

**SUBMISSION: Stormwater Bylaw 2015
Amendment
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:

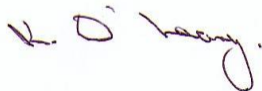
- managing and developing the stormwater network including ground soak systems
- providing conditions for connections to the stormwater network
- regulating discharges into the stormwater network
- protecting the stormwater network from damage, misuse, and interference
- protecting the public from nuisance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

BNH supports the proposed changes with the proviso noted in Proposal 4, as we believe that the proposed changes support the purposes of the Bylaw which are beneficial to all Aucklanders.

BNH would also ask that the Council give due consideration to the needs of businesses in its approach to the Stormwater Bylaw 2015 Amendment, as many face another uncertain year ahead.

Should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,

A handwritten signature in purple ink, appearing to read "K. O'Leary".

Kevin O'Leary
General Manager