

6 December 2021

Auckland Council Governing Body  
Auckland Council  
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Auckland 1142

### **Auckland Council Stormwater Bylaw 2015 Amendment.**

The Rosebank Business Association ('Association') - 'Rosebank – Gateway to the West' - welcomes the opportunity to make this submission to the Auckland Council Stormwater Bylaw 2015 Amendment.

The Rosebank Business Improvement District is a commercial and industrial hub of 650 + businesses located on the Rosebank Peninsula in West Auckland. It has direct access to the SH16 North-Western Motorway and when the Waterview tunnel was completed, it's traffic count increased to between 25 and 35,000 vehicles per day with immediate access and link to the SH20 Airport Motorway. Businesses in the area generate an estimated \$1 billion in revenue, pay significant rates and employ about 9,000 FTEs. The predictions are that this workforce will increase to 20,000 by 2035.

### **Background**

By way of background, Auckland Council has a role in managing the stormwater network across the Auckland region. The stormwater network is affected by land drainage problems such as: property flooding; network contamination from illegal discharges; inconsistent management of pipe connection; operation of private stormwater systems. The current Stormwater Bylaw 2015 helps Council to regulate land drainage and stormwater management. It does this by protecting the public stormwater network from damage, misuse, interference and nuisance, and ensuring effective maintenance and operation of private stormwater systems.

Auckland Council makes rules for managing and developing the public stormwater network. These activities must obtain approval and comply with conditions, for example, when, where and how the stormwater network is developed. Private systems that connect to the public stormwater network also affect the function. Hence, the rules help ensure the private systems are well-maintained and do not cause problems to the public stormwater network. A review of the current Stormwater Bylaw 2015 was completed in July 2020. After considering the review findings, Auckland Council are proposing to amend the Stormwater Bylaw 2015 to improve its effectiveness and efficiency. The main proposals include:

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

### **Feedback**

Our feedback addresses the questions asked in the Feedback Form.

(1) Controls on public stormwater network and private stormwater systems

*Auckland Council 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. Auckland Council are not seeking public feedback on the content of the specific controls as they are existing council publications. Auckland Council has asked our opinion on this proposal?*

The Association agrees with the proposal to include the stormwater related guidelines and codes of practice within the bylaw by adding them as a referenced control.

(2) Additional requirements for vesting of public assets and approvals

*Auckland Council 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.*

The Association notes that the vesting process for public stormwater assets can be marred with poor assets and complaints of delays. The Association submits that areas of the Bylaw such as Clause 9, could be strengthened to better enable the vesting process. The Association agrees with the proposal to improve the vesting of public stormwater assets.

The Association notes Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan and Key Move 3: *Make development and infrastructure climate compatible. The development and management of natural, public and private stormwater networks are critical in how we respond and adapt to risks from climate change.* Although the Association agrees that the Bylaw be amended to recognise climate change to increase uptake of sustainable construction and enable tools such as climate compatibility assessments, carbon portals, sustainable toolkits, and Infrastructure Sustainability Rating Scheme, the Association asks for an assessment of the costs this will mean for businesses.

The Association notes that mana whenua have provided feedback about concerns regarding infrastructure on land significant to mana whenua. As the Bylaw is created under the Local Government Act 2002, section 4 Principles of the Treaty and sections 14, 81 contribution to decision making provides for mana whenua engagement processes. The Association agrees with the proposal to amend the Bylaw to enable mana whenua participation around stormwater infrastructure matters.

(3) Approving modifications or new engineered wastewater overflow points

*Auckland Council 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.*

The Association notes that engineered overflow points from the wastewater network can negatively affect stormwater networks. The requirements are at a level of detail that better sits within the Stormwater Code of Practice. However, the Bylaw is currently silent about this issue. The Association submits that the Bylaw definitions and wording be amended to identify engineered overflow points.

(4) Restricting or excluding activities for parts of the stormwater network

*Auckland Council 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.*

The Association agrees with the proposal 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

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

The Association notes that the definitions of stormwater and its management exist across various pieces of legislation and regulations, such as the Resource Management Act, the Auckland Unitary Plan, the Stormwater Code of Practice, and the Water Supply Bylaw and submits that the definitions be aligned for consistency.

(6) Do you have any other feedback on Stormwater Bylaw?

*Alignment with other legislations and regulations*

The Association notes that the Auckland Unitary Plan became operative in part in November 2016. There is a need to ensure the network functions to achieve the regional policy statement of the Unitary Plan and recognition of these strategic requirements within the bylaw. Other examples are stormwater in modified drainage channels that is not being regulated in most circumstances and needs to be addressed under the bylaw. The permitted activity standards are also permissive, requiring the management of smaller scale or nuisance stormwater issues under the Bylaw

The Association submits that the bylaw be amended to improve integration with Auckland Unitary Plan, Resource Management Act 1991, and Local Government Act matters.

*Strengthen the interaction with existing council processes*

The Association notes the Engineering Plan Approvals and Stormwater Management Plans under the Auckland Council Regionwide Stormwater Discharge Consent (NDC) are some of the council stormwater management processes required as part of achieving NDC obligations and strategic stormwater outcomes for the council. It is important that the Bylaw enables these processes to function efficiently, such as strengthening scope of clause 19 or part 4 of the bylaw. The Association submits that the Bylaw be amended to strengthen interaction with implementation processes such as approvals, plans and consents.

**Conclusion**

Finally as we enter another very uncertain year, especially for small and medium sized businesses, we ask the Council to consider carefully their needs in its approach to the Auckland Council Stormwater Bylaw 2015 Amendment.

**The Association wishes to be heard at any hearings to consider these and other submissions.**

Yours sincerely,



Mike Gibson  
CEO  
Rosebank Business Association