for adequate funding to be provided to ensure appropriate resourcing for management, compliance and enforcement of the Bylaw to be carried out.</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) refer to Attachment A, Proposal 4.
<p>WTM/2022/15 – That the Waitematā Local Board:</p> <p>a) tūtohi / receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report</p> <p>b) whakarato / provide its views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations</p> <ul style="list-style-type: none"> i) support specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater system ii) recommend having additional requirements for vesting of public assets and approvals under the bylaw, including the ability to assess the carbon life cycle associated with the construction and operation of new stormwater network assets iii) recommend requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network to assist with the protection of public health and safety when the overflow points activate iv) recommend restricting or excluding certain activities from parts of the stormwater network to protect public health and safety. Provision for activities such as fishing or kayaking in stormwater treatment devices like ponds and wetlands should be determined on a case-by-case basis rather than being automatically excluded. This was specifically requested by several submitters. 	<p>In response to:</p> <ul style="list-style-type: none"> • b) iv) refer to Attachment A, Proposal 4.

Local boards that support, noted or provided additional views to the public feedback in separate appendixes

The local boards in the table below support or noted the public feedback, and provided additional views in separate appendixes. Text in [...] included reference to the background information on the proposal and was not included to make the table easier to read. Numbers such as [1], [2] are added to the feedback to enable staff to identify and respond.

Local board	Staff Comments
<p>OR/2022/14 – That the Ōrākei Local Board:</p> <p>a) receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report.</p> <p>b) provide its views as tabled on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations</p>	<p>In response to:</p> <ul style="list-style-type: none"> • b) see detailed reference below.
<p>Attachment A 17 February 2022, Ōrākei Local Board, Item 19 - Public feedback on proposal to amend Stormwater Bylaw 2015 - Feedback</p> <p>[...]</p> <p><u>Definition of Stormwater</u></p> <p>The public stormwater network collects and carries rainwater that runs off outdoor surfaces, such as roofs, buildings, driveways and roads. This runoff travels via overland flow paths, roadside gutters, drains and pipes, and is carried, mostly untreated, to waterways, rivers, lakes and the sea. The stormwater network is an open system made up of a mix of pipes, drains, overland flow paths and is integrated with roads, natural waterways, and park. The board wishes to make comments on the bylaw itself:</p> <ul style="list-style-type: none"> • Appropriate bylaws should protect public infrastructure and prevent private property from water risk/damage, and work towards sustainable solutions which mitigate immediate and future climate change impacts. [1] • Bylaws should be accompanied by a communication strategy based around the preservation and intergerity of the stormwater network. [2] • New bylaw should work within the following parameters: <ul style="list-style-type: none"> ○ Manage and develop stormwater systems – in a sustainable way, accounting for mana whenua interests. [3] ○ Manage all conditions for connections (ongoing) [4] ○ Protect network from damage (commercial and residents) unauthorised access (connections, links and discharges infulturation and misuse) [5] ○ Ensuring private stormwater are maintained and operated in ways which comply and developed to standard, including maintaining redudant network [6] <p>The board would like to make comments on the following proposed amendments to the bylaw:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Specifying controls, codes of practice, or guidelines for managing the public stormwater network and private stormwater systems</p> <p>Rationale: specifying controls for private systems, that connect to the network</p> </div>	<p>In response to:</p> <ul style="list-style-type: none"> • [7]-[8] refer to Attachment A, Proposal 1, and also Attachment F. • [9] refer to Attachment F, under 'Implementation and operational processes' • [10] refer to Attachment A, Proposal 2. • [11]-[16] operational process feedback have been shared with staff and captured in Attachment F, under 'Implementation and operational processes' • [17]-[18] refer to Attachment F, under 'Implementation and operational processes' • [21] refer to Attachment F, under 'Implementation and operational processes'

The Ōrākei Local Board maintains a fundamental principle no stormwater, drainage, waste et al should be constructed through to reserve, park land (public land) under the Board's jurisdiction. The Ōrākei Local Board receives at least one private owner application a month requested for private stormwater connection to a reserve or park area. Reserves and parkland should not be the 'convenient' connection and flow through of neighbouring new developments. We are concerned with the increasing prevalence of these requests. It is the board's view that local boards should have greater powers of enforcement and the ability to levy fines to address this. [7]

We understand that council officers and technical specialists are engaged to consult on these private applications – and local boards continue to request information on the step through process in the ongoing effort to understand and analyse how and why the recommendations were made. The board continues to express apprehension on the amount of LOA requests for these stormwater connections in public land. Further, we are concerned about the ongoing costs associated with new connections and developments being passed onto the ratepayer. [8]

We would advocate policy parameters to be drafted as a guide to the restriction on private applications for water connections intervening onto reserve land. Clearly remedial works would be exempt from this. [9]

Considering additional requirements for vesting of public assets and approvals under the Bylaw

Rational: align standards of public assets to enable council to comply with standards of regional stormwater discharges consent requirements, including stormwater management plans. To access carbon lifecycles with constructions and operation of the new storm water network. To consider Mana Whenua values in approving

A concern for the board is that once a development has been given landowner approval for a new network into a public place, that then Healthy Waters acquire ownership of these stormwater pipes. It is felt that this then sets a precedent that any developer can progress onto reserve land and handover design/build and ongoing maintenance of pipe networking to council services at no cost to the initial developer. [10]

We raise several other queries and concerns and submit that these should be taken into consideration in the new Bylaw. As stated, the number of LOA requests for new stormwater being released into public reserves is increasing for each board. In order to make informed decisions the local boards need to have a clear understanding of:

- 1) When the resource consent for developments is lodged - what are the first considerations for the ultimate disposal of stormwater (retained or otherwise)? [11]
- 2) What time scale are the resource consents lodged? At what stage of developments are the LOA lodged with council and then with the Local Boards? [12]
- 3) What was previously on the dwelling/ property? What will be on this property once developed? Is there an analysis of current stormwater runoff to proposed stormwater runoff? [13]
- 4) What would be the developer's options if LOA approval is withheld? [14]
- 5) A full risk analysis of the public land if LOA is approved, with specifics of each risk component and associated mitigations [15]

- [23] refer to Attachment A, Proposal 5. Also refer to Attachment F under Advocacy to Central Government.

6) There is an assumption that there a finite number of new connections onto each public assets (i.e. parks/reserves). Information pertaining to this should be given in the initial steps of the LOA process. This should be part of the risk analysis. If it is finite, each LOA should state this clearly in the application. **[16]**

Requiring approvals for modifications or new engineered wastewater overflow points into the stormwater network

Rationale: to allow council to formally access and approve wastewater overflow that effects the stormwater network and the outcomes of the regional network discharge consent, to assist with public health and public safety when overflow points activate

Ideally, this practice should be redundant. In Hobson Bay, we have analyzed proof of extreme cases of dry weather overflow points/ wastewater being released into the stormwater network, causing beaches and feeder streams to be extremely contaminated. This is very historic, in some cases over 10 years. However, it is recognized that the Eastern Bays interceptor is approximately eight years away. We understand that without these consented overflows, the network would be placed in an extreme situation. **[17]**

Hence, we reluctantly agree with continuation of this practice of discharge consents, on the understanding and agreement that weekly testing continues in the Hobson Bay catchment. We stipulate that this persistent testing continue, and that broken and illegal connections be restored to standard network operating levels in a timely manner. **[18]**

Restricting or excluding certain activities for parts of the stormwater network

Rationale: To protect public health and safety, such as fishing and kayaking in stormwater treatment devices such as wetlands and ponds

The board agrees with the recommendation, especially in extreme weather events. **[19]**

Updating Bylaw wording, format, and definitions

Rationale: To ensure the new bylaw is easy to understand and comply with to clarify cost recovery (for damage) with in section of private stormwater systems, to improve clarity of what constitutes a breach of bylaw for example through a notice or approval, to comply with the best practices bylaw drafting standards

The board agrees to straightforward and updated simple language and improving clarity of what constitutes a breach of the bylaw. Breaches of bylaw should be accompanied by better enforcement. **[20]**

Concluding comments

In general terms the new Stormwater Bylaw 2022 needs to allow for, and consider, climate change and sustainability of the network. It must allow for setbacks for activities near waterways: that is the distance from waterways for activities, building structures, earthworks with 3-meter clearance. In order to protect waterways from misuse and damage such as bank instability and erosion, adequate space for access to clean and maintain the waterway is necessary. A three-metre distance would allow for removal of obstructions in waterways. **[21]**

The board supports exploration of what kinds of efficiencies can be achieved by an amalgamation of Watercare and Healthy Waters in terms of administering this bylaw. [22]

The Orakei Local Board maintains the fundamental principle that no connections (stormwater, drainage, waste et al) should be constructed through to reserve, park land under the Board's jurisdiction. It is the board's view that local boards should have greater powers of enforcement and the ability to levy fines to address this. [23]

The board maintains that reserves and parkland should not be the connection and flow through of convenience. [24]

Local boards that support or noted the public feedback

The local boards in the table below support or noted the public feedback.

KT/2022/28 - That the **Kaipātiki Local Board**:

- a) receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report
- b) note that two submissions (one individual and one organisation) were received from the Kaipātiki Local Board area on the draft Stormwater Bylaw 2015, and a total of 61 submissions from individuals and 18 submissions from organisations were received from across the whole Auckland Council area.

WTK/2022/11 – That the **Waitākere Ranges Local Board**:

- a) receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in this report.

WH/2022/11 – That the **Whau Local Board**:

- a) receive the public feedback on the proposal to amend Te Kaunihera o Tāmaki Makaurau Te Ture-ā-rohe Wai Āwhā 2015 / Auckland Council Stormwater Bylaw 2015 in the agenda report.

