

**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	Waiohua-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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Name of organisation/business:

Your local board: **Devonport-Takapuna**

Source: **Online**

Your feedback (all questions are optional)

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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: 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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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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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? 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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Name of organisation/business:

Your local board: **Ōrākei**

Source: **Online**

Your feedback (all questions are optional)

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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: 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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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:

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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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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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

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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: 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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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? 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:

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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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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

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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: **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 uses from stormwater assets. Stupid people will still get hurt and will only punish responsible members of the 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?

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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? 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

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

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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? 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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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?

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

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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? 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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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 !!!

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Stormwater Bylaw

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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: 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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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: **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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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

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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? 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: **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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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

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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?

Important privacy information

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Stormwater Bylaw

Statement of Proposal to amend the Stormwater Bylaw 2015

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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: **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

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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: 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?

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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? 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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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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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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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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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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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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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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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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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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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: **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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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: 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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Your details

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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?

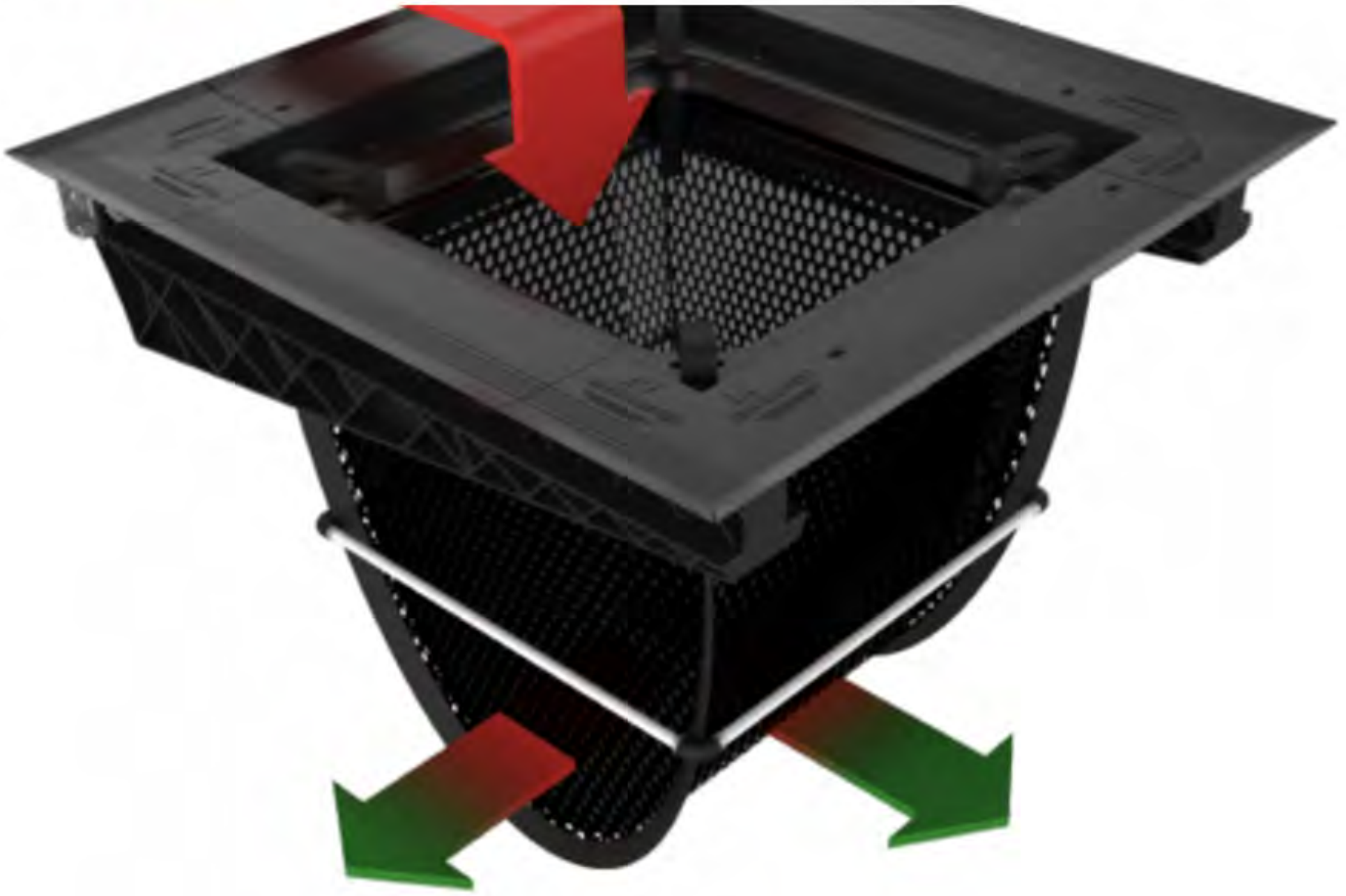
Tell us why:

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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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

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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: 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

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: 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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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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Your details

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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

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 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)

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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 wastewater 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 daylight 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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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

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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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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

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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: 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

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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)

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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

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What is your opinion on this proposal? Agree

Tell us why:

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

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What is your opinion on this proposal? Agree

Tell us why:

5. Updating the bylaw wording, format, and definitions

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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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Your details

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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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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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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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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: **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: 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 a 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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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? 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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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: **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

“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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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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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: **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



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? 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

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.

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?

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: **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.

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.

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 (iii) 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

Kevin O'Leary – General Manager

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North Harbour 0751

Phone 09 968 2222 or 0274 799 563

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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:

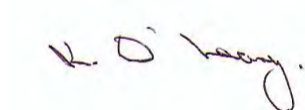
- o managing and developing the stormwater network including ground soak systems
- o providing conditions for connections to the stormwater network
- o regulating discharges into the stormwater network
- o protecting the stormwater network from damage, misuse, and interference
- o protecting the public 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,



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

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? 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

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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.”

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.

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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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4.2 (d) The adverse effects of land use on the environment are most appropriately controlled under the RMA/PAUP;

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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 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.

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.

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.

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.

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.

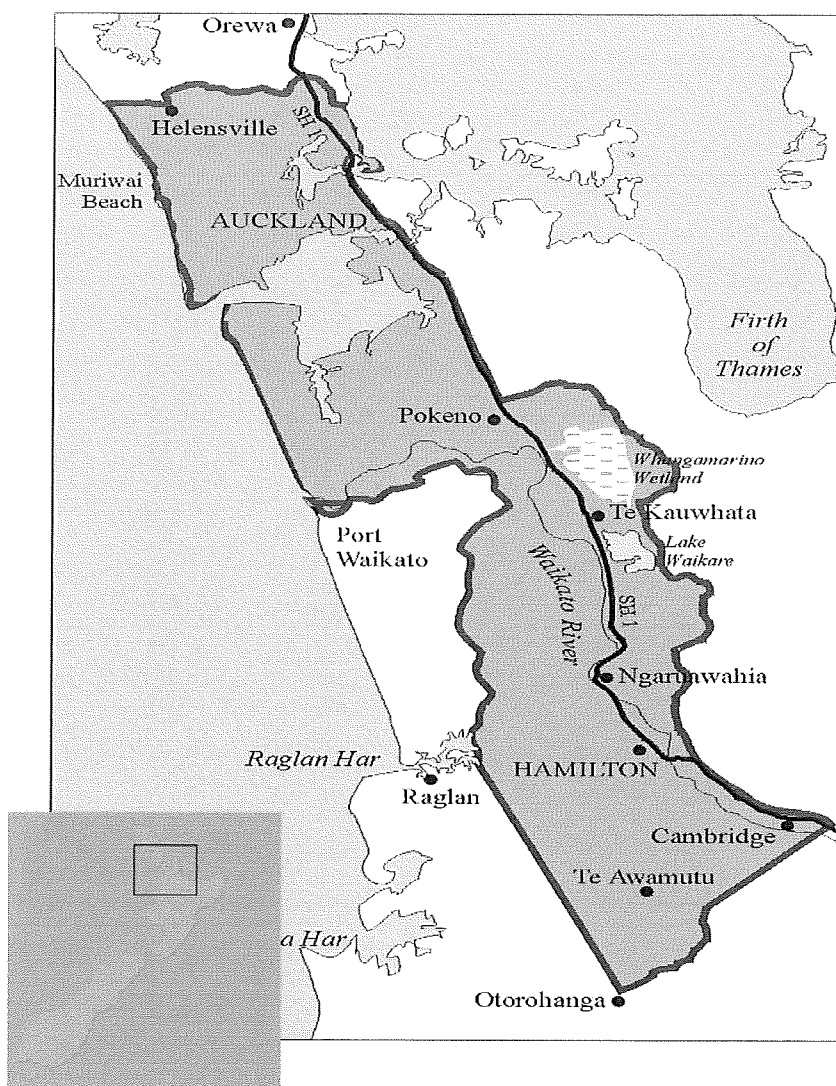
5. Fishing rules and signage

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.

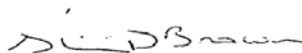
Instead we see the whittling away of amenity (larger stormwater pipes which cause more pollution and sedimentation to go into the sea), the reduction of public amenity (fewer swimming beaches, less kaimoana), and council insisting on compliance from others but not compliant in managing its own network.

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

A handwritten signature in black ink, appearing to read 'Shirin Brown', written in a cursive style.

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

Address for Service:

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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:

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Email:

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¹³ <https://www.aucklanddesignmanual.co.nz/regulations/codes-of-practice/stormwatercodeofpractice/guidance/download/Downloadsocp>.



Summerset Group Holdings Limited
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Phone: 04 894 7320 | **Fax:** 04 894 7319

Website: www.summerset.co.nz

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
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Date:

27 October 2021

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