

## **FORM 3: Submission on Proposal for National Policy Statement for Freshwater Management**

Section 49 of the Resource Management Act 1991.

To: The Chairperson  
Board of Inquiry

This is a submission on the following proposed national policy statement (the proposal):  
Proposed national policy statement for freshwater management.

The specific provisions of the proposal that my submission relates to are:

1. General support for the development and content of the National Policy Statement.
2. Objective 4 – Recognising and protecting life supporting capacity and ecological values
3. Definition Notable Values

Our submission is:

1. The general approach of the proposed NPS is applauded as we believe that the key role of Auckland's streams, wetlands and aquifers should be enshrined in the District Plan and the regional plans, on a par with the volcanic and coastal environments of which they are an integral part. However we have specific concerns that are addressed below.
2. We believe that Objective 4 "*To ensure the life supporting capacity and ecological values of Freshwater Resources are recognised and protected from inappropriate taking, use, damming or diverting of fresh water; and Land-use Development; and discharges of contaminants.*" does not adequately address the issue of urban streams. We would therefore like to raise the following points:
  - Some streams have been piped or channelled, and are currently not recognisable as streams. As well as preventing further degradation of freshwater resources there should be a requirement to 'daylight' these underground streams and to restore channelled streams to their natural state, wherever possible.
  - The NPS needs to make it clear that sewage, channelled storm water, and waste water cannot continue to go directly into creeks without first being treated in some way (eg with retention ponds). We are aware of cases of developers and property owners directly piping water into the stream either with or without permits.
  - There should be stronger objectives and the NPS should include a requirement that TA's and regional councils enforce the rules to prevent sewage, channelled stormwater and waste water going directly into creeks.
  - There is a public education component – eg stormwater drains are for 'water only'.
  - Auckland, responsibilities for streams are allocated in such a way that no TA can be held accountable for the state of some streams. (See case study below.) There need to be more clarity around responsibilities for water quality and management.
  - Amendments to the objective should be made to encourage TAs to promote the use of "soft" engineering in relation to stream management, and the problems of urban runoff.

See Appendix A for some further examples of these issues in Auckland.

3. We believe that the proposed NPS does not place enough emphasis on the opportunity to provide protection and a buffer for freshwater resources through the use of esplanade areas and esplanade strips. These are a critical protection mechanism – which in practice are not extended to streams at this time. Public land surrounding streams needs to be formalised as esplanade areas/reserves. For those lands in private hands an esplanade strip should be established, which would help to protect

the stream and prevent and future developments directly adjacent to (or on top of) stream beds. (see Appendix B case study – Haverstock Rd for counter example).

4. The definition **Notable Values** needs to be amended to recognise the issues around urban streams, in particular. Many of the streams in Auckland have been piped, and are currently not recognisable as streams – eg. what is now the Queen Street valley in Auckland’s CBD was seen to be a fern covered swamp by early settlers and in 1843 the Horotiu stream which ran through the valley was channelled into a straighter course and renamed Ligar's Canal. The Ligar Canal was subsequently undergrounded.  
The ARC and TA’s do not recognise and value these undergrounded streams.

It is unlikely that these streams would, within the context of the streams of the Waitakere Ranges, or the Hunua Ranges, where Auckland’s drinking water is sourced, be seen as **Outstanding Freshwater Resources** in their current state. They could however be seen as having **Notable Values** if the proposed definition was widened to include historic or heritage values with cultural values and this would be consistent with the matters of national importance in the RMA.

We seek the following changes to the proposal:

1. Strengthen objective 4 and other parts of the proposed NPS to address our concerns about urban streams and their management, and consider the need to require ‘daylighting’ and re-naturalisation of streams, and greater protection through esplanade areas and strips.
  2. Amend the definition **Notable Values** to include historic or heritage values along with cultural values
- I wish to be heard in support of my submission.
- \* If others make a similar submission, we will consider presenting a joint case with them at a hearing.

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Signatures of submitters

(or signature of person/s authorised to sign)

On behalf of **St Lukes Environmental Protection Society Incorporated (STEPS)** and **Friends of Oakley Creek – Te Auaunga**

23 January 2009

Date

(A signature is not required if you make your submission by electronic means.)

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REFERENCES

- 1) Auckland City Drainage System Resource Consents, Assessments of Environmental Effects, March 2001 [“ACDSRC Report” available on line from Metrowater]
- 2) Meola Integrated Catchment Management Plan Phase 2 Report – Remedial Options (Sinclair Knight Mertz 2002) [“ICS report” produced for Metrowater and Auckland City]

In addition STEPS can provide a copy of a recommended unpublished report:

- 3) Assessing and mitigating the environmental impacts of stormwater flowing into Meola Creek and its receiving environments. From the School of Geography and Environmental Science, University of Auckland, October 2005. [“UA report”].

**APPENDIX A**

**PROTECTION OF AUCKLAND STREAMS :**

1. Our experiences with Resource Consent submissions are that the Auckland City District Plan (ACDP) Annexures of significant natural features are overridden and ineffective. Everything is decided according to zoning, and the assumption is that no significant natural features are relevant, unless they are specifically mentioned in the body of the DP (as are volcanic cones). See case study below where a major urban creek is used as a drainage ditch and government is planning to build a concrete road on its bank.
2. AC DP Part 5B Coastal. Detailed protections of coastal environments appear to have no linkage to the streams on the isthmus which feed them. While the coast is protected, creeks are more likely to be piped and/ or built over. Creeks are also allowed to pour pollutants into the harbour. eg

Te Tokaroa Meola Reef :

- is the northern end of 10km lava flow
- is 20,000 years old
- flowed down a valley from Three Kings
- extends 2 km over Waitemata to within 500m of north shore
- features in Maori legend
- Meola Creek discharges to the west and Motions Creek to the east

Te Tokaroa Meola Reef is designated as:

- a Coastal Protection Area 2 under the Auckland Regional Coastal Plan;
- its marine vegetation zoned as Protection Area 1; and
- a conservation zone under the 1987 Waitemata Harbour Maritime planning scheme (p 138 ACDSRC Report)

Despite these designations, Meola Creek continues to discharge pollutants into the estuary by Meola Reef .

3. Streams as significant natural features have not been valued or protected historically. They are often treated as drainage ditches. P 194 of “ACDSRC Report”: “The detailed habitat survey showed that 16 sites had low or moderate low habitat quality. These sites usually had concrete channels and were surrounded by riparian vegetation dominated by short grass. These sites represent the extreme engineering solution to managing urban runoff and have resulted in streams that serve only as drains“. “Management of urban streams solely as drainage conduits has consequently greatly altered their habitat quality and has helped contribute to their poor ecological health.”
4. P37 of “ACDSRC Report”: Auckland City and Metrowater are responsible for maintaining the public stormwater drainage system that serves properties roads and reserves as well as five public watercourses: Oakley Creek, Meola Creek, Motions Creek, Newmarket Stream and Remuera Stream

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5. However in fact, the responsibilities for every creek are distributed, and some are further delegated to other authorities. While creeks have many stakeholders, they appear to have no accountable owners.

**Responsibilities for one creek as an example of Distributed Responsibilities:**

<b>Asset</b>	<b>Responsibility</b>	<b>Comment</b>
Meola Creek	Auckland City Council – owner	(Managed by Metrowater)
Water and waste water (including sewage)	Metrowater – ‘Retail’ sewers	
	Watercare Services- ‘Wholesale’ sewers	
Storm water	Auckland City Council- owner	
Combined sewers (storm water and waste water)	Auckland City Council- owner	Contracts Metrowater to separate them (but Meola is not funded)
Creek bed	DOC - owns the water course in Meola Creek?	Doc letter says that it is managed by Auckland City Council
Water Quality in Meola Creek	Auckland City	

6. Water quality is the responsibility of Auckland city – yet there are no processes in place to monitor, or clean it up.
7. We believe that the AC DP is not yet strong enough to prevent more unnecessary reduction of the value of these natural features – see case study below.
8. Further – we see that even putting planning controls in place is not sufficient if there is limited enforcement.
9. The AC DP and the various plans of the ARC are not in synch with each other.

Eg ARC POLICY

As noted in the MINUTES OF A MEETING OF THE EDEN ALBERT COMMUNITY BOARD HELD ON WEDNESDAY, 27 AUGUST 2008

“The Auckland Regional Council (ARC) has jurisdiction over water bodies in the region. The ARC Regional Policy Statement (RPS), chapter 8, which deals with Water Quality, outlines a range of issues associated with degraded water quality within the region, and identifies a number of methods and actions to undertake with the goal of improving water quality. Meola Creek is classified within chapter 8 as a body of water with significantly degraded water quality (Table 8.2).

The following lists the relevant parts of the plan relating to bodies of water such as Meola Creek;

8.4 Policies: Development and Redevelopment

1. Land use intensification in urban areas shall only occur where adequate provision is made for:

(i) control of sediment discharges;

- (ii) control of stormwater discharges;*
- (iii) collection, transport, treatment, purification and disposal of sewage;*
- (iv) protection of the quality of groundwater recharge especially into aquifers used for water supply purposes;*
- (v) protection of water quality and riparian margins;*

**8.4.5 Methods 4. District plans shall not provide for land use intensification in seweraged catchments that are at a maximum capacity for sewage disposal and/or have inadequate drainage (which is resulting in hydraulic overloading of the sewers) unless services are upgraded to an adequate capacity, or a commitment made to upgrading, sufficient to handle the demand that will result from the intensification.**

This statement in the ARC Plan is not supported by similar provisions in the Auckland City District plan.

## **APPENDIX B**

### **CASE STUDY 94-130 Haverstock Rd, Mt Albert, Auckland.**

#### **Creek Situation**

- This address borders Meola Creek headwaters. It is owned by Housing NZ, a government organisation. It is zoned Residential 6A “medium intensity”.
- Also at 96 Haverstock Rd is the largest single outfall from Watercare Services ‘wholesale’ sewer interceptors. Overflows amounted in 1992 year to almost one Olympic swimming pool per day (average) of raw sewage and stormwater containing zinc, copper and other contaminants.
- Little or no sewer separation has occurred in this catchment since 1992
- No routine monitoring of water quality is carried out in this creek
- During the 1990s, local authorities piped this part of the stream in order to disguise the overflows. The overflows come above ground at 160-162 Haverstock Rd – where the same government organization has built a large family state house within 5 meters of the creek, within the past 5 years.
- The overflows then flow through Kerr Taylor Reserve and the grounds of a Grammar School. Frequent reports containing data are available on the public health risks this poses. Most are written by Auckland City or Metrowater – eg ICS report states:
  - Poor water quality in Meola Creek is a produce of both waste water and storm water discharges to the creek. The main source of most bacterial and nutrient contaminants in Meola creek is from waste water discharged to the creek from overflow structures. Heavy metals and suspended solids within the creek originate primarily from storm water runoff that overflows from the combined sewer system.
  - Measured bacterial levels were high along the whole length of Meola Creek. Levels in the upper reaches of the creek in the vicinity of the school [100m downstream from HNZA Haverstock Rd] exceeded the NZ guidelines for recreational body contact activities of 125 faecal coliforms and 33 enterococci.
- In attempt at some restoration of environmental values, Crop and Food staff have recently restored a wetland above the creek, and local groups are working to daylight the creek and restore the natural flow from the aquifers along the creek bed. STEPS and Metrowater have carried out two plantings downstream from Haverstock, in the school grounds.

#### **The Development Plan**

- The owner wished to improve economic return on this site – and planned to move 19 existing houses and replace them by 41 units.
- They met with three other government organisations – DOC (who owned the creek bed); and the others who owned land the other side of the creek bed; and decided to straighten the inconvenient meander in the creek.

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- DOC already delegated their responsibilities to Auckland City – and raised no objection
- They applied to Auckland City for Resource consent in January 2008. STEPS and over 40 other submitters opposed it on various grounds
- In June- July 08 they applied to ARC for permission to move the creek. They did not consult with tangata whenua, nor with STEPS who clearly had raised concerns.
- In September – Auckland City Resource consent hearings were held – but ARC had already granted a resource consent declared that Meola creek was not a creek any more because local authorities had piped it !
- The arguments of the owner are focused on the statutory requirements – not on the significant natural features in the ACDP Annexure.
- Net result would be that the owners could build a concrete access lane on top of the former creek bed. And place 21 more houses adjacent to the creek with no riparian boundary or planting even required.
- And that more households with children are placed next to a creek which is clearly polluted and documented as such.