

Memo

Dated 15 September 2020

To: Phill Reid, Auckland-wide Manager

From: Holly Stevens, Planner

Subject: **Plan Modification: Clause 20A Amendment to chapter E8 Stormwater – Discharge and diversion of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Permitted activity standard - <i>E8.6.2.1. Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network</i>
Subject Site (if applicable)	Not applicable
Legal Description (if applicable)	Not applicable
Nature of change	<p>A Clause 20A change is required to insert a note under permitted activity standard E8.6.2.1 to the Operative in Part version.</p> <p>Discussion</p> <p>This note will inform readers of their responsibility under the Auckland Council Bylaws. This note conveys that although an activity may be permitted under E8.4.1(A1), as the relevant permitted activity standards are met, the network operator (Watercare Services Limited) may refuse connection to the network.</p>
Effect of change	<p>Inserting this note under Standard E8.6.2.1 is assessed to be neutral. This note is considered neutral as it will not affect the operation of the standard and will not have a material effect on people or the environment to the extent that they would have wished to have made a submission.</p> <p>This note will rather inform applicants of their responsibility under Auckland Council Bylaws at the beginning of the resource consent process to avoid confusion and delays post resource consent approval. As such, this Clause 20A change will not have a material effect.</p>
Changes required to be made	<p>Insertation of the following note under permitted activity standard E8.6.2.1 in the Operative in Part version.</p> <p><u>Note: If a proposal meets Standard E8.6.2.1 above and increases the stormwater runoff to the combined stormwater network, you are encouraged to seek input from the network operator at the early</u></p>

	<p><u>stages of design to ensure network capacity is available. Part 2 of Section 6 of Auckland Council’s Water Supply and Wastewater Network Bylaw 2015 provides Watercare the ability to refuse connection to the combined sewer network.</u></p> <p><u>Any new connection also requires approval by:</u></p> <ul style="list-style-type: none"> • <u>Watercare under the Water Supply and Wastewater Network Bylaw 2015, section 6; and</u> • <u>Auckland Council and Watercare under the Stormwater Bylaw 2015, section 9.</u>
Attachments	Attachment 1: Updated text

Prepared by: Holly Stevens, Planner
Signature:

Approved by: Phill Reid, manager, Auckland-Wide unit
Signature:

Attachment 1: Updated
text

E8. Stormwater – Discharge and diversion

E8.1. Background

The stormwater provisions are broadly divided into two groups. Stormwater runoff from impervious areas is either:

- diverted and directed to a stormwater network or the combined sewer network; or
- diverted and discharged to land, water or the coastal marine area.

The rules in this section regulate the diversion and discharge of stormwater runoff from impervious areas into or onto land or into water or into the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991.

For structures and occupation within the coastal marine area refer to [F2 Coastal – General Coastal Marine Zone](#).

E8.2. Objectives [rcp/rp]

The objectives are located in [E1 Water quality and integrated management](#) and [E2 Water quantity, allocation and use](#).

E8.3. Policies [rcp/rp]

The policies are located in [E1 Water quality and integrated management](#) and [E2 Water quantity, allocation and use](#).

E8.4. Activity table

Table E8. 4.1 Activity table specifies the activity status for stormwater runoff from impervious areas directed into a stormwater network or a combined sewer, or the diversion and discharge of stormwater onto or into land or into water or the coastal marine area pursuant to sections 9(2), 14 and 15 of the Resource Management Act 1991. This also includes the diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991.

Table E8.4.1 Activity table

Activity		Activity status
Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network pursuant to section 14 of the Resource Management Act 1991 [rp]		
(A1)	Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that complies with Standard E8.6.2.1.	P
(A2)	Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1	RD
Diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 [rcp/rp]		
(A3)	Diversion and discharge of stormwater runoff from lawfully	P

	established impervious areas as of 30 September 2013 not directed to a stormwater network or a combined sewer network that complies with Standard E8.6.1 and Standard E8.6.2.2	
(A4)	Diversion and discharge of stormwater runoff from impervious areas up to 5,000m ² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor that complies with Standard E8.6.1 and Standard E8.6.2.3.	P
(A5)	Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m ² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor that complies with Standard E8.6.1 and Standard E8.6.4.1	RD
(A6)	Diversion and discharge of stormwater runoff from compacted metal surfaces ancillary to rural production activities, including hardstands and tracks, that complies with Standard E8.6.1	P
(A7)	Diversion and discharge of stormwater runoff from impervious areas up to 5,000m ² outside an urban area that complies with Standard E8.6.1 and Standard E8.6.2.4	P
(A8)	Diversion and discharge of stormwater runoff from impervious areas up to 1,000m ² within an urban area where a connection to a stormwater network is not possible, that complies with Standard E8.6.1	P
(A9)	Diversion and discharge of stormwater runoff from impervious areas greater than 1,000m ² and up to 5,000m ² within an urban area, that complies with Standard E8.6.1 and Standard E8.6.3.1	C
(A10)	All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for	D
Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 [rcp/rp]		
(A11)	Diversion and discharge of stormwater runoff from an existing or a new stormwater network	D

E8.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E8.4.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E8.4.1 Activity table and which is not listed in E8.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E8.6. Standards

E8.6.1. General standards

All permitted activities, controlled activities and restricted discretionary activities listed in Table E8.4.1 Activity table must meet the following standards, except for activity E8.4.1(A1) Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network.

- (1) The design of the proposed stormwater management device(s) must be consistent with any relevant precinct plan that addresses or addressed stormwater matters.
- (2) The diversion and discharge must not cause or increase scouring or erosion at the point of discharge or downstream.
- (3) The diversion and discharge must not result in or increase the following:
 - (a) flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP); or
 - (b) inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP).
- (4) The diversion and discharge must not cause or increase nuisance or damage to other properties.
- (5) The diversion and discharge of stormwater runoff must not give rise to the following in any surface water or coastal water:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity;
 - (c) any emission of objectionable odour;
 - (d) the rendering of fresh water unsuitable for consumption by farm animals;
or
 - (e) any significant adverse effects on aquatic life.
- (6) Where the diversion and discharge is to ground soakage, groundwater recharge or peat soil areas any existing requirements for ground soakage, including devices to manage discharges or soakage, must be complied with.

Note 1

For the purposes of these standards “the total impervious area” includes any additional impervious areas plus existing impervious areas on the site.

E8.6.2. Permitted activity standards

Activities listed as a permitted activity in Table E8.4.1 Activity table must comply with the following permitted activity standards.

E8.6.2.1. Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

- (1) The impervious area is lawfully established; or
- (2) The diversion does not increase stormwater runoff to the combined sewer network; or
- (3) The diversion increases stormwater runoff to the combined sewer network and the increase is approved by the combined sewer network operator.

Note: If a proposal meets Standard E8.6.2.1 above and increases the stormwater runoff to the combined stormwater network, you are encouraged to seek input from the network operator at the early stages of design to ensure network capacity is available. Part 2 of Section 6 of Auckland Council's Water Supply and Wastewater Network Bylaw 2015 provides Watercare the ability to refuse connection to the combined sewer network.

Any new connection also requires approval by:

- Watercare under the [Water Supply and Wastewater Network Bylaw 2015](#), section 6; and
- Auckland Council and Watercare under the [Stormwater Bylaw 2015](#), section 9.

E8.6.2.2. Diversion and discharge of stormwater runoff from lawfully established impervious areas as at 30 September 2013 not directed to a stormwater network or a combined sewer network

- (1) As a result of a new land use activity, a change in land use or the removal of existing stormwater management measures, stormwater flows and volumes from the existing impervious areas must not be increased above those that would result from lawfully established impervious areas existing as of 30 September 2013.
- (2) As a result of a new land use activity, a change in land use or the removal of existing stormwater treatment measures the concentration and load of contaminants in stormwater flows from existing impervious areas must not be increased above those that would result from lawfully established impervious areas existing as of 30 September 2013.
- (3) Any road ancillary area must not be used for:
 - (a) storage of roading and building materials that are not inert for more than 30 days continuously; or
 - (b) works / building yards.

- (4) Any existing stormwater management devices must not be reduced, and the location of the discharge must not change.

E8.6.2.3. Diversion and discharge of stormwater runoff from impervious areas up to 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor

- (1) Any road ancillary area must not be used for:
 - (a) storage of roading and building materials that are not inert for more than 30 days continuously; and
 - (b) works / building yards.

E8.6.2.4. Diversion and discharge of stormwater runoff from impervious areas up to 5,000m² outside an urban area

- (1) The total impervious area on the site excludes unsealed or gravelled tracks.
- (2) Connection to a stormwater network is not practicable.

E8.6.3. Controlled activity standards

Activities listed as controlled activities in Table E8.4.1 Activity table must comply with the following controlled activity standard.

E8.6.3.1. Diversion and discharge of stormwater runoff from impervious areas greater than 1000m² and up to 5000m² within an urban area

- (1) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device and meet the following hydrology mitigation requirements:
 - (a) provide retention (volume reduction) of a minimum of 5mm runoff depth for all impervious areas; and
 - (b) provide detention (temporary storage) with a draindown period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the retention volume for all impervious areas.
- (2) Stormwater management devices must be provided to reduce or remove contaminants from the impervious area to the maximum extent applying best practicable options.

E8.6.4. Restricted discretionary activity standards

Activities listed as restricted discretionary in Table E8.4.1 Activity table must comply with the following restricted activity standard.

E8.6.4.1. Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor

- (1) Where stormwater runoff is directed to an existing stormwater network, including road side drainages, swales and catchpits, these must be managed and maintained to ensure effective operation and to prevent erosion, sediment generation and discharge.
- (2) Any road ancillary area must not be used for:
 - (a) storage of roading and building materials that are not inert for more than 30 days continuously;
 - (b) works / building yards.
- (3) Where stormwater runoff from an impervious area is discharged into a stream receiving environment, it must be managed by a stormwater management device to meet the hydrology mitigation requirements [E10.6.3.1.1\(1\)](#) specified for Stormwater management area – Flow 1 in [Table E10.6.3.1.1 Hydrology mitigation requirements](#), except as provided for in [E10.6.3.1.1\(2\)](#).
- (4) Stormwater management devices must be provided to reduce or remove contaminants from stormwater runoff.

E8.7. Assessment – controlled activities

E8.7.1. Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) for diversion and discharge of stormwater runoff from impervious areas greater than 1,000m² and up to 5,000m² within an urban area:
 - (a) management of adverse effects on receiving environments, buildings and property;
 - (b) management of stormwater flows and contaminants including methods to minimise contaminants and where appropriate the use of stormwater management devices;
 - (c) measures to avoid erosion, scour and flood risk;
 - (d) location of the discharge point(s) and method of discharge and disposal;
 - (e) operation and maintenance requirements;
 - (f) monitoring and reporting; and

- (g) duration of the consent and the timing and nature of reviews of consent conditions.

E8.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) for diversion and discharge of stormwater runoff from impervious areas greater than 1,000m² and up to 5,000m² within an urban area:
 - (a) whether adverse effects on the environment including buildings and property have been avoided or otherwise managed and mitigated through management practices;
 - (b) whether the proposal has considered any relevant stormwater network discharge consent, and/or precinct plan provisions;
 - (c) whether stormwater flows and contaminants have been minimised or managed by using stormwater management devices;
 - (d) whether the location and design of any discharge structures adequately minimise erosion and scour at the discharge point; and
 - (e) whether any requirements for soakage, where this is the stormwater runoff disposal method, or infiltration in areas underlain by peat soils, are met.

E8.8. Assessment – restricted discretionary activities

E8.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) for diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1:
 - (a) measures to mitigate additional stormwater flows and potential increases in overflows from the combined sewer network, including future connection to a stormwater network should one become available;
 - (b) alternative methods of disposal;
 - (c) effects on the operation and management of the combined sewer network;
 - (d) operations and maintenance requirements;
 - (e) monitoring and reporting;
 - (f) the duration of the consent and the timing and nature of reviews of consent conditions.

- (2) for diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor:
- (a) the methods proposed for the management of the adverse effects on receiving environments, including cumulative effects, having regard to:
 - (i) the nature, volume and peak flow of the stormwater runoff discharge;
 - (ii) the sensitivity of the receiving environment to stormwater runoff contaminants and flows;
 - (iii) the extent to which opportunities to reduce existing adverse effects and enhance receiving environments have been identified and utilised;
 - (iv) where stormwater runoff is discharged to a stream receiving environment, the extent to which the diversion and discharge is managed to achieve the following:
 - maintain baseflow and interflow at the predevelopment conditions;
 - reduce the duration and intensity of flows which will cause erosion and habitat degradation;
 - reduce runoff volumes to pre-development conditions; and
 - utilise natural flow paths and streams to help slow down water flows; and
 - (v) the extent to which effects on marine sediment quality, are avoided, remedied or mitigated.
 - (b) the measures proposed for the management of the adverse effects of the stormwater runoff diversion and discharge on receiving environments having regard to best practicable options;
 - (c) the measures proposed for the implementation of stormwater management devices and other measures and programmes that give effect to the best practicable option;
 - (d) the methods proposed for the management and mitigation of flood effects and flood risks, including effects on buildings and property;
 - (e) the likely effectiveness of the proposed methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;
 - (f) the likely effectiveness of the proposed location, design and method of the discharge in managing or mitigating potential adverse effects on the environment;

- (g) the methods proposed for the management of stormwater flow and contaminants and for the implementation of stormwater management devices and other measures;
- (h) the proposed methods for stormwater runoff disposal through soakage, or infiltration having regard to the need for managing water levels in underlying peat soils and for ground stability, where those conditions are relevant;
- (i) the extent to which effects on Mana Whenua values are avoided remedied or mitigated;
- (j) the likely effectiveness of the proposed operations and maintenance requirements in ensuring the ongoing and long-term management of adverse effects on the environment;
- (k) the extent to which proposal for monitoring and reporting are likely to be sufficient to ensure that any performance failures are addressed without undue delay; and
- (l) the proposed duration of the consent and the timing and nature of reviews of consent conditions having regard to:
 - (i) the need to periodically reassess the consent to take account of any changes in the nature of the discharge or the receiving environment; and
 - (ii) the need to set duration and review periods having regard to efficiency and effectiveness.

E8.8.2. Assessment criteria

The Council will have regard to the following policies when considering the matters listed above:

- (1) for diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1:
 - (a) policies E1.3 (8), (9), (10), (11), (13), (14) and (20) in [E1 Water quality and integrated management](#)
- (2) for diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor:
 - (a) policies [E1.3\(1\) to \(14\)](#) in [E1 Water quality and integrated management](#).

E8.9. Special information requirements

There are no special information requirements in this section.